

in the block bounded by Sussex, Coyle, Grand River, and Lyndon Avenues.

Your Honorable Body, by resolution on June 11, 1957, authorized the City Engineer to prepare the plans for the construction of the sewer and to prepare also a tentative assessment roll to be transmitted to the City Treasurer for collection of 25 per cent of the estimated cost of the sewer.

On June 28, 1957, a second petition, No. 13018, signed by the same property owners who signed the former petition was presented. The latter petition requests that the proposed improvement be cancelled for the reason that the cost of the improvement in the estimated amount of \$300.00 per lot will be assessed against the abutting properties.

In view of the fact that 83 per cent of the total number of property owners request cancellation of the improvement, we recommend that Petition 13018 be granted, in accordance with the following resolution which we submit for your consideration.

Respectfully submitted,  
GLENN C. RICHARDS,  
Commissioner.

By Councilman Wise:

Resolved, That the resolution of June 11, 1957, authorizing the City Engineer to prepare plans for the reconstruction of an existing inadequate lateral sewer in the block bounded by Sussex, Coyle, Grand River, and Lyndon Avenues be and is hereby rescinded; and be it further

Resolved, That Petition 13018 to cancel the above mentioned improvement be and is hereby granted.

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 11, 1957.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of William J. David, Jr., No. 6945, requesting the vacation of a portion of north-south alley bounded by Conner, Anderdon, Mack and Signet Avenues. The vacation of said alley 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 complete.

As per our directive on July 11, 1957, the petitioner paid into the City Treasury the sum of \$471.92, Receipt No. B-1612, credited to the Public Works Maintenance Fund Code No. 143-0000 (6241), said amount being the original cost of paving the south ½ of Mack Avenue at the intersection of the alley to be vacated.

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 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 Wise:

Resolved, That all that part of the north-south public alley 18 feet wide in the block bounded by Conner, Anderdon, Mack and Signet Avenues, as platted in Assessor's Plat of Hendrie's Private Plat of Conner and Mack Avenues Subdivision of part of Private Claim 322, City of Detroit, Wayne County