

Kronk, Oakman, Rogell, Smith, Van Antwerp, and the President—8.

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

April 26, 1951.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Louis G. Palmer (No. 2205) requesting the vacation of the east-west alley first north of Elmira Avenue, west of Warwick Avenue. The vacation of said alley was approved by the City Plan Commission in their communication to your Honorable Body of September 28, 1950. The petition was then referred to this office by your Committee of the Whole for investigation and report.

On February 27, 1951, the City Clerk's Office referred to this office a supplementary petition of Mr. Palmer whereby the original petition for the outright vacation of the alley was withdrawn, with a request that instead the alley be converted into an easement. This meets with the approval of the City Plan Commission.

Our investigations disclose that the Department of Public Works is the only City department affected by the conversion of said alley into an easement. In accordance with your Honorable Body's resolution of October 13, 1943, this department will remove the paved return and construct new curbing across said alley at no cost to the petitioners.

A resolution converting the alley into an easement is attached.

Respectfully submitted,

CARL D. WARNER,  
Commissioner.

By Councilman Oakman:

Resolved, that all of east-west public alley, 20 feet wide, first north of Elmira Avenue, west of Warwick Avenue, as platted in Palmer Grove Park Subdivision No. 1, the east  $\frac{3}{8}$  of the east  $\frac{1}{2}$  of the northwest  $\frac{1}{4}$  of Section 35, and the west 20 acres of the northeast  $\frac{1}{4}$  of Section 35, T. 1 S., R. 10 E., as recorded in Liber 55 of plats, Page 89, Wayne County Records, lying north of and adjoining the north line of lot 388 and south of and adjoining the south line of lot 389, of 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 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 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 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 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, Kronk, Oakman, Rogell, Smith, Van Antwerp, and the President—8.

Nays—None.

#### Department of Public Works

April 27, 1951.

Honorable Common Council:

Gentlemen—The paving petitions listed below, which were referred to this office for report, are majority petitions upon which no prepayment has been made.

Existing Charter limitations on Forced Paving will not permit prompt processing of the hundreds of petitions in circulation during the fiscal year, thereby seriously delaying or curtailing a very essential public service.

It is therefore recommended that your Honorable Body invoke the waiver clause in the Special Assessment Ordinance, providing for a 25% prepayment and tax history. This action, if taken, will remove this group from the Forced Paving category and permit the work to proceed.