

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 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.

Adopted as follows:

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

Nays—None.

#### Department of Public Works

May 25, 1953.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petitions listed in the attached resolution requesting the conversion of the alleys adjoining their property into easements.

The conversion of the 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,

CARL D. WARNER,

Commissioner.

By Councilman Smith:

Resolved, That all of north-south alley, 18 feet wide, in block bounded by Lauder, Marlowe, Westfield and West Chicago Avenues, as platted in Plymouth Park Subdivision as recorded in Liber 42, Page 75 of plats, Wayne County Records, lying east of and adjoining the east line of Lots 101 to 113, both inclusive, and west of and adjoining the west line of Lots 114 to 124, both inclusive, of last

mentioned subdivision, (Betty McGowan, et al, No. 1460);

Also, all of north-south public alley, 18 feet wide, in block bounded by Westbrook, Blackstone, Pembroke and Fargo Avenues, as platted in Palmeadow Subdivision No. 1 as recorded in Liber 62, Page 53 of plats, Wayne County Records, lying west of and adjoining the west line of Lots 39 to 48, both inclusive, and east of and adjoining the east line of Lots 57 to 66, both inclusive, of last mentioned subdivision; Also, all that part of east-west public alley, 20 feet wide, north of Pembroke Avenue and west of Blackstone Avenue, as platted in Palmeadow Subdivision No. 1 as recorded in Liber 62, Page 53 of plats, Wayne County Records, lying south of and adjoining the south line of Lot 39, south of and adjoining the south line of the 18-foot north-south alley, hereinabove described, north of and adjoining the north line of Lots 115 to 120, both inclusive, and north of and adjoining the north line of the east 18.4 feet of Lot 114 of last mentioned subdivision, (John K. Cotton, et al, No. 5098);

Also, all that part of east-west public alley, 20 feet wide, east of Plainview Avenue and south of West Chicago Avenue, as platted in Warrendale Warsaw Subdivision as recorded in Liber 47, Page 33 of plats, Wayne County Records, lying north of and adjoining the north line of Lot 372 of last mentioned subdivision, (Joseph A. Kurcz, et al, No. 5230);

Also, all of north-south public alley 20 feet wide, in block bounded by Artesian, Fitzpatrick and Elmira Avenues, as platted in Palmer Grove Park Subdivision No. 1 as recorded in Liber 55, Page 89 of plats, Wayne County Records, lying east of and adjoining the east line of Lots 568 to 575, both inclusive, and west of and adjoining the west line of Lots 701, 702 and 703, of last mentioned subdivision, (Robert L. Smith, et al, No. 5232);

Be and the same are vacated as a public alley and are hereby converted into a 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 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 a public alley in the City of Detroit, with the right to ingress and egress at any time to and over said easements 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 easements, 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, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—9.

Nays—None.

**Department of Public Works**

May 21, 1953.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of John L. Brown, et al (No. 4880), requesting the vacation of a portion of an alley turn-around and offering to dedicate land to relocate same. The granting of the petitioners' request was approved by the City Plan Commission in their communication to your Honorable Body of April 1, 1953.

We wish to advise that our investigations are completed.

We are in receipt of a quit claim deed to the property to be used for alley purposes in lieu of the alley to be vacated. 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.

In reply to our inquiries, all City departments and privately owned utility companies reported that they will be unaffected by said changes.

A resolution effectuating the changes recommended by the City Plan Commission is attached hereto.

Respectfully submitted,

CARL D. WARNER,  
Commissioner.

By Councilman Smith:

Resolved, That a portion of the turn-around east of Bentler Avenue and north of McNichols Road being in fact the north 10 feet of the east 60 feet of Lot 46 and the south 10 feet of the east 60 feet of Lot 45 of Serp's Redford Subdivision of

part of the S.W. ¼ of Sec. 10, T. 1 S., R. 10 E., as recorded in Liber 40, Page 73 of Plats, Wayne County Records, said portion of turn-around herein described being a portion of property deeded to the City of Detroit for alley turn-around purposes (said deed having been accepted by the Common Council of the City of Detroit on September 23, 1952, J.C.C. pages 2178 and 2179), be and the same is hereby vacated as an alley turn-around to become a part and parcel of the adjoining property; and further,

Resolved, That Quit Claim Deed of John L. Brown and Ada Brown, his wife, and Jennie I. Serp to the City of Detroit deeding land for alley turn-around purposes, said land being described as "The southerly 20 feet of the easterly 60 feet of Lot No. 44, Serp's Redford Subdivision of part of the S.W. ¼ of Section 10, T.1S., R.10E., City of Detroit, Wayne County, Michigan, as recorded in Liber 40, Page 73 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, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—9.

Nays—None.

**Reconsideration**

Councilman Connor 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, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—9.

Nays—None.

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**

May 25, 1953.

Honorable Common Council:

Gentlemen—We are forwarding for your consideration a copy of a formal agreement between the Michigan State Highway Department, Board of Wayne County Road Commissioners, the City of Detroit, and the New York Central Railroad Company, Michigan Central Railroad Company and the Grand Trunk Western Railroad Company. This agreement provides for the construction and maintenance of grade separation structures carrying the tracks of the aforesaid