

Receipt No. 27767, said amount being the estimated cost of constructing a paved return at the entrance to the newly dedicated alley. The petitioner requested that the existing return at the entrance to the alley to be vacated remain in its present status as he contemplates on using same, and has, by letter filed with the original petition, agreed to pay the costs incident to its removal at such time in the future as such removal becomes necessary, either at the City's or the petitioner's request.

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

We are in receipt of a Quit Claim deed whereby land is deeded to the City for alley purposes in accordance with the City Plan Commission's recommendation. Said deed was approved as to form and execution by the Corporation Counsel and as to description by the City Engineer, and it is attached hereto for your Honorable Body's acceptance.

All other City departments and privately owned utility companies reported that they will be unaffected by the vacation of the alleys or that they have reached satisfactory agreements with the petitioners regarding their installations therein.

We recommend the adoption of the attached resolution.

CARL D. WARNER,
Commissioner.

By Councilman Beck:

Resolved, That all of north-south public alley, 20 feet wide, south of State Fair Avenue and west of Ralston Avenue, as platted in Charles Holton Subdivision of lot 1 of W. D. Tobins Subdivision of all that part of the W. $\frac{1}{2}$ of the S.W. $\frac{1}{4}$ of Section 2, T. 1 S., R. 11 E., as recorded in Liber 52, Page 47 of plats, Wayne County Records, lying west of and adjoining the west line of lots 16 to 21, both inclusive, and east of and adjoining the east line of lot 15 and the east line of the 9 foot east-west public alley hereinafter described; Also all that part of east-west public alley, 9 feet wide, south of State Fair Avenue between Woodward and Ralston Avenues, as platted in Charles Holton Subdivision, heretofore mentioned, lying south of and adjoining the south line of lots 10 to 15, both inclusive, of last mentioned subdivision, 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:

1) Provided, That by reason of the vacation of the above described 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 be it further

2) Provided, That if a building is to be constructed over said sewer, the sewer shall be replaced with cast iron pipe of the same size, rerouted or encased in six inches of Class "A" concrete, or, in lieu of the above, such work shall be done as will be specified by the City Engineer, all of the work mentioned to be done under the supervision and inspection of the Department of Public Works and all costs entailed to be borne by the petitioners, their successors or assigns; and be it further

3) Provided, That no buildings shall be constructed over said sewer without the prior approval of such building construction by the City Engineer; and be it further

Resolved, That Quit Claim deed of Maxim P. Melnik and Sonya F. Melnik, his wife, to the City of Detroit deeding land for alley purposes said land being described as "the west 20 feet of lot 9 of Charles Holton Subdivision of lot 1 of W. D. Tobins Subdivision of all that part of the W. $\frac{1}{2}$ of the S.W. $\frac{1}{4}$ of Section 2, T. 1 S., R. 11 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 52, Page 47 of plats, Wayne County Records," be and the same is hereby accepted and the City Controller be and he is hereby directed to record said deed in the office of the Register of Deeds for Wayne County.

Adopted as follows:

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

Nays—None.

Department of Public Works

August 21, 1951.

Honorable Common Council:

Gentlemen—The petitions of Frederick K. Bock, et al (No. 6163), Lewis H. Burmeister, et al (No. 6164), George R. Wilkie, et al (No. 6236), and Marvin Simons, et al (No. 6167), requesting the conversions into easements of the alleys at the various locations described in the attached resolution, were referred to this office by your Committee of the Whole for investigation and report and are returned herewith.

The conversion of said alleys into easements was approved by the City Plan Commission at an earlier date.

We wish to advise that our investigations are completed. In reply to our inquiries, all City departments and privately owned utility companies reported that they will be unaffected by the changes or that they have no objection to the conversion of the alleys into easements provided that proper provisions are incorporated into

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the vacating resolution protecting their interests in the installations located in the alleys.
We recommend the adoption of the attached resolution.

Respectfully submitted,
CARL D. WARNER,
Commissioner.

By Councilman Connor:

Resolved, That all of east-west public alley, 20 feet wide, south of Pembroke Avenue, between Rosemont and Ashton Avenues, as platted in South-lawn Grove Subdivision as recorded in Liber 53 of plats, Page 41, Wayne County Records, lying south of and adjoining the south line of lots 35 to 40, both inclusive, north of and adjoining the north line of and adjoining the north line of lots 65 and 86, and north of and adjoining the north line of the 18 foot public easement between lots 65 and 86. (Petition No. 6163);

Also, all of east-west public alley, 20 feet wide, south of Pembroke Avenue, between Bentler and Westbrook Avenues, as platted in Palmeadow Subdivision No. 1 as recorded in Liber 62 of plats, Page 53, Wayne County Records, lying south of and adjoining the south line of lots 146, 147, 148 and 149, and north of and adjoining the north line of lots 15 and 18, and north of and adjoining the north line of the 18 foot north-south public alley, lying between lots 15 and 18; Also all of north-south public alley, 18 feet wide, in block bounded by Bentler, Westbrook, St. Martins and Pembroke Avenues, as platted in Palmeadow Subdivision No. 1, hereinabove mentioned, and in Palmeadow Subdivision No. 2 as recorded in Liber 62 of plats, Page 54, Wayne County Records, lying east of and adjoining the east line of lots 15 and 16 of said Palmeadow Subdivision No. 1, each of and adjoining the east line of lots 391 to 399, both inclusive, of said Palmeadow Subdivision No. 2, west of and adjoining the west line of lots 17 and 18 of Palmeadow Subdivision No. 1, and west of and adjoining the west line of lots 430 to 438, both inclusive, of Palmeadow Subdivision No. 2 (Petition Nos. 6164 and 6236);

Also, all of east-west public alley, 20 feet wide, south of Pembroke Avenue between Chapel and Bentler Avenues, as platted in Palmeadow Subdivision No. 1 as recorded in Liber 62 of plats, Page 53, Wayne County Records, lying south of and adjoining the south line of lots 150, 151, 152 and 153, north of and adjoining the north line of and adjoining the north line of lots 11 and 14, and north of and adjoining the north line of the 18 foot north-south public alley lying between lots 11 and 14; Also all of north-south public alley, 18 feet wide, in block bounded by Chapel, Bentler, St. Martins and Pem-

broke Avenues, as platted in Palmeadow Subdivision No. 1, hereinabove mentioned, and in Palmeadow Subdivision No. 2 as recorded in Liber 62 of plats, Page 54, Wayne County Records, lying east of and adjoining the east line of lots 11 and 12 of said Palmeadow Subdivision No. 1, east of and adjoining the east line of lots 343 to 351, both inclusive, of said Palmeadow Subdivision No. 2, west of and adjoining the west line of lots 13 and 14 of Palmeadow Subdivision No. 1 and west of and adjoining the west line of lots 382 to 390, both inclusive, of Palmeadow Subdivision No. 2, (Petition No. 6167);

Be and the same are vacated as public alleys and are hereby converted into public easements of the full width of the alleys, which easements shall be subject to the following covenants, agreements, uses, reservations, and regulations which shall be observed by the owners of the lots abutting on said alleys, 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 alleys, hereinabove described, for the purpose of installing, maintaining, repairing, removing, or replacing any sewer, conduit, 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 and 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 easements, unless permission therefor is obtained from the City Engineer;

Third, that said easements shall be used for the same purposes for which public alleys are generally used in the City of Detroit, excepting that the owners of such easement may prohibit the passage of vehicles therein;

Fourth, that if at any time in the future the owners of any lots abutting on said vacated alleys 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 incident 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.