

September 7

COMMON COUNCIL

(ADJOURNED SESSION)

Petrol, Mich., Friday, Sept. 7, 1951
Pursuant to adjournment, the Council met at 11:30 A. M., and was called to order by the President, Hon. Louis C. Miriani.
Present—Councilmen Beck, Connor, Garlick, Kronk, Oakman, Rogell, Smith, Van Antwerp, and the President—9.
There being a quorum present, the Council was declared in session.

COMMUNICATIONS

Department of Public Works
September 4, 1951.

Honorable Common Council:
Gentlemen—On August 14, 1951, J.C.C. page 1931, your Honorable Body directed this office to prepare a proper resolution for the vacation of the 18-foot east and west alley south of Giese Avenue between Eldon and Van Dyke Avenues.

A preliminary investigation disclosed that there is a lateral sewer located at approximately the center of said alley. To protect the interests of the City and of the owners of the property north of said alley in said sewer, after a consultation with the petitioners and the City Plan Commission, it was decided that the conversion of the alley into an easement would be the proper thing to do.

Attached for your adoption is a resolution converting said alley into an easement.

Respectfully submitted,

G. R. THOMPSON,
City Engineer.

Approved by:

CARL D. WARNER,

Commissioner of Public Works.

By Councilman Garlick:

Resolved, That all of east-west public alley, 18 feet wide, in block bounded by Eldon, Van Dyke, Mt. Olivet, and Giese Avenues, as platted in J. Calvert's Sons Van Dyke Sub-division as recorded in Liber 54 of plats, Page 59, Wayne County Records, lying south of and adjoining the south line of lots 364 to 379, both inclusive, and north of and adjoining the north line of lots 308 to 323, both inclusive, of last mentioned sub-division, be and the same is vacated as public alley and is hereby converted into public easement of the full width of the alley, which easement 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 alley, 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 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 easement, unless permission therefor is obtained from the City Engineer;

Third, 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 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, Van Antwerp, and the President—9.

Nays—None.

By Councilman Garlick:

Resolved, That the Dept. of Public Works be and it is hereby authorized and directed to pave Eldon Ave. from Doyle Ave. to the new 46 ft. street south of Giese Ave. between Van Dyke and Eldon Aves. (deed accepted Sept. 4, 1951, J.C.C. p. 2073), the cost of the paving to be assessed in accordance with accompanying communication from the Forest Lawn Cemetery Co.; and further

Resolved, That the Dept. of Public Works be and it is hereby authorized and directed to construct a 30 ft. pavement in the new 46 ft. right-of-way south of Giese Ave. between Van Dyke and Eldon Aves. assessing the cost of same to the Forest Lawn Cemetery Co.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Garlick, Kronk, Oakman, Rogell, Smith, Van Antwerp, and the President—9.

Nays—None.

FOREST LAWN CEMETERY COMPANY

1420 Ford Building, Detroit

August 17, 1951.

Honorable Common Council:

Re: Petition 6819

Gentlemen—In connection with the resolution adopted by the Com-