

sewer, waive all claims for damages to such construction and agree to pay all costs incidental to the repair of said broken sewer.

Adopted as follows:

Yeas—Councilmen Connor, Lincoln, Rogell, Smith, Wise, Youngblood, and President Pro Tem Van Antwerp—7.
Nays—None.

Department of Public Works
July 12, 1957.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Department of Parks and Recreation requesting the vacation of Fitzpatrick Avenue and certain alley and easement all in the area east of Warwick Avenue and north of Elmira Avenue within the limits of a recreational site. The vacation of said street, alley, and easement was approved by the City Plan Commission with the recommendation that sufficient land be allocated from the northerly side of the recreation site to provide a new street to be known as Fitzpatrick Avenue in lieu of the street to be vacated. The petition was then referred to this office by your Committee of the Whole for investigation and report.

Our investigations are completed and they disclose that several City departments are affected by the vacation of said street and alleys.

An easement is reserved in the vacating resolution for the Department of Water Supply for the maintenance of its water mains located in Fitzpatrick Avenue to be vacated.

The petitioner issued an interdepartmental purchase order No. B-27044, in the amount of \$2,500.00 in favor of the Detroit Fire Department, to cover the cost of removing and relocating two fire hydrants located in Fitzpatrick Avenue to be vacated.

The petitioner also issued an interdepartmental purchase order No. B-27045, in the amount of \$100.00, in favor of the Public Lighting Commission, to cover the cost of relocating P.L.C. facilities necessitated by the vacation of said street.

The Department of Parks and Recreation has agreed to the paving of the newly allocated street, providing that the cost of said paving be assessed in accordance with benefits derived. The Department of Parks and Recreation has also agreed by letter filed with the original petition, to pay all costs incidental to removing paved returns and constructing new sidewalks and curbs necessitated by the vacation of said street, alley and easement at the time the newly allocated street is paved.

Proper provisions are incorporated into the vacating resolution protecting the City's interests in the sewers located in the street, alley and easement to be vacated.

At the request of the Department of Parks and Recreation, an easement is reserved in the resolution vacating said street, alley and easement protecting the installations of the Detroit Edison Company, Michigan Bell Telephone Company and the Michigan Consolidated Gas Company.

All other City departments reported that they will be unaffected by the vacation of said street, alley and easement.

As the vacation of said street, alley and easement is necessary for the proper utilization of the recreational site, we recommend the adoption of the attached resolution.

Respectfully submitted,
GLENN C. RICHARDS,
Commissioner.

By Councilman Wise:

Resolved, That all that part of Fitzpatrick Avenue between Warwick and Elmira Avenues, as platted in Palmer Grove Park Subdivision No. 1 of the east 3/8 of the East 1/2 of the northwest 1/4 of section 35 and the west 20 acres of the northeast 1/4 of section 35, T. 1 S., R. 10 E., excepting the Right-of-Way of the Pere Marquette Railway, City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 89 of Plats, Wayne County Records, more particularly described as follows: Beginning at the intersection of the southwesterly line of Fitzpatrick Avenue, 86 feet wide with the east line of Warwick Avenue 60 feet wide, thence along the southwesterly line of said Fitzpatrick Avenue 86 feet wide also being the northeasterly line of lots 553 to 565 both inclusive of said Palmer Grove Park Subdivision No. 1, S. 44° 22' 49" E., 365.16 feet to a point in the southeast corner of said lot 553; thence along a line north 89° 41' 30" East, 86.00 feet to a point; thence along a line S. 0° 18' 30" east, 51.45 feet to the northwest corner of lot 566 of said Palmer Grove Park Subdivision No. 1; thence continuing along the southwesterly line of Fitzpatrick Avenue 60 feet wide south 44° 22' 49" east, 352.22 feet to the southeast corner of lot 699 of said Palmer Grove Park Subdivision No. 1 also being the north line of Elmira Avenue 60 feet wide; thence along the extended north line of Elmira Avenue north 89° 10' 30" east, 30.00 feet to a point in the east line of said Palmer Grove Park Subdivision No. 1; thence along the east line of said Palmer Grove Park Subdivision No. 1 north 0° 18' 30" west 55.00 feet to a point; thence along the northeasterly line of Fitzpatrick Avenue north 44° 22' 49" west, 786.54 feet to a point in the southwesterly line of lot 739 of said Palmer Grove Park Subdivision No. 1; thence along a line south 89° 10' 30" east, 53.66 feet to a point; thence along a line south

14° 43' 15" west, 54.9 feet to the place of beginning.

