

It is recommended that the Controller be authorized and directed to set up the necessary accounts to cover these contracts and the cost of advertising, inspection, engineering, financing, and minor contingencies.

Respectfully submitted,  
CARL D. WARNER, Commr.

By Councilman Connor:

Resolved, That the bids of the foregoing contractor be and the same is hereby approved and accepted and be it further

Resolved, That said bids shall remain firm until the special assessment district for the respective alley pavings have been determined; and be it further

Resolved, That thereupon the Commissioner of Public Works be and he is hereby authorized and directed to enter into contracts with the respective bidder listed above in accordance with the proposals, plans and specifications, subject to confirmation and approval by the Common Council; and be it further

Resolved, That payment will be made to the contractor for the assessed portion of the contract only from special assessments levied for said purpose; or from the proceeds of the sale of special assessment bonds and that payment for City portion shall be paid from the street and alley intersection fund within the General Fund. Partial or periodic payments during the course of construction shall not be authorized unless such assessments have been collected or special assessment bonds sold and delivered; and be it further

Resolved, That in the preparation of the City Engineer's final cost statement for payment of the contract costs of new paving of streets and alleys, any deduction or additions to the original contract shall be adjusted in the City portion of the contract, so that the original assessment roll previously confirmed and levied shall not be changed: Provided, That when such deduction or addition in the assessment portion exceeds 1 percent of the contract price thereof, this procedure must be approved by the Common Council.

Adopted as follows:

Yeas — Councilmen Beck, Connor, Kronk, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—8.  
Nays—None.

#### Department of Public Works

July 14, 1953.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Board of Education requesting the vacation of the alleys in the block bounded by Second, Cass, Kirby and Ferry Avenues, within the limits of the Wayne University Community Arts Building Site. The vacation of said

alleys was approved by the City Plan Commission in their communication to your Honorable Body of May 28, 1953. 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.

The Board of Education has requested that the paved returns at the entrance to the alleys remain in their present status and have agreed, by letter filed with the original petition, to pay the cost of removing said returns at such time in the future as it becomes necessary to remove same, either at the City's or the Board of Education's request. This is satisfactory to the Department of Public Works.

As per our directive, on July 11, 1953, the Board of Education paid into the City Treasury the sum of \$210.74, Receipt No. 1958, credited to Public Works Maintenance Fund, Code No. 143-6221-1, to reimburse the City for the original cost of paving the north ½ of Kirby and the south ½ of Ferry Avenues at the intersection of the alleys 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 alleys or that they would relocate their installations at no cost to the Board of Education.

We recommend the adoption of the attached resolution.

Respectfully submitted,  
CARL D. WARNER,  
Commissioner.

By Councilman Connor:

Resolved, That all of the alleys in block bounded by Second, Cass, Kirby and Ferry Avenues as platted in Block 6 of Cass Farm Company Limited Subdivision of Blocks 111, 112, 113, 114, 115, 116, 118 and 119 and part of Block 117, Cass Farm, as recorded in Liber 19, Page 35 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 sewer 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, re-routed 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 sewers without the prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering; and further

4) Provided, that in the event that the sewer located in said alley, if built upon, shall break causing damage to any construction above, the petitioners and their assigns, by acceptance of the permit for building over said sewer, waive all claims for damages to such construction and agree to pay all costs incident to the repair of such broken sewer.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Kronk, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—8.  
Nays—None.

**Department of Public Works**

July 13, 1953.

Honorable Common Council:

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

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, Commr.

By Councilman Connor:

Resolved, That all of east-west public alley, 20 feet wide, in block bounded by Reno, Hoyt, State Fair Avenues and Rossini Drive, as platted in Drennan and Seldon's Regent Park Subdivision No. 2 as recorded in Liber 59 of plats, Page 20, Wayne County Records, lying north of and adjoining the north line of lots 1103 to 1131, both inclusive, and south of and adjoining the south line of lots 1132 to 1146, both inclusive, of last

mentioned subdivision, (Raymond Osepchuk, et al, No. 3052);

Also, All of north-south public alley, 20 feet wide, in block bounded by Vaughan, Evergreen, Lyndon and Eaton Avenues as platted in B. E. Taylor's Coronado Subdivision as recorded in Liber 54, Page 84 of plats, Wayne County Records, lying west of and adjoining the west line of lots 228 to 259, both inclusive, and east of and adjoining the east line of lots 271 to 286, both inclusive, of last mentioned subdivision, (John H. Carlson, et al No. 1727):

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 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, Kronk, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—8.  
Nays—None.

**Department of Public Works**

July 3, 1953.

Honorable Common Council:

Gentlemen — We return herewith petitions and general orders, requesting the forced construction of side-