

**Reconsideration**

Councilman Oakman moved to reconsider the vote by which the resolution was adopted.

Councilman Garlick moved to suspend Rule 23 for the purpose of indefinitely postponing the motion to reconsider, which motion prevailed as follows:

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

Nays—None.

Councilman Kronk then moved that the motion to reconsider be indefinitely postponed, which motion prevailed.

The regular order was resumed.

**Department of Public Works**

February 2, 1951.

Honorable Common Council:

Gentlemen — We return herewith Petition and General Orders, requesting forced construction of sidewalks at the following described properties:

G.O. 32838, Edward Varana (4997, Lots 125 and 126, E. S. Greenfield bet. Wadsworth and Castleton. 89.53 lineal feet.

G.O. 32830, M. C. Maisano.

G.O. 32833, Burbank Home Owners. Lot 234, S. S. Fordham bet. Redmond and Moross Rd., side on Moross Rd. only. 64 lineal feet.

There is approximately 153.53 lineal feet of sidewalk to be constructed; the approximate cost of this new local improvement would be \$331.62, the cost and expense to be assessed against the lots or parcels of real estate to be benefitted by such local improvement, in proportion to the probable benefit to be derived therefrom.

As these are original sidewalks and can only be ordered constructed by a formal resolution as a forced account under the provisions of Chapter 264, as amended May 3, 1949, of the Compiled Ordinances, we recommend the adoption of the attached resolution.

Respectfully submitted,

NEAL CUTLIFF, Secretary.

By Councilman Van Antwerp:

The Common Council of the City of Detroit deems it necessary to construct or reconstruct cement or concrete sidewalks, crosswalks, or driveways, upon the descriptions of property heretofore described in the above set forth communications, therefore:

Resolved, That the Department of Public Works be and is hereby instructed to serve notices up on the owners or agents of the property heretofore described, to construct or

reconstruct cement or concrete sidewalks, crosswalks, or driveways, and in default thereof by them the Department of Public Works proceed to construct or reconstruct such sidewalks, crosswalks or driveways.

Adopted as follows:

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

Nays—None.

**Department of Public Works**

February 2, 1951.

Honorable Common Council:

Gentlemen — The Department of Public Works recommends the cancellation and reduction of the following sidewalk assessments, same having been paid on Accounts Receivable Bills:

Roll 223-C-1, W. S. Murray Hill bet. McNichols and Grove:

Lot 394, cancel \$52.00, Receipt No. 17220.

Lot 395, cancel \$39.10, Receipt No. 17220.

Respectfully submitted,

NEAL CUTLIFF, Secretary.

By Councilman Van Antwerp:

Resolved, That on recommendation of the Department of Public Works, that the City Treasurer be and is hereby authorized to cancel sidewalk assessments above set forth in communication of the Secretary.

Adopted as follows:

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

Nays—None.

**Department of Public Works**

January 31, 1951.

Honorable Common Council:

Gentlemen — Petitions of Joseph Petix, et al (No. 1621), William Demeter, et al (No. 2320), Visitation Roman Catholic Parish, et al (No. 2314), Rene A. Madeleine, Sr., et al (No. 2321), Anthony Janesick, et al (No. 2406), Henry Bockoff, et al (No. 2581), Max Pleasant, et al (No. 3504), L. H. Killian, et al (No. 3753), Thomas Lowry, et al. (No. 3832), James D. Maurer, et al (No. 3833), and Julian Lefkowitz, et al (No. 7629), requesting the conversion into easements of certain alleys at the locations mentioned in the attached resolutions, were referred by your Committee of the Whole to this office for investigation and report, and are returned herewith. The conversion of said alleys into easements was previously approved by the City Plan Commission.

We wish to advise that all of our investigations have been completed. In reply to our inquiries all City



departments and privately owned utility companies reported that they will be unaffected by the proposed changes or that they have reached satisfactory agreement with the petitioners regarding their installations in the alleys to be vacated.

The conversion of these alleys into easements conforms with the Common Council resolution of November 13, 1943, J.C.C. page 2230.

We recommend the adoption of the attached resolutions.

Respectfully submitted,

CARL D. WARNER, Commissioner.

