

missioner of Public Works, therefore be it

Resolved, That the contract be and the same is hereby accepted.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—7.

Nays—None.

#### Reconsideration

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

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

Yeas—Councilmen Beck, Connor, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—7.

Nays—None.

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

The regular order was resumed.

#### Department of Public Works

July 15, 1953.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Edward Mooney, Roman Catholic Archbishop of the Archdiocese of Detroit, requesting the vacation of the east-west public alley north of West Chicago Avenue, between Mettetal and St. Mary's Avenues. The vacation of said alley was previously approved by the City Plan Commission and the petition was 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 July 15, 1953, the petitioners deposited into the City Treasury the sum of \$953.75, covering the following:

a) Detroit Fire Department, \$175.00, estimated cost of relocating telegraph circuits.

b) Police Department, \$300.00, estimated cost of relocating telegraph circuits.

c) Public Lighting Commission, \$325.00, estimated cost of relocating overhead wires.

d) Department of Public Works, \$153.75, reimbursement for original cost of paving the east  $\frac{1}{2}$  of Mettetal Avenue, and the west  $\frac{1}{2}$  of St. Mary's Avenue at the intersection of the alley to be vacated.

A proper provision is incorporated into the vacating resolution protecting the City's interests in the sewer located in the alley to be vacated.

The petitioners requested that the paved returns at the entrance to the alley to be vacated remain in their present status as they intend to utilize same and, by letter filed with

the original petition, agreed to pay all costs incident to the removal of the returns at such time in the future as their removal becomes necessary, either at the petitioner's or the City's expense.

In reply to our inquiries all other City Departments reported that they will be unaffected by the vacation of said alley.

We recommend the adoption of the attached resolution.

Respectfully submitted,

CARL D. WARNER,  
Commissioner.

By Councilman Beck:

Resolved, That all of east-west public alley, 20 feet wide, in the block north of West Chicago Avenue, between St. Mary's and Mettetal Avenues, as platted in Frischkorn's Grand Dale Subdivision as recorded in Liber 50, Page 66 of plats, Wayne County Records, lying north of and adjoining the north line of Lots 27 to 39, both inclusive, south of and adjoining the south line of Lots 885 and 946, and south of and adjoining the south line of the 18 foot vacated alley lying between Lots 885 and 946, 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 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, 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 sewers without the prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering; and further

4) 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, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—7.

Nays—None.

**Department of Public Works**  
July 15, 1953.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of Jersey Farm Baking Company (No. 4688), requesting the vacation of a portion of the north-south public alley in the block south of Medbury Avenue, between Rivard and Russell Streets. The vacation of said alley was approved by the City Plan Commission with the recommendation that the petitioner provide land for an alley outlet in lieu of the portion of alley to be vacated.

We wish to advise that our investigations are complete.

As per our directive, on July 9, 1953, the petitioner paid into the City Treasury the sum of \$109.81, Receipt No. A 1959, credited to Public Works Maintenance Fund, Code No. 143-6221-1, to reimburse the City of Detroit for the original cost of paving the south ½ of Medbury Avenue at the intersection of the alley to be vacated.

The petitioner also deposited with the City Treasurer, the sum of \$4,000, said amount being the estimated cost of paving the newly deeded alley.

We are in receipt of a Warranty deed to land to be used for alley purposes as per City Plan Commission's recommendation. 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.

A proper provision is incorporated into the vacating resolution protecting the City's interest in the sewer located in the alley to be vacated.

We recommend the adoption of the attached resolution.

Respectfully submitted,  
CARL D. WARNER,  
Commissioner.

By Councilman Beck:

Resolved, That all that part of north-south public alley, 20 feet wide, in the block south of Medbury Avenue between Rivard and Russell Streets as opened by dedication, said deeds having been accepted by the Common Council of the City of Detroit on November 23, 1909, and on July 16, 1918, and which alley is in fact the east 10 feet of lot 15, the

east 10 feet of the north 102.12 feet of lot 14, the west 10 feet of lot 16 and the west 10 feet of the north 102.12 feet of lot 13, of L. P. Desnoyer's Subdivision of Outlots No. 10 and south part of No. 11, Mullett Farm, as recorded in Book of Plats, on Page 181, Wayne County Records, and which alley is also in fact the south 10.24 feet of the east 20 feet of the west 174.01 feet of lot 25 of Digby V. Bell's Subdivision of part of Outlot 11, Mullett Farm as recorded in Liber 7 of plats, Page 99, Wayne County Records, 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 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, 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 sewers without the prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering; and further

4) 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; and further

Resolved, That Warranty Deed of Jersey Farm Baking Company, a Delaware Corporation, to the City of Detroit, deeding the following described property for alley purposes, "The southerly 30 feet, except the easterly 10 feet thereof, of lot 14 of L. P. Desnoyer's Subdivision of Outlots No. 10 and south part of No. 11, Mullett Farm, in the City of Detroit, as recorded in Book of Plats on Page 181, Wayne County Records", be and the same is hereby accepted