Also all of the north-south public alley 10 feet wide lying between the northeasterly line of Fitzpatrick Avenue and a point 43.13 feet south of the southwesterly line of the 20 foot public alley north of and parallel to said Fitzpatrick Avenue, as platted in said Palmer Grove Park Subdivision No. 1, as recorded in liber 55, page 89 of Plats, Wayne County Records, lying east of and adjoining the east line of the south 100.72 feet of lot 704 of the above-mentioned subdivision.

Also all that part of the north-south public easement 20 feet wide east of Artesian Avenue between Fitzpatrick and Elmira Avenues, lying east of and adjoining the east line of lot 569, east of and adjoining the east line of the south 11.08 feet of lot 568 and west of and adjoining the west line of the north 10.42 feet of lot 703 of said Palmer Grove Park Subdivision No. 1, as recorded in liber 55, page 89 of plats, Wayne County Records.

Be and the same are hereby vacated as a public street, alley and easement to become a part and parcel of the adjoining property subject to the following provisions:

1) An easement or right-of-way is hereby reserved in and over the entire width of the Fitzpatrick Avenue for the purpose of maintaining, repairing, removing or replacing the water mains located in said street.

2) No buildings or structures of any nature whatsoever shall be constructed over said vacated street unless prior approval is obtained from the Department of Water Supply.

3) That public easements for the Detroit Edison Company, Michigan Bell Telephone Company and the Michigan Consolidated Gas Company, and rights of the owners of said utilities in the vacated street, alley and easement shall be and are hereby retained.

4) That by reason of the vacation of the above described street, alley and easement 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

5) 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

6) 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

7) Provided, In the event that the sewers located in said street, alley and easement; 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 sewers; and further

Resolved, That all that part of lots 704 to 739 both inclusive of Palmer Grove Park Subdivision No. 1 of the east 3/8 of the E. 1/2 of the north-west 1/4 of section 35 and the west 20 acres of the northeast 1/4 of section 35, T. 1 S., R. 10 E., excepting the Right-of-Way of the Pere Marquette Railway, City of Detroit, Wayne County, Michigan, as recorded in liber 55, page 89 of Plats, Wayne County Records, and more particularly described as follows: Beginning at the northwest corner of lot 739 of said Palmer Grove Park Subdivision No. 1; thence along the west line of said lot 739 south 0° 18' 30" east, 6.34 feet to a point in the northeasterly line of Fitzpatrick Avenue; thence along the northeasterly line of Fitzpatrick Avenue south 44° 22' 49" east, 60.24 feet to a point; thence along a line north 89° 10' 30" east, 47.18 feet to a point; thence along the arc of a curve to the right, whose radius is 115.00 feet, central angle 46° 26' 42", a distance of 93.19 feet, chord bearing south 67° 36' 11" east, a distance of 90.69 feet to a point; thence along a line south 44° 22' 49" east, 584.05 feet to a point in the west line of a 10 foot north-south public alley, also being the east line of lot 704 of said Palmer Grove Park Subdivision No. 1; thence along the west line of said 10 foot north-south public alley north 0° 18' 30" west, 43.13 feet to a point in the southwesterly line of a 20 foot public alley; thence along the southwesterly line of said 20 foot public alley north 44° 22' 49" west, 642.87 feet to a point in the south line of a 20 foot east-west public alley; thence along the south line of said 20 foot east-west public alley South 89° 10' 30" West, 131.83 feet to the place of beginning.

Also all that part of lot 591 of Emerson Park Subdivision of part of the northeast 1/4 of section 35, T. 1 S., R. 10 E., City of Detroit, Wayne County, Michigan, as recorded in liber 55, page 45 of plats Wayne

County Records, described as follows: Beginning at the southeast corner of said lot 591 of said Emerson Park Subdivision; thence along the east line of said lot 591 north 15° 28' 55" east, 42.98 feet to a point; thence along a line north 44° 22' 49" west, 244.08 feet to a point in the west line of said lot 591; thence along the west line of said lot 591 south 0° 18' 30" east, 71.885 feet to a point; thence along a line south 44° 22' 49" east, 201.74 feet to a point in the south line of said lot 591; thence along the south line of said lot 591 north 89° 20' 30" east, 17.756 feet to the place of beginning.

Also, all that part of lots 589 and 590 of said Emerson Park Subdivision as recorded in liber 55, page 45 of Plats, Wayne County Records, more particularly described as follows: Beginning at the southwest corner of lot 590 of said Emerson Park Subdivision; thence along the west line of said lot 590 N. 15° 28' 55" east, 25.59 feet to a point; thence along a line south 44° 22' 49" east, 34.01 feet to a point in the south line of lot 589 of said Emerson Park Subdivision; thence along the south line of said lots 589 and 590 south 89° 20' 30" west 30.62 feet to the place of beginning.

