

\$19,884.20 of which \$14,687.25 was in the assessment portion and \$5,196.95 was in the City intersection portion.

The assessment roll was based on the amount stated in the assessment portion of the accepted proposal, or \$14,687.25.

Under the provisions of the resolution authorizing the Contract, any deductions or additions in the assessment portion exceeding 1 per cent must be approved by the Common Council before the adjustment of the difference is applied to the City intersection portion.

When the final measurements based on actual construction were made, a deduction of \$216.00 resulted because 144 cubic yards of sand, gravel fill was not required, although included in the estimated quantity in the original proposal. This deduction amounts to approximately 1.5% of the original assessment portion. It is recommended that the adjustment be made by deducting \$216.00 from the City intersection portion and that the assessment portion remain the same.

Respectfully submitted,
CARL D. WARNER, Commissioner.

By Councilman Rogell:

Resolved, That the adjustment in the constructed quantities in the assessment portion amounting to a deduction of \$216.00, in connection with the Paving of Annchester from Trojan to 30 ft. N. of SPL of Eight Mile Road, Contract PW-2247W, be applied to the City intersection portion, and that the final assessment cost for construction remain at \$14,687.25, the same as was in the original accepted proposal.

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 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, 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
August 4, 1953.

Honorable Common Council:
Gentlemen—Your Committee of the Whole referred to this office for in-

vestigation 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, Commissioner.

By Councilman Rogell:

Resolved, That all of east-west public alley, 20 feet wide, south of Seven Mile Road, east of Mendota Ave., as platted in Palmyra Woods Subdivision as recorded in Liber 45, Page 85 of plats, Wayne County Records, lying south of and adjoining the south line of lots 1 to 5, both inclusive, north of and adjoining the north line of the east 104.00 ft. of lot 130, and north of and adjoining the north line of the 9 foot north-south alley, hereinafter described; Also, all of north-south public alley, 9 ft. wide, south of Seven Mile Rd. and east of Mendota Ave., as platted in said Palmyra Woods Subn., lying east of and adjoining the east line of lots 130 to 140, both inclusive, of last mentioned subn., (Bernard S. Kahn, et al, No. 4689);

Also, all of north-south public alley, 20 ft. wide, in block bounded by Marlowe, Hubbell, Norfolk and Eight Mile Rd., as platted in Division Heights Subn., as recorded in Liber 50, Page 36 of plats, Wayne County Records, lying east of and adjoining the east line of lots 289 to 301, both inclusive, and west of and adjoining the west line of lots 314 to 337, both inclusive, of last mentioned subn., (Max Kolovsky, et al, No. 5973);

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, tele-

phone, 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 building 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

August 5, 1953.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of the Department of Parks and Recreation requesting the vacation of the alley in the block bounded by Manor, Pinehurst, Esper and Belton Avenues, within the limits of a recreational site. The vacation of said alley was previously approved by the City Plan Commission.

We wish to advise that our investigations are completed.

As per our request, interdepartmental purchase orders were issued by the Department of Parks and Recreation in favor of the Detroit Police Department and the Department of Public Works to cover the costs to be borne by said Departments by reason of work to be done in connection with the vacation of the alley.

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 would remove their installations from the alley at no cost to the Department of Parks and Recreation.

We recommend the adoption of the attached resolution.

Respectfully submitted,
CARL D. WARNER, Commissioner.

By Councilman Rogell:

Resolved, That all of north-south public alley, 20 feet wide, in the block bounded by Manor, Pinehurst, Esper and Belton Avenues, as platted in Robert Oakman Land Company's Aviation Field Subdivision No. 3 as recorded in Liber 49, Page 56 of plats, Wayne County Records, lying east of and adjoining the east line of Lots 1789 to 1804, both inclusive, and west of and adjoining the west line of Lots 1860 and 1861 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 petitioner 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, Garlick, Kronk, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—9.

Nays—None.

Department of Public Works

August 6, 1953.

Honorable Common Council:

Gentlemen—We have on file Petition No. 6203 to pave Tireman Avenue from Heyden to Vaughan. Upon the completion of this pavement there will be left unpaved only one block of 272 feet from Rouge Park to Westwood, a distance of 4,300 feet. This block is between Stout and Heyden Avenue.