By Councilman Van Antwerp:

Resolved, That all of north-south public alley, 16 feet wide, in block bounded by Gilchrist, Biltmore, Vassar and St. Martins Avenue, as platted in Homelands Subdivision as recorded in Liber 35 of plats, Page 12, Wayne County Records, lying east of and adjoining the east line of lots 654 to 672, both inclusive, and west of and adjoining the west line of lots 756 to 774, both inclusive, of last mentioned subdivision. (Petition No. 1621);

Also, all that part of east-west alley, 18 feet wide, in block bounded by 14th, 12th, Burlingame and Webb Avenues, as platted in Oakman and Stoll Subdivision as recorded in Liber 29 of plats, Page 92, Wayne County Records, lying south of and adjoining the south line of lots 65 to 74, both inclusive, south of and adjoining the south line of the west 12 feet of lot 75, north of and adjoining the north line of lots 98 to 107, both inclusive, and north of and adjoining the north line of the west 12 feet of lot 97, all lots mentioned being the same as platted in last mentioned subdivision. (Petition No. 2314);

Also, all that part of east-west public alley, 20 feet wide, in block bounded by Linville Avenue, Chandler Park Drive, Hillcrest Avenue and Moross Road, as platted in Outer Drive Pointe Subdivision as recorded in Liber 55 of plats, Page 82, Wayne County Records and in Roland Estate Subdivision as recorded in Liber 56, Page 16 of plats, Wayne County Records, lying south of and adjoining the south line of lots 6 to 22, both inclusive, of Outer Drive Pointe Subdivision, south of and adjoining the south line of lots 59 to 64, both inclusive of Roland Estate Subdivision, north of and adjoining the north line of lots 23 to 30, both inclusive, of Outer Drive Pointe Subdivision, north of and adjoining the north line of lots 55 to 58, both inclusive, of Roland Estate Subdivision, and north of and adjoining the north line of the 18 foot north-south alley herein-after described;

Also, all of north-south public alley,

18 feet wide, north of Hillcrest Avenue and west of Chandler Park Drive, as platted in Outer Drive Pointe Subdivision, hereinbefore mentioned, lying east of and adjoining the west line of lot 30 and west of and adjoining the west line of lots 31, 32 and 33 of last mentioned subdivision. (Petition No. 2320);

Also, all of east-west public alley, 20 feet wide, south of Chester Avenue and west of University Place, as platted in Kelly's Harper Avenue Subdivision as recorded in Liber 48 of plats, Page 96, Wayne County Records, lying south of and adjoining the south line of lots 1 to 6, both inclusive, and north of and adjoining the north line of lot 7, of last mentioned subdivision. (Petition No. 2321);

Also, all of north-south public alley, 16 feet wide, in block bounded by Fleming, Goddard, Winchester Avenues and Eight Mile Road, as platted in Fox and O'Connors Subdivision as recorded in Liber 35 of plats, Page 47, Wayne County Records, and in Rose-Rossin Subdivision as recorded in Liber 72 of plats, Page 10, Wayne County Records, lying west of and adjoining the west line of lots 90 to 96, both inclusive, of Rose-Rossin Subdivision, west of and adjoining the west line of lots 211 to 223, both inclusive, of Fox and O'Connors Subdivision, east of and adjoining the east line of lots 224 to 236, both inclusive, of Fox and O'Connors Subdivision and east of and adjoining the east line of lots 97 to 103, both inclusive, of said Rose-Rossin Subdivision. (Petition No. 2406);

Also, all of north-south public alley, 16 feet wide, in block bounded by Snowden, Littlefield, St. Martins and Pembroke Avenues, as platted in Greenwich Park Subdivision as recorded in Liber 41 of plats, Page 28, Wayne County Records, lying east of and adjoining the east line of lots 320 to 331, both inclusive, and west of and adjoining the west line of lots 338 to 349, both inclusive, of last mentioned subdivision; Also, all of east-west public alley, 16 feet wide, south of Pembroke Avenue, between Snowden and Littlefield Avenues, as platted in said Greenwich Park Subdivision, lying south of and adjoining the south line of lots 332 to 337, both inclusive, north of and adjoining the north line of lots 331, 338 and north of and adjoining the north line of the 16 foot north-south alley hereinabove described. (Petition No. 2581);

Also, all of north-south public alley, 16 feet wide, in block bounded by Ferguson, Asbury Park, St. Martins and Pembroke Avenues, as platted in Homelands Subdivision as recorded in Liber 35 of plats, Page 12,



Wayne County Records, lying east of and adjoining the east line of lots 954 to 972, both inclusive, and west of and adjoining the west line of lots 1094 to 1112, both inclusive, of last mentioned subdivision, (Petition No. 3504);

Also, all of east-west public alley, 18 feet wide, in block bounded by Edmore, Collingham, Cushing Avenues and Kelly Road, as platted in Ternes Super-highway Subdivision as recorded in Liber 61 of plats, Page 72, Wayne County Records, lying south of and adjoining the south line of lots 233 to 250, both inclusive, and north of and adjoining the north line of lots 251 to 266, both inclusive, of last mentioned subdivision, (Petition No. 3753);

Also, all of north-south public alley, 18 feet wide, in block bounded by Minock, Westwood, Elmira and Plymouth Avenues, as platted in Palmer Grove Park Subdivision Number 2 as recorded in Liber 56 of plats, Page 42, Wayne County Records, lying west of and adjoining the west line of lots 761 to 777, both inclusive, and east of and adjoining the east line of lots 790 to 806, both inclusive, of last mentioned subdivision, (Petition No. 3832);

