

Bloomfield Avenue, commonly known as 20131 Renfrew Avenue.

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded by and at the permittee's expense in the Office of the Register of Deeds for Wayne County, and further

Provided, That no right in the public easement shall be considered waived by these permissions which are granted expressly on the condition that the garages, driveways, buildings, and all obstructions in connection therewith shall be removed at the expense of the grantee at any time when so directed by the Common Council, and further

Provided, If at any time in the future it becomes necessary to repair or replace the sewers or other utilities located or to be located in said easement, by the acceptance of these permissions, the owners for themselves, their heirs and assigns waive claims for any damages to the encroaching installations 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 owners' expense, and further

Provided, That this resolution is revocable at the will, whim or caprice of the Common Council, and the grantees by the acceptance of these permissions, waive any right to claim damages or compensation for any driveways or structures constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges, not expressly stated herein.

Adopted as follows:

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

Nays—None.

Department of Public Works

August 5, 1957.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the National Bank of Detroit et al, No. 10968, requesting the vacation of the east, west alley in the block bounded by Steel, Appoline, Joy Road and Oakman Boulevard. The petition was approved by the City Plan Commission and was then 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 August 2, 1957, the petitioner paid into the City Treasury the sum of \$613.75, Receipt No. C-5133, credited to the Public Works Maintenance Fund, Code No. 143-0000 (6241), said amount being the original cost of paving the east ½

of Steel Avenue and the west ½ of Appoline Avenue at the intersection of the alley to be vacated.

The petitioners requested that the paved entrances to the alley to be vacated remain in its present status as the petitioners plan to utilize same and have agreed to pay all cost incident to the removal of the returns at such time in the future as the removal becomes necessary, either at the City's, or the petitioner's request.

A proper provision is incorporated into the vacating resolution protecting the City's interest in the sewer located in the alley to be vacated.

An easement is reserved in the vacating resolution for the Public Lighting Commission for the maintenance of its installations located in the alley to be vacated.

All other City Departments and privately owned utility companies reported that they will be unaffected by the vacation of said alley, or that they have reached satisfactory agreements with the petitioners 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 the east/west public alley, 20 feet wide, south of and parallel to Joy Road between Steel and Appoline Avenue, said alley being platted in Robert Oakman Land Company's Aviation Field Subdivision No. 4 of N.W. ¼ and part of the N.E. ¼ section 5, T.2-S.,R.1/E., Greenfield Township and City of Detroit, Wayne County, Michigan as recorded in Liber 58, Page 48 of Plats Wayne County records, lying south of and adjoining the south line of lots 2704 to 2710 both inclusive, south of and adjoining the south line of lots 2795 to 2801 both inclusive and north of and adjoining the north line of lots 2711 and 2794 of the above 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) An easement or right-of-way is hereby reserved in and over said vacated alley for the purpose of maintaining, repairing, removing, or replacing Public Lighting Commission facilities in said alley;
- 2) No building or structure of any nature whatsoever shall be constructed over said easement unless prior approval therefor is obtained from the public Lighting Commission.
- 3) 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

4) 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 costs entailed to be borne by the petitioners, their successors, or assigns; and further

5) Provided, That no building 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

6) Provided, That in the event that the sewer located in said alley, if built upon, shall break causing damage to any construction above, the petitioner 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 said broken sewer.

Adopted as follows:

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

Nays—None.

Department of Public Works

August 5, 1957.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Detroit City Ice and Fuel Company, No. 11399, requesting the vacation of a portion of east-west public alley south of Michigan Avenue between 29th Street and the Grand Trunk Railroad. The petition was approved by the City Plan Commission with the recommendation that sufficient land be deeded to the City for a new alley outlet into Michigan Avenue. The petition was then 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 August 2, 1957, the petitioner deposited with the Permit Division of the Department of Public Works the sum of \$1,800.00, Receipt No. 83634, said amount being the estimated cost of paving newly deeded alley and installing a new alley return at the entrance thereto.

The petitioner on August 2, 1957, also deposited with the City Treasurer the sum of \$100.00, Receipt No. C-5132, credited to the Public Light-
ing Commission Fund Code No. 990-

9423, said amount being the estimated cost of adjusting a P.L.C. manhole necessitated by the vacation of said portion of alley.

We are in receipt of a Quit Claim Deed whereby petitioner dedicated land for an alley outlet 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.

The petitioner has also offered to grant easement rights to the remaining property owners on the Michigan Avenue frontage over a driveway that will be constructed southwesterly of the portion of the alley to be vacated. They have further offered to record said easement.

A proper provision is incorporated into the vacating resolution protecting the City's interests in the sewer located in the portion of alley to be vacated.

All other City departments and privately-owned utility companies reported that they will be unaffected by the vacation of said portion of alley, or 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 that part of the east-west public alley, 20-foot wide south of Michigan Avenue between 29th Street and the Grand Trunk Railroad, as platted in R. H. Hall's Subdivision of part of P.C. 47, South of Chicago Road as recorded in Liber 2, Page 26 of Plats, Wayne County Records, lying south of and adjoining the South Line of Lots 5 and 6, South of and adjoining the south line of the west 20 feet of lot 4, south of and adjoining the south line of the east 20 feet of lot 7, north of and adjoining the northerly line of lot 13, north of and adjoining the north line of the east 31.25 feet of lot 12 and north of and adjoining the west 2.61 feet of the northerly line of lot 14, all of the above-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