The above described land be and is hereby allocated for street purposes to be known as Fitzpatrick Avenue; and further

Resolved, That the paving of the newly allocated street be and it is declared to be a necessity and the Commissioner of Public Works be authorized and directed to advertise for bids and award contract for paving this street under the forced paving clause of the City Charter, and further;

Resolved, That the cost of paving newly allocated Fitzpatrick Avenue be assessed in accordance with the benefits derived.

Adopted as follows:

Yeas—Councilmen Connor, Lincoln, Rogell, Smith, Wise, Youngblood, and President Pro Tem Van Antwerp—7.

Nays—None.

Department of Public Works

July 12, 1957.

Honorable Common Council:
Gentlemen — We return herewith petitions requesting the forced construction of sidewalks at the following described locations:

Board of Education (12786)
All th. pt. of N.W. ¼ Sec. 6, T. 1 S., R. 11 E. desc. as fols.—Beg. at a pte. in W. line Hubbell Ave. 86 ft. wd., also in N. line of Trojan Ave. 60 ft. wd.; th. S. 88d 02m 57s W., 923.03 ft.; th. N. 1d 57m 03s W., 300 ft.; th. S. 88d 02m 57s W., 350 ft.; th. S. 1d 57m 03s E., 300 ft.; th. S. 88d 02m 57s W., 699.54 ft.; th. S. 1d 47m 10s E., 60 ft.;

th. S. 88d 02m 57s W., 81.50 ft.; th. N. 44d 50m 10s W., 712.93 ft.; th. N. 1d 47m 10s W., 104.32 ft.; th. N. 88d 11m 28s E., 120 ft.; th. N. 1d 47m 10s W., 20 ft.; th. N. 88d 11m 28s E., 127 ft.; th. S. 1d 47m 10s E., 60 ft.; th. N. 88d 11m 28s E., 2287.63 ft.; th. S. 2d 17m 25s E., 520.35 ft. to pt. of beg.; E.S. Greenfield bet. Jas. Couzens and 8 Mile W.; Walks to be constructed on Trojan. 1700 lineal feet.

Mrs. T. Altese (13023)

Lot 784, N.S. Alstead bet. Kingsville and Moross Rd., Front only. 40 lineal feet.

R. J. DuRoss (13024)

Lot 89, E.S. Anatole bet. Frankfort and Canyon, Side on Frankfort only. 120 lineal feet.

Lot 90, E.S. Anatole bet. Warren and Frankfort, Side on Frankfort only. 120 lineal feet.

Lot 153, E.S. Lafontaine bet. Mack and Frankfort, Side on Frankfort only. 120 lineal feet.

Lot 152, E.S. LaFontaine bet. Frankfort and Canyon, Side on Frankfort only. 120 lineal feet.

Lot 134, W.S. LaFontaine bet. Frankfort and Mack, Side on Frankfort only. 120 lineal feet.

Lot 135, W.S. LaFontaine bet. Canyon and Frankfort, Side on Frankfort only. 120 lineal feet.

Lot 232, E.S. Ashley bet. Mack and Frankfort, Side on Frankfort only. 120 lineal feet.

Lot 195, W.S. Ashley bet. Frankfort and Mack, Side on Frankfort only. 120 lineal feet.

Lot 196, W.S. Ashley bet. Southampton and Frankfort, Side on Frankfort only. 120 lineal feet.

Lot 271, W.S. Gateshead bet. Frankfort and Mack, Side on Frankfort only. 120 lineal feet.

Lot 272, W.S. Gateshead bet. Southampton and Frankfort, Side on Frankfort only. 120 lineal feet.

Mrs. Edward Zak (13025)

Lot 812 and Lot 813 and E. 9 ft. of vac. alley adj., N.S. Rockcastle bet. Kingsville and Moross Rd., Side on Kingsville only. 122.9 lineal feet.

There is approximately 3,182.9 lineal feet of concrete sidewalks to be constructed, the approximate cost of this new local improvement would be \$6,875.06, the cost and expense to be assessed against such lots or parcels of real estate to be benefited by such local improvement in proportion to the probable benefit to be derived therefrom.

As these are original sidewalks and can only be ordered constructed by a formal resolution as a forced account under the provisions of Chapter 264, as amended May 3, 1949, of the Compiled Ordinances, we recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,
Commissioner.