

Kronk, Oakman, Rogell, Smith and Van Antwerp—7.
Nays—None.

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 Connor, Garlick, Kronk, Oakman, Rogell, Smith, and Van Antwerp—7.

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

The regular order was resumed.

Department of Public Works

April 30, 1952.

Honorable Common Council:

Gentlemen — The petitions of J. Ottie Taylor, et al (No. 261), Luvisch Building Corporation, et al (No. 6482), Marvin J. Schroeder, et al (No. 7990), and Isadore H. Kolodney, et al (No. 8627), 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 the vacating resolution protecting their interests in the installations located in the alleys.

We recommend the adoption of the attached resolution.

Respectfully submitted,

G. C. RICHARDS,

Acting Commissioner.

By Councilman Smith:

Resolved, That all of east-west public alleys, 20 feet wide, north of Pembroke Avenue, between Burt Road and Stout Avenue, as platted in Evergreen Manor Subdivision No. 1 as recorded in Liber 57 of plats, Page 66, Wayne County Records, lying north of and adjoining the north line of lots 336 to 348, both inclusive, 399 to 411, both inclusive, 462 to 474, both inclusive, and 525 to 537, both inclusive, and south of and adjoining the south line of lots 335, 349, 398, 412, 461, 475, 524 and 538 and south of and adjoining the south line of the alleys in the rear of last

mentioned lots, all being the same as platted in said Evergreen Manor Subdivision No. 1, (Petition No. 261);

Also, all of north-south public alley, 18 feet wide, in block bounded by Patton, Fielding, W. Chicago and Orangelawn Avenues, as platted in Western Rouge Park Subdivision as recorded in Liber 55 of plats, Page 93, Wayne County Records, lying east of and adjoining the east line of lots 256 to 267, both inclusive, and west of and adjoining the west line of lots 281 to 292, both inclusive, of last mentioned subdivision; Also, all of east-west public alley, 18 feet wide, south of Orangelawn Avenue between Patton and Fielding Avenues, as platted in Western Rouge Park Subdivision, heretofore mentioned, lying south of and adjoining the south line of lots 253, 254, 255, 293, 294 and 295, north of and adjoining the north line of lots 256 and 292, and north of and adjoining the north line of the alley between lots 256 and 292, (Petition No. 6482);

Also, all of north-south public alley, 20 feet wide, in block bounded by Chester, Mallina, Moross Road and Kingsville Avenues, as platted in Yorkshire Woods Subdivision No. 5 as recorded in Liber 48 of plats, Page 79, Wayne County Records, lying east of and adjoining the east line of lots 928 to 953, both inclusive, west of and adjoining the west line of lots 959 to 970, both inclusive, west of and adjoining the west line of lot 956, and west of and adjoining the west line of the 18 ft. alley lying between lots 956 and 959, of last mentioned subdivision; Also, all of east-west public alley, 18 feet wide, north of Moross Road and west of Mallina Avenue, as platted in said Yorkshire Woods Subdivision No. 5, lying north of and adjoining the north line of lots 956, 957 and 958, and south of and adjoining the south line of lot 959, of last mentioned subdivision, (Petition No. 7990);

Also, all of north-south public alley, 18 feet wide, in block bounded by Basil, Carol, Chippewa and Trojan Avenues, as platted in San Bernardo Park Subdivision No. 3, as recorded in Liber 55 of plats, Page 23, Wayne County Records, lying east of and adjoining the east line of lots 992 to 998, both inclusive, and west of and adjoining the west line of lots 985 to 991, both inclusive, of last mentioned subdivision, (Petition No. 8627);

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, telephone, telegraph, electric light or other poles or things usually placed or installed in public alleys 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 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 Connor, Garlick, Kronk, Oakman, Rogell, Smith, and Van Antwerp—7.

Nays—None.

Department of Public Works

May 2, 1952.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Salem Norwegian Lutheran Church (535) requesting the vacation of the alley in block bounded by Griggs Avenue, Midland Avenue and James Couzens Highway. The vacation of said alley was approved by the City Plan Commission in their communication to your Honorable Body of March 25, 1952. The petition was then referred to this office by your Committee of the Whole for investigation and report.

We wish to advise that our investigations are completed.

As per our directive, on May 2, 1952, the petitioner paid into the City Treasury the sum of \$283.45, Receipt No. 55910, credited to Public Works Maintenance Fund Code No. 143-6221-1, to reimburse the City of Detroit for the original cost of paving the east one-half of Griggs Avenue and the north one-half of Midland Avenue at the intersection of the alley to be vacated.

The petitioner requested that the

paved returns at the entrance to the alley to be vacated remain in the present status as they intend to utilize same and by letter, filed with the original petition, have agreed with the all costs incident to the removal of said return at such time as its removal becomes necessary, either at the City's or at the petitioner's request.

A proper provision is incorporated into 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 of said alley or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

We recommend the adoption of the attached resolution.

Respectfully submitted,
CARL D. WARNER,
Commissioner.

By Councilman Smith:

Resolved, That all that part of north-south public alley, 20 feet wide, in block bounded by Griggs Avenue, Midland Avenue, and James Couzens Highway, as platted in St. Mary's Academy Subdivision as recorded in Liber 45 of plats, Page 76, Wayne County Records, lying east of and adjoining the east line of lots 137 and 138, and west of and adjoining the west line of lots 124 to 134, both inclusive, the south line of said alley herein described being a line extending from the southeast corner of lot 137 to the southwest corner of lot 134, of last mentioned 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 no building shall be constructed over said sewer without the prior approval of such construction by the City Engineer.

Adopted as follows:

Yeas—Councilmen Connor, Garlick, Kronk, Oakman, Rogell, Smith and Van Antwerp—7.

Nays—None.

Department of Public Works
May 2, 1952.

Honorable Common Council.

Gentlemen—In response to published advertisements, bids were re-