

troit, with the right or ingress or egress at any time to and over said easement for the purposes above set forth;

And Further Provided, That the owners of lots abutting on said vacated alleys, their heirs and assigns, SHALL NOT BUILD OR CONSTRUCT any buildings or structure of any nature whatsoever, (except necessary line fences) upon said easement or any part thereof, so that said easement shall be forever of easy access for the purposes named above;

And Further Provided, Said easement shall be used for the same purposes for which public alleys are generally used in the City of Detroit, excepting that same shall not be opened for the passage of vehicles therein;

And Further Provided, That if at any time in the future, the owners of any lots abutting on said vacated alleys, their heirs or assigns, shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, upon whose property the poles or other utilities are located, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Garlick, Kronk, Oakman, Rogell, Smith, and the President—8.

Nays—None.

Department of Public Works

March 9, 1950.

To the Honorable, the Common Council:

Gentlemen—Your committee of the Whole referred to this office for investigation and report, the petition of Mrs. E. H. Barkham et al, (No. 7272) requesting the conversion into an easement of the north and south alley in block bounded by Biltmore, Ferguson, Hessel and Eight Mile Road.

The vacation of this alley was previously approved and recommended by the City Plan Commission in their communication to your Honorable Body of December 1, 1949.

We wish to advise that all of our investigations have been completed. In reply to our inquiries, all City departments and private utility companies reported that they will be unaffected by the proposed change, or that they have reached satisfactory agreements with the petitioners regarding their installations therein.

The conversion of this alley into an easement conforms with Common Council resolution of November 13, 1945, J.C.C. Page 2230.

In view of the above, we recommend

the adoption of the attached resolution.

Respectfully submitted,
CARL D. WARNER,
Commissioner.

By Councilman Connor:

Resolved, That all of north-south public alley, 18 feet wide, in block bounded by Biltmore, Ferguson, Hessel and Eight Mile Road, as platted in Madison Park, being a subdivision of the N. W. ¼ Section 1, T. 1 S., R. 10 E., Redford Twp., Wayne County, Michigan, as recorded in Liber 53 of Plats, page 12, Wayne County Records, lying east of and adjoining the east line of lots 969 to 977, both inclusive, east of and adjoining the east line of the south 27.75 feet of lot 978, and west of and adjoining the west line of lots 995 to 1003, both inclusive, and west of and adjoining the west line of the south 27.75 feet of lot 994, all lots being of last mentioned subdivision;

Be and the same is hereby vacated as a public alley to become a part and parcel of the adjoining property.

Provided, the City of Detroit hereby reserves for itself and for the use of the public an easement or right of way over said vacated public alley, hereinabove described, for the purpose of installing, maintaining, repairing, removing or replacing any sewer, conduit, telephone, telegraph, electric light, or other poles or things usually placed or installed in a public alley in the City of Detroit, with the right of ingress or egress at any time to and over said easement for the purposes above set forth; and further

And further provided, That the owners of lots abutting on said vacated alley, their heirs and assigns, shall not build or construct any buildings or structure of any nature whatsoever, (except necessary line fences) upon said easement or any part thereof, so that said easement shall be forever of easy access for the purposes named above;

And further Provided, Said easement shall be used for the same purposes for which public alleys are generally used in the City of Detroit, excepting that same shall not be opened for the passage of vehicles therein;

And further Provided, That if at any time in the future, the owners of any lots abutting on said vacated alley, their heirs or assigns, shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, upon whose property the poles or other utilities are located, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

Adopted as follows:

Yeas—Councilmen Beck, Connor,