

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-feet 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

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 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 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; and further,

Resolved, That Quit Claim Deed of James Ballas and Fern Ballas, his wife, and Meyer Weingarden and Sons, Inc., a Michigan Corporation, to the City of Detroit, a Municipal Corporation, deeding land for alley purposes, said land being described as "The east ½ of Lot 4 of R. H. Hall's Subdivision of part of Private Claim 47, south of Chicago Road, City of Detroit, Wayne County, Michigan, as recorded in Liber 2, Page 26 of Plats, 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, subject to the following provision:

Provided, That the above-mentioned deed be approved as to form and execution by the Corporation Counsel; and further,

Resolved, That James Ballas and Fern Ballas, his wife, and Meyer Weingarden and Sons, Inc., a Michigan Corporation, grant easement rights to the remaining property owners on the Michigan Avenue frontage over a driveway being described as follows: "All that part of Lots 12 and 13 of R. H. Hall's Subdivision of part of private claim 47, south of Chicago Road, City of Detroit, Wayne County, Michigan, as recorded in Liber 2, Page 26 of Plats, Wayne County Records, described as follows:

Beginning at a point in the northerly line of said Lot 12, which point is 95 feet easterly of the northwesterly corner of said Lot 12; thence southeasterly along a line parallel with the westerly line of said Lot 12 to a point in the southerly line of said Lot 12; thence southwesterly along

the southerly line of said Lot 12 to the southerly terminus of the southerly line of Lot 12; thence southerly along the westerly line of said Lot 13 a distance of 20 feet to a point; thence northeasterly along a line parallel with the southerly line of said Lot 12, to a point which is due south from another point in the northerly line of said Lot 12, which said other point is a distance of 130 feet easterly from the northwesterly corner of said Lot 12; thence due north to the said other point in the northerly line of said Lot 12, which said other point is a distance of 130 feet easterly from the northwesterly corner of said Lot 12; thence westerly along the northerly line of said Lot 12, a distance of 35 feet to the point of beginning"; and further,

Resolved, That the private agreement, hereinabove described, be recorded in the Office of the Register of Deeds for Wayne County; and further,

Resolved, That the recording of said private agreement be paid for by the petitioner.

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 — Your Committee of the Whole referred to this office for investigation and report the petition of Harry Slatkin Builders, Inc., et al, No. 12533, requesting the vacation of the north four feet of the 30-foot east-west alley south of Eight Mile Road and west of Trinity Avenue. The petition was approved by the City Plan Commission in their communication to your Honorable Body of June 20, 1957.

We wish to advise that our investigations are completed.

As per our directive on July 25, 1957, the petitioner paid into the City Treasury the sum of \$50.88, Receipt No. C-3327, credited to the Department of Public Works Maintenance Fund Code No. 143-0000(6241), said amount being the original cost of paving the west ½ of Trinity Avenue at the intersection of the portion of 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 portion of alley.

We recommend the adoption of the attached resolution.

Respectfully submitted,
GLENN C. RICHARDS,
Commissioner.

By Councilman Youngblood:

Resolved, That the north four feet of the 30-foot east-west public alley