Also, all of north-south public alley, 18 feet wide, in block bounded by Minock, Westwood, Joy Road and Dover Avenue, as platted in Warrendale Warsaw Subdivision as recorded in Liber 47 of plats, Page 33, Wayne County Records, lying west of and adjoining the west line of lots 8 to 20, both inclusive, and east of and adjoining the east line of lots 127 to 139, both inclusive, of last mentioned subdivision, (Petition No. 3833);

Also, all of north-south public alley in block bounded by Marlowe, Hubbell, Curtis and Pickford Avenues, as platted in Blackstone Park Subdivision Number 4 as recorded in Liber 52 of plats, Page 49, Wayne County Records, lying west of and adjoining the west line of lots 2304 to 2330, both inclusive, and east of and adjoining the east line of lots 2331 to 2342, both inclusive, of last mentioned subdivision, (Petition No. 7629);

Be and the same hereby vacated as public alleys and converted into public easements, which easements shall be subject to the following agreements, covenants, 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 instal-

ling, 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 easements or any part thereof, so that said easements shall be forever of easy access for the purposes named above.

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, 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, Van Antwerp, and the President—9.

Nays—None.

#### Department of Public Works

January 30, 1951.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of the Department of Parks and Recreation requesting the vacation of the alleys in block bounded by Annabelle, Beatrice, Visger and Omaha Avenues. The vacation of said alleys was previously approved by the City Plan Commission.

Please be advised that all of our investigations are completed.

Proper provisions are incorporated in the vacating resolution protecting the interests of the City in the sewer located in the alleys to be vacated.

All other City departments reported that they will be unaffected by the vacations. The only privately owned utility company affected is the Detroit Edison Company which agreed to remove its equipment from the alleys at its own expense.

As the vacation of the alleys is necessary for the proper utilization of the park property, we recommend



the adoption of the attached resolution.

Respectfully submitted,  
CARL D. WARNER, Commr.

By Councilman Van Antwerp:

Resolved, That all of the public alleys in block bounded by Annabelle, Beatrice, Visger and Omaha Avenues as platted in Michael Dunn Estate Subdivision of part of Private Claims 118 and 125, City of Detroit, Wayne County, Michigan, as recorded in Liber 57 of plats, Page 70 of plats, Wayne County Records, 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 alleys, the City of Detroit does not waive any rights to the sewers located therein, and at all times shall have the right to enter upon the premises, if found necessary, on account of said sewers to repair, alter or service same, and further,

2) Provided, That if a building is to be constructed over said sewers, the sewers shall be replaced with cast iron pipe of the same size, rerouted or encased in six (6) 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 parties seeking to build over the sewers, and further,

3) Provided, That no buildings shall be constructed over the sewers without the prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering.

Adopted as follows:

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

Nays—None.

#### Department of Public Works

February 5, 1951.

Honorable Common Council:

Gentlemen—There is returned herewith the petition of Josephine K. Greig, et al (No. 4348) requesting the vacation of a portion of the north-south alley located north of Emery Avenue between Mt. Elliott and Filer Avenues. The vacation of said portion of alley was approved by the City Plan Commission in their communication to your Honorable Body of January 16, 1951. The petition was then referred to this office by your Committee of the Whole for investigation and report.

Please be advised that all of our investigations are completed.

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 privately owned utility companies reported that they will be unaffected by the vacation or that they have reached satisfactory agreements with the petitioners regarding their installations.

We recommend the adoption of the attached resolution.

Respectfully submitted,  
CARL D. WARNER, Commissioner

By Councilman Van Antwerp:

Resolved, That all that part of north-south public alley, 20 feet wide, north of Emery Avenue between Mt. Elliott and Filer Avenues as platted in George J. Kolowich Subdivision of part of s.  $\frac{1}{2}$  of s. w.  $\frac{1}{4}$  of Section 4, T. 1 S., R. 12 E., as recorded in Liber 46 of plats, page 45, Wayne County Records, lying east of and adjoining the east line of lots 62 to 72, both inclusive, west of and adjoining the west line of lots 156 to 162, both inclusive, and west of and adjoining the west line of the north 10 feet of lot 155, all lots mentioned being the same as platted in said George J. Kolowich Subdivision,

Be and the same is hereby vacated as a public alley 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 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 6 inches of Class "A" concrete, or, in lieu of the above, such work shall be done and such sewer manholes shall be built 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 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 the Department of Buildings and Safety Engineering.

Adopted as follows:

Yeas — Councilmen Beck, Connor, Garlick, Kronk, Oakman, Rogell.