

Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Miriani—8.
Nays—None.

Department of Public Works

May 15, 1956.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Consumers Scrap Iron Company, Petition 8011, requesting the vacation of a portion of the alleys in the block bounded by Greeley Avenue, Grand Trunk R.R. Right-of-Way, Hague and Alger Avenues. The vacation of said alleys was approved by the City Plan Commission with the recommendation that the petitioner deed a new alley outlet into Hague Avenue to prevent a deadend condition of the remaining alley. Petition was then referred to this office by your Honorable Body for investigation and report.

Our investigations are completed and they disclose the only City department affected by the vacation of said alleys is the Department of Public Works.

The petitioner deposited the sum of \$350.00 with the Permit Division of the DPW, said amount being the estimated cost of grading and stoning the newly deeded alley. A proper provision is incorporated in the vacating resolution protecting the City's interests in the sewer located in the alley to be vacated.

We are in receipt of a Warranty Deed from Harold Taback and Rita Taback, his wife, to land to be used for alley purposes in accordance with the City Plan Commission's recommendation, said deed was approved as to description by the City Engineer, and it is attached hereto for your Honorable Body's acceptance.

All other City Departments or 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 petitioner regarding their installations therein.

We recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,
Commissioner.

By Councilman Youngblood:

Resolved, That all of north-south public alley, 18 feet wide, in the block north of Hague Avenue between Greeley Avenue and the Grand Trunk R.R. Right-of-Way, which alley is in fact the west 18 feet of Lot 110 of Russell and Bigelow's Subdivision, as recorded in Liber 12, Page 27, of plats, Wayne County Records, and which alley was deeded to the City of Detroit:

Also all that part of east-west public alley in the block bounded by Greeley Avenue, Grand Trunk R.R. Right-of-Way, Hague Avenue, and Alger Avenue, as platted in said Rus-

sel and Bigelow's Subdivision, lying north of and adjoining the north line of lots 111, 112, 113, north of and adjoining the north line of the west 18 feet of lot 110, and north of and adjoining the north line of the east 10 feet of lot 114; 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 alley 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 sewers, 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 building 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. Provided, In the event that the sewers located in said alleys, if built upon, shall break causing damage to any construction above, the petitioners and its assigns, by acceptance of the permit for building over said sewers, 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 Warranty Deed of Harold Taback and Rita Taback, his wife, to the City of Detroit deeding land for alley purposes, said land being described as "The west 20 feet of lot No. 114, Russell and Bigelow's Subdivision, as recorded in Liber 12, Page 27, 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, Lincoln, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Miriani—8.
Nays—None.

Reconsideration

Councilman Youngblood moved to reconsider the vote by which the resolution was adopted.

Councilman Rogell moved to suspend Rule 23 for the purpose of indefinitely postponing the motion to