

a public street in the City of Detroit, with the right to ingress and egress at any time in and over said easement for the purposes above set forth;

Second, said owners for their heirs and assigns further agree that no buildings or structure of any nature whatsoever shall be built or placed upon said easement.

Adopted as follows:

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

Nays—None.

#### Department of Public Works

July 24, 1953.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Fitzpatrick Holding Company and Dolan Corporation (petition No. 5225), requesting the vacation of the "L" shaped alley south of Weaver and east of Rosemont Avenues. The vacation of said alleys 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 complete. The only City department affected by the vacation as proposed is the Department of Public Works, by reason of the sewer located in the alley. A proper provision is incorporated into the vacating resolution protecting this department's interests in said sewer.

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 ft. wide, in the block west of Weaver Ave., south of Rosemont Ave., as platted in Emerson Park, a subdivision of part of the N. E.  $\frac{1}{4}$  of Sec. 35, T. 1, S., R. 10 E., as recorded in Liber 55, Page 45 of plats, Wayne County Records, lying in the rear of lots 513 to 523, both inclusive, and in the rear of the north 20 ft. of lot 524, all lots mentioned being the same as platted in last mentioned subn.;

Also, all of east-west public alley, 20 ft. wide, west of Weaver Ave. and west of vacated Ashton Ave., which alley was deeded to the City of Detroit, said deed having been accepted by the Common Council of the City of Detroit on Sept. 27, 1949, J.C.C. page 2908, and which alley is in fact the north 20 ft. of lot 524 of Emerson Park Subdivision as recorded in Liber 55 of plats, Page 45, Wayne County Records; be and the same are hereby vacated as public

alleys to become a part and parcel of the adjoining lots, the above described north-south alley, however, being vacated 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 Dept. 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, Garlick, Kronk, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—9.

Nays—None.

#### Department of Public Works

July 20, 1953.

Honorable Common Council:

Gentlemen—Contract PW-1978W, is for the paving of Pembroke Avenue from Berg Road to Northrup; Cooke Contracting Company is the contractor. The total amount of the accepted proposal was \$22,875.90, of which \$19,148.20 was in the assessment portion and \$3,727.70 was in the City intersection portion.

The assessment roll was based on the amounts stated in the assessment portion of the accepted proposal or \$19,148.20.

Under the provisions of the resolution authorizing the award of the contract, any additions or deductions in the assessment portion exceeding 1 per cent must be first approved by the Common Council before the ad-