

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 service same; and further

2) Provided, That if a building is to be constructed over said sewer, the sewer 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 cost entailed to be borne by the petitioners, their successors, or assigns; and further

3) Provided, That no buildings shall be constructed over said sewer without the prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering, and further

4) Provided, That 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; and further

Resolved, That Quit Claim deed of the McLouth Steel Corporation, a Michigan Corporation, to the City of Detroit, deeding land for alley purposes; said land being described as: "The southerly 20 feet of lot 38 of the Plat of Pohl's Subdivision of Lots 62 and 63 of the Subdivision of Crawford's Fort Tract, T. 2, S., R. 11 E., as recorded in Liber 3, Page 88 of Plats, Wayne County Records, to be used for alley purposes, "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, Kronk, Rogell, Van Antwerp, Wise, Youngblood, and President Miriani—8.

Nays—None.

Department of Public Works

February 15, 1954.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Michael J. Celovsky (No. 7755), requesting the vacation of a portion of the east-west public alley south of Keal Avenue and east

of Volte Avenue. 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. As per our directive, on February 12, 1954, the petitioner deposited with the City Treasurer the sum of \$175.00, Receipt No. 38538, credited to Public Lighting Commission Fund Code No. 123-9400, said amount being the estimated cost for rerouting Public Lighting Commission facilities from the alley to be vacated.

The petitioners also deposited with the Permit Division of the D. P. W. the sum of \$66.00, Receipt No. 52844, said amount being the estimated cost of constructing sidewalks necessitated by the vacation of alley.

A proper proviso is incorporated in 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 said vacation or that they have reached satisfactory agreements with the petitioner regarding their installations in the alley.

We recommend the adoption of the attached resolution.

Respectfully submitted,

CARL D. WARNER,
Commissioner.

By Councilman Kronk:

Resolved, That all that part of east-west public alley, 16 feet wide, south of Keal Avenue and east of Volte Avenue, as platted in Ardmore Gardens Subdivision No. 1, as recorded in Liber 36, Page 6 of plats, Wayne County Records, lying north of and adjoining the north line of lot 160, south of and adjoining the south line of lots 107 to 109 both inclusive and south of and adjoining the south line of the west 24 feet of lot 110 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 service same; and further

(2) Provided, That if a building is to be constructed over said sewer, the sewer 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 cost entailed to be borne by the petitioners, their successors, or assigns; and further

(3) Provided, That no buildings shall be constructed over said sewer without the prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering; and further.

(4) Provided, That 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, Kronk, Rogell, Van Antwerp, Wise, Youngblood, and President Miriani—8.

Nays—None.

Department of Public Works

February 10, 1954.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the request of the Department of Parks and Recreation for the vacation of a portion of the alley south of Grixdale Avenue, between Anglin and Brinker Avenues, within the limits of a playground site. The vacation of said alley was approved by the City Plan Commission with the recommendation that a turn-around be provided at the south end of the vacated alley to eliminate a dead-end condition.

We wish to advise that our investigations are completed.

As per our request, an inter-departmental purchase order was issued by the Department of Parks and Recreation in favor of the Fire Department in the amount of \$250.00 to cover the cost of the relocating a telegraph circuit in said 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. The resolution also provides for the allocation of land for turn-around purposes as per City Plan Commission's recommendation.

In reply to our inquiries all other City departments reported that they will be unaffected by the vacation of the alley.

We recommend the adoption of the attached resolution.

Respectfully submitted,

CARL D. WARNER,

Commissioner.

By Councilman Kronk:
Resolved, That all that part of

north-south public alley, 16 feet wide, south of Grixdale Avenue, between Anglin and Brinker Avenues, between Leland Highlands Avenues, as plotted in Leland Highlands Subdivision of Part of N. 1/2 of Sec. 7, T. 1 S., R. 12 E., Hamtramck Twp., Wayne County, Michigan, as recorded in Liber 37, Page 44 of Plats, Wayne County Records, lying east of and adjoining the east line of lots 374 to 383 both inclusive, east of and adjoining the east line of the north 15 feet of lot 384, west of and adjoining the west line of lots 420 to 429 both inclusive, and west of and adjoining the west line of the north 15 feet of lot 419, 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;

Resolved, That the east 29 feet of Lot 385 and east 29 feet of the south 15 feet of Lot 384 of Leland Highlands Subdivision as recorded in Liber 37, Page 44 of Plats, Wayne County Records, be and the same is hereby allocated and dedicated for alley turn-around purposes.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Kronk, Rogell, Van Antwerp, Wise, Youngblood, and President Miriani—8.

Nays—None.

Department of Public Works
February 11, 1954.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of