

and the City Controller be and he is hereby directed to record said deed in the office of the Register of Deeds for Wayne County.

Deeds for Wayne County.

Adopted as follows:

Yeas — Councilmen Beck, Connor, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—7.  
Nays—None.

#### Department of Public Works

July 20, 1953.

Honorable Common Council:

Gentlemen—The petition of the Presbytery of Detroit et al (No. 6623), requesting the vacation of the 20 foot east-west alley and the conversion into an easement of the 18 foot north-south public alley, north of Seven Mile Road between Avon and Greenview Roads, was referred to this office by your Committee of the Whole for investigation and report. The grant of the petitioner's request was approved by the City Plan Commission with the recommendation that petitioner provides an alley outlet into Greenview Road in lieu of the alleys to be vacated.

We wish to advise that our investigations are completed.

As per our directive, on July 21, 1953, the petitioner paid into the City Treasury the sum of \$108.00, Receipt No. B-3650, credited to Public Works Maintenance Fund Code No. 143-6221-1, to reimburse the City for the original cost of paving the east ½ of Avon Road at the intersection of the alley to be vacated.

On July 21, 1953, the petitioner deposited with the Permit Division of the Department of Public Works the sum of \$300.00, Receipt No. 47725, said amount being the estimated cost of stoning the newly deeded alley and removing the paved returns at the entrance to the vacated 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.

Proper provisions are incorporated into the vacating resolution protecting the City's interests in the sewer located in 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 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 Beck:

Resolved, That all of east-west public alley, 20 feet wide in block bounded by Avon, Greenview, Seven Mile Roads and Cambridge Avenue, as platted in Keldan-Orley Subdivision of the West ½ of the E. ½ of the S.W. ¼ of the Southeast ¼ of Section 2, T. 1 S., R. 10 E., as recorded in Liber 63, Page 92 of plats, Wayne County Records, lying north of and adjoining the north line of Lots 1 to 12, both inclusive, south of and adjoining the south line of Lots 13 and 70, and south of and adjoining the south line of the 18 foot north-south alley lying between Lots 13 and 70, of last mentioned subdivision; Also, all that part of north-south public alley, 18 feet wide, in the block bounded by Avon, Greenview, Seven Mile Roads and Cambridge Avenue, as platted in said Keldan-Orley Subdivision lying west of and adjoining the west line of Lots 13 to 17, both inclusive, west of and adjoining the west line of the south 18 feet of Lot 18, east of and adjoining the east line of Lots 66 to 70, both inclusive, and east of and adjoining the east line of the south 18 feet of Lot 65, of last mentioned subdivision, be and the same are hereby vacated as public alleys to become a part and parcel of the adjacent lots 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 damage to such construction and agree to pay all costs incident to the repair of such broken sewers; and further

5. Provided, That the north-south alley above described is converted into an easement of the full width of the alley. No buildings, of any nature whatsoever shall be constructed over said easement; and further

Resolved, That Warranty Deed of Calvary Presbyterian Church of Detroit to the City of Detroit deeding land for alley purposes, said land being described as, "Northerly 18 feet of Lot No. 18, Keidan-Orley Subdivision of the west ½ of the east ½ of the southeast ¼ of Section 2, T. 1 S., R. 10 E., according to the plat thereof as recorded in Liber 63, Page 92 of plats, Wayne County Records, be and the same is hereby accepted and the City Controller be and he is hereby directed to record said deed in the Office of the Register of Deeds for Wayne County.

Adopted as follows:

Yeas — Councilmen Beck, Connor, Rogell, Smith, Van Antwerp, Young-Nays—None.

#### Department of Public Works

July 13, 1953.

Honorable Common Council:

Gentlemen—We are in receipt of requests from the owners of property at the locations indicated in the attached Resolution for permission to construct or maintain garages over the easements in the rear of their lots. The requests were 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 Rogell:

Resolved, That permission be and the same is hereby granted to the owners of (a) The north 5 feet of Lot 135, all of Lot 136 and the south 12 feet of Lot 137 of Division Heights Subdivision, located on the east side of Oxley Avenue, between Norfolk Avenue and Eight Mile Road, to construct a garage over the west 6 feet of the easement in the rear of said lot, subject to the provisions recited hereinbelow, (Petition of Norman Egren of 20454 Oxley Avenue, Petition No. 6277; (b) Lot 1843 of East Detroit Development Company No. 2 Subdivision, located on the east side of Balfour Avenue between Warren and Cornwall Avenues, to maintain a garage over the west 3½ feet of the easement in the rear of said lot, subject to the provisions recited hereinbelow (Petition of Paul Gamboni, of 4876 Balfour, Petition No. 6278); (c) Lots 369, 370 and 371 of Warrendale Warsaw Subdivision located at the

southeast corner of Plainview and West Chicago Avenues, to construct a garage over the north 7 feet of the easement in the rear of said lots, subject to the provisions recited hereinbelow, (Petition of Joseph A. Kurcz of 9410 Plainview Avenue, Petition No. 6281);

(d) Lot 145 of C. W. Harrah's Redford Sub. located at the southwest corner of Patton and Clarita Aves., to construct a garage over the east 5 ft. of the easement in the rear of said lot subject to the provisions recited hereinbelow. (Carl B. Prah, 18581 Patton, (6454).

The above grants shall be 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 grantees at any time when so directed by the Common Council; and further

(2) If at any time in the future it becomes necessary to repair or replace the sewers located or to be located in said easement, by the acceptance of this permission, the owners for themselves, their heirs and assigns waive claims for any damages to the garages and agree to pay the costs incurred in their removal, if their 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.

Adopted as follows:

Yeas — Councilmen Beck, Connor, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—7.  
Nays—None.

#### Department of Public Works

July 14, 1953.

Honorable Common Council:

Gentlemen—This is to certify that in accordance with Article 5 of the Contract Agreement for Contract PW-2113, Timber Pile Cluster, Swain Avenue Sewer Outlet, that work provided for in this Contract has been given final inspection and has been found fully performed and the Contractor, Candler-Rusche Incorporated, has submitted an affidavit that all pay-rolls, material bills, and other indebtedness connected with the work have been paid.