

the Forced Paving clause of the City Charter.

Respectfully submitted,  
CARL D. WARNER,  
Commissioner.

By Councilman Smith:

Resolved, the paving of Evergreen Avenue from Pembroke to Fargo, and from Trojan to Eight Mile Road be and is hereby declared to be a necessity.

The Commissioner of Public Works is hereby authorized and directed to advertise for proposals and award contract for said paving, with materials and to the width stated in the foregoing communication under the Forced Paving Clause of the City Charter.

The cost of the improvement to be assessed to adjoining property in accordance with the benefits derived therefrom.

Adopted as follows:

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

Nays—None.

#### Department of Public Works

January 8, 1954.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation 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 Smith:

Resolved, That all that part of the east-west public alley 20 feet wide, north of Outer Drive and east of Vaughan Avenue, as platted in B. E. Taylor's Coronado Subdivision, as recorded in Liber 54, Page 84 of Plats, Wayne County Records, lying south of and adjoining the south line of lot 93, and north of and adjoining the north line of lots 168, 169, and the west 26 feet of lot 167, of last mentioned subdivision. (Louis G. Micus, et al., 7310);

Also, all that part of the north-

south public alley 18 feet wide, north of Fargo Avenue, between Bentler and Westbrook Avenues as platted in Palmeadow Subdivision No. 1, as recorded in Liber 62, Page 53 of Plats, Wayne County Records, lying west of and adjoining the west line of lots 77 to 80, both inclusive, and east of and adjoining the east line of lots 81 to 84, both inclusive, of last mentioned subdivision. (Maurice Mansfield, et al., No. 7050);

Also, all that part of the east-west public alley 20 feet wide, south of Moross Road and east of Roxbury Avenue, as platted in Park Drive Subdivision No. 4, as recorded in Liber 54, Page 11 of Plats, Wayne County Records, lying north of and adjoining the north line of lot 1362 and south of and adjoining the south line of lots 1363 to 1368, both inclusive, south of and adjoining the south line of the west 3.73 feet of lot 1369 of last mentioned subdivision. (Perry Taylor, et al., No. 6504);

Also, all that part of east-west public alley 20 feet wide north of Outer Drive and east of Deacon Avenue, as platted in Marion Park Subdivision, as recorded in Liber 48, Page 33 of Plats, Wayne County Records, lying south of and adjoining the south line of lot 104, and north of and adjoining the north line of lots 105 to 112, both inclusive of last mentioned subdivision. (E. A. Coleman, et al., No. 7317);

Also, all of north-south public alley, 18 feet wide, in block bounded by Auburn, Minock, Joy Road, and Dover Avenues, as platted in Warrendale Warsaw Subdivision, as recorded in Liber 47, Page 33 of Plats, Wayne County Records, lying west of and adjoining the west line of lots 153 to 165, both inclusive, and east of and adjoining the east line of lots 273 to 285, both inclusive, of last mentioned subdivision. (Robert Kipila, et al., No. 993);

Be and the same are hereby vacated as public alleys 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, re-routed 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 prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering; and further

4) Provided, In the event that the sewer is 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, Kronk, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Miriani—9.

Nays—None.

#### Department of Public Works

January 7, 1954.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of Sterling Price et al, No. 6180, requesting the conversion into an easement of a portion of the east-west public alley first south of Fenkell Avenue, between Grayfield and West Parkway Avenues. The conversion of said alley into an easement was approved by the City Plan Commission with the recommendation that petitioner deed two 4-foot strips of property for widening the remaining portions of alley.

We wish to advise that our investigations are completed.

We are in receipt of a Quit Claim Deed to the land to be used for widening the remaining alleys. Said deed was approved as to form and execution by the Corporation Counsel and as to description by the City Engineer and we are attaching it hereto for your Honorable Body's acceptance.

In reply to our inquiries all City departments and privately owned utility companies reported that they will be unaffected by the conversion of said alley into an easement.

We recommend the adoption of the attached resolution.

Respectfully submitted,

CARL D. WARNER,  
Commissioner.

By Councilman Smith:

Resolved, That all that part of east-west public alley, 18 feet wide, south of Fenkell Avenue, between Grayfield and West Parkway Avenues, as platted in B. E. Taylor's Brightmoor-Pierce-Hayes Subdivision lying south of Grand River Avenue, being part of the S.E.  $\frac{1}{4}$  of Section 16, the

N.W.  $\frac{1}{4}$  of the N.E.  $\frac{1}{4}$  and part of the N.E.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  of Section 21, T. 1 S., R. 10 E., as recorded in Liber 45, Page 35 of plats, Wayne County Records, lying between the extended east line of lot 353 and a line extended northwesterly, described as being 4 feet northeasterly of and parallel to the southwesterly line of lot 375 of last mentioned Subdivision;

Be and the same is vacated as a public alley and is hereby converted into a public easement of the full width of the alley, which easement 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 alley 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 alley hereinabove described, for the purpose of installing, maintaining, repairing, removing or replacing any sewer, conduit, telephone, 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 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; and further

Resolved, That Quit Claim Deed of Sterling L. Price and Susan M. Price, his wife, to the City of Detroit, deeding the following described property for alley purposes:

A part of Lot 375 of Brightmoor-Pierce-Hayes Subdivision lying South of Grand River Avenue, being part of Southeast  $\frac{1}{4}$  of Section 16, the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and part of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 21, Town 1 South, Range 10 East, Redford Township; according to the plat thereof recorded in Liber 45 of Plats, on Page 35, Wayne County Records, described as a triangular piece in the Southeast corner of said lot having its East and Southwesterly sides each