

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 Beck:

Resolved, That all of north-south public alley, 18 feet wide, in block bounded by Strathmoor, Mark Twain, St. Martins and Pembroke Avenues, as platted in San Bernardo Park, being a subdivision of the W. $\frac{1}{2}$ of W. $\frac{1}{2}$ of S. E. $\frac{1}{4}$ of Sec. 6, T. 1 S., R. 11 E., Greenfield Twp., Wayne County, Michigan, as recorded in Liber 48 of plats, Page 61, Wayne County Records, lying west of and adjoining the west line of lots 11 to 26, both inclusive, and east of and adjoining the east line of lots 27 to 42, both inclusive, all lots being the same as platted in last mentioned subdivision:

Be and the same is hereby vacated as a public alley and converted into a public easement, which easement shall be subject to the following agreements, covenants, uses, reservations and regulations which shall be observed by the owners of said lots and by their grantees and assigns, and their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to 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 to ingress or egress at any time to and over said easement for the purposes above set forth;

Second, said owners for their heirs and assigns further agree that no building or structures of any nature whatsoever, (except necessary line fences) shall be built or placed upon said easement or any part thereof, so that said easement shall be forever of easy access for the purposes named above.

Third, that said easement shall be used for the same purposes for which public alleys are generally used in the City of Detroit, excepting the same shall not be opened for the passage of vehicles therein.

Adopted as follows:

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

Nays—None.

Department of Public Works

April 21, 1950

To the Honorable, the Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report, the petition of Michael J. Benchick, et al (No. 7895) requesting the conversion into an easement of the alley in block bounded by Lindsay, Gilchrist, Trojan and Hessel Avenues.

The vacation of this alley was previously approved and recommended by the City Plan Commission in their communication to your Honorable Body of February 10, 1950.

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 Beck:

Resolved, That all of north-south public alley, 18 feet wide, in block bounded by Lindsay, Gilchrist, Trojan and Hessel Avenues, as platted in Madison Park, being a subdivision of the N.W. $\frac{1}{4}$, 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 824 to 838, both inclusive, and west of and adjoining the west line of lots 874 to 888, both inclusive, all lots being the same as platted in last mentioned subdivision;

Be and the same is hereby vacated as a public alley and converted into a public easement, which easement shall be subject to the following agreements, covenants, uses, reservations and regulations which shall be observed by the owners of said lots and by their grantees and assigns, and their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to 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 to ingress or egress at any time to and over said easement for the purposes above set forth;

Second, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built or placed upon said easement or any part thereof, so that said easement shall be forever of easy access for the purposes named above.

Third, that said easement shall be used for the same purposes for which public alleys are generally used in the City of Detroit, excepting the same shall not be opened for the passage of vehicles therein.

Adopted as follows:

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

Nays—None.

Department of Public Works

April 21, 1950.

To the Honorable, the Common Council:

Gentlemen—We are returning herewith the petition of the Acme Auto Batt Company and the Fifty Two Corporation, et al, requesting the vacation of the alleys north of Warren Avenue and west of Loraine Avenue. The vacation of said alleys was approved by the City Plan Commission, and the petition was referred to this office by your Committee of the Whole for investigation and report.

Please be advised that all of our investigations have been completed.

On April 20, 1950 the petitioners deposited with the City Treasury the sum of \$31.20, Receipt No. 47422, credited to Public Works Maintenance Fund Code No. 143-6221-1, to reimburse the City of Detroit for the original cost of paving the west ½ of Loraine Avenue at the intersection of the alley requested to be vacated.

On April 20, 1950 the petitioners deposited with the Permit Division of the Department of Public Works the sum of \$268.80, Receipt No. 268.80, said amount being the estimated cost of removing the paved return at the entrance to the alley to be vacated, and the construction of curbing and sidewalks across said alley.

In connection with a prior vacation of an alley for the Fifty-Two Corporation (January 5, 1948, J.C.C. Page 3455) said Fifty Two Corporation deposited \$793.40 with our Permit Division (Receipt No. 75258) to cover the cost of improving an alley which the petitioner deeded to the City. No work was done on this, and as the alley was subsequently vacated, the

money was agreed to be applied to cover the cost of stoning the alley which the petitioners now seek to vacate. The money is still on deposit, and we recommend a refund of same to the Fifty Two Corporation.

Proper provisions are incorporated in the vacating resolution protecting the City's interests in the sewer located in the alley to be vacated.

In reply to our inquiries all other City departments and private utility companies reported that they will be unaffected by the vacation of said alleys, or that they have reached satisfactory agreements with the petitioners regarding their installations therein.

In view of the above, we recommend the adoption of the attached resolution.

Respectfully submitted,
CARL D. WARNER,
Commissioner.

By Councilman Beck:

Resolved, That all that part of north-south public alley 10 feet wide, north of Warren Avenue and west of Loraine Avenue, as platted in Hubbard and Dingwall's Humboldt Avenue Subdivision of part of P.C. 474 and 333 lying between Grand River and Warren Avenue, as recorded in Liber 17 of plats, Page 43, Wayne County Records, lying between the south line, extended, of the north 16 feet of lot 43 and the south line, extended, of the north 14 ft. of lot 48, both lots being the same as platted in last mentioned subdivision;

Also, all of east-west alley, 20 ft. wide, which was deeded to the City of Detroit and which deed was accepted by Common Council resolution of October 4, 1949, J.C.C. Page 2985, said alley being in fact the south 20 feet of the north 26 feet of lot 45 of Hubbard and Dingwall's Humboldt Avenue Subdivision, heretofore mentioned;

Also, all of east-west alley, 18 feet wide, which was deeded to the City of Detroit and which deed was accepted by Common Council resolution of March 23, 1926, said alley being in fact the south 18 ft. of lot 48 of Hubbard and Dingwall's Humboldt Avenue Subdivision, heretofore mentioned.

Be and the same are hereby vacated as public alleys to become a part and parcel of the adjoining property, subject to the following provisions:

(a) Provided, That by reason of the vacation of the above described 10-foot north and south alley the City of Detroit does not waive any rights to the sewer located therein, and at all times shall have the right to enter upon the premises, if found necessary, on account of said sewer, to repair, alter or service same; and further