

trott, 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 easement, 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 alley 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 Beck, Connor, Garlick, Kronk, Rogell, Smith, Van Antwerp, and the President—8.
Nays—None.

Department of Public Works
February 5, 1953.

Honorable Common Council:
Gentlemen—Submitted herewith for confirmation are contracts entered into as authorized and directed by your formal proceedings dated below:

PR-118, Field House, St. Hedwig Playfield, Fullerton Construction Company, Authorized 12-30-52.

Respectfully submitted,

G. R. THOMPSON,
City Engineer.

By Councilman Garlick:

Resolved, That contracts as listed in the foregoing communication be and the same are hereby confirmed.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Garlick, Kronk, Rogell, Smith, Van Antwerp, and the President—8.
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, and the President—8.
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
February 4, 1953.

Honorable Common Council:
Gentlemen—Your Committee of the

Whole referred to this office for investigation and report the petition of Peter Troia, No. 4543, requesting permission to construct a garage over the easement in the rear of his lot. The request was investigated by this office and we find that granting such permission would not be detrimental to the interests of the City of Detroit.

We recommend the adoption of the attached resolution.

Respectfully submitted,
CARL D. WARNER,
Commissioner.

By Councilman Garlick:

Resolved, That permission be and the same is hereby granted to the owner of Lot 37 of Grosse Pointe Highlands Subdivision located at the southwest corner of Guilford and Windsor Avenue, to construct a garage over the east 3 feet of the 6-foot easement in the rear of said lot, (Peter Troia, 3627 Guilford; Petn. 4543), subject to the following provisions:

1) That no right in the public easement shall be considered waived by this permission which is granted expressly on the condition that the garage and all obstructions in connection therewith shall be removed at the expense of the grantee at any time when so directed by the Common Council; and further,

2) If any any time in the future it becomes necessary to repair or replace the sewer located or to be located in said easement, by the acceptance of this permission, petitioner for himself, his heirs and assigns waives claims for any damages to the garage and agrees to pay the costs incurred in its removal, if its removal becomes necessary, and to restore the property affected to a condition satisfactory to the Department of Public Works at the owner's expense; and further,

3) This resolution is revocable at the will, whim and caprice of the Common Council, and the grantees by the acceptance of this permission, waive any right to claim damages or compensation for any buildings constructed and maintained hereunder, or for the removal of the same, and they acquire no implied nor any other privileges not expressly stated herein.

Adonted as follows:

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

Department of Public Works
January 30, 1953.

Honorable, Common Council:
Gentlemen—We are returning herewith the petition of the National Bank of Detroit (No. 2167), requesting the vacation of a portion of the 18-foot east-west public alley south of Warren Avenue and east of South-

field Road. The vacation of said portion of alley was 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. They disclose that three City departments are affected by said vacation.

The Public Lighting Commission reported that it would waive its objections to the vacation if an easement were reserved for them for the continued maintenance of its installations. The Sewer Design Division likewise requests an easement for the maintenance of the sewer in the alley. Proper easements are reserved for both departments to protect their interests in the installations.

As per our directive, on January 30, 1953, the petitioners deposited with the City Treasurer the sum of \$90.59, Receipt No. B-40820, credited to Police Department Fund Code No. 118-9400, to reimburse said department for costs incurred in re-routing its facilities.

All other City departments and privately owned utility companies reported that they will be unaffected by said vacation or that they have reached satisfactory agreements with the petitioners regarding their installations therein.

We recommend the adoption of the attached resolution.

Respectfully submitted,
CARL D. WARNER,
 Commissioner.

By Councilman Van Antwerp:

Resolved, That all that part of east-west public alley, 18 feet wide, south of Warren Avenue and east of Southfield Road, as platted in Frischkorn's Highlands Subdivision as recorded in Liber 41, Page 14 of plats, Wayne County Records, lying north of and adjoining the north line of Lot 32 and south of and adjoining the south line of Lots 34, 35, 36 and the south line of the west 6 feet of Lot 37 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 remove same; and further,

2) Provided, That no buildings or other structures of any nature whatsoever shall be built or placed upon said vacated alley unless prior approval therefor is obtained from the City Engineer; and further,

3) Provided, That an easement is hereby reserved over the vacated alley for the Public Lighting Commission for the purpose of maintaining, moving, replacing or relocating its equipment in said alley.

Adopted as follows.

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

Department of Public Works

January 22, 1953.

Honorable Common Council:

Gentlemen—The Corporation Counsel has stated that the recently passed Charter Amendment, pertaining to the building of permanent dikes along the canals or river front by assessment, will not permit us to build these dikes for some time.

It was, therefore, thought desirable to propose an ordinance that would allow the City to control the existing dirt dikes until such time as permanent sea walls might be built.

The attached ordinance, which I recommend be passed by your Honorable Body, has been prepared by the Corporation Counsel office and the City Engineer. Under this Ordinance, the property owner cannot alter in any way the existing dikes until such time as they are replaced with permanent walls.

The City Engineer will examine these dikes periodically and, if the property owner has not maintained the dike, the City will repair it and collect the cost of repairs from the property owner.

It is desirable that this Ordinance be passed at an early date so that we can make any repairs to the dikes before the spring flood period.

Respectfully submitted,
CARL D. WARNER,
 Commissioner.

Corporation Counsel

February 3, 1953.

Honorable Common Council:

Gentlemen—We acknowledge receipt of your letter of January 26th requesting an opinion from this office as to whether the Ordinance revision proposed by the Department of Public Works, giving the City Control over existing dykes, is not already adequately covered by Ordinance No. 618-E.

Ordinance No. 618-E grants the City the authority to construct dykes and the like in an emergency, but does not provide for the ways and means of maintaining such structures. The purpose of this revision is to combine the authority to construct and maintain the dykes once so constructed. The amendment adds to Ordinance No. 618-E the following:

"No barrier, dike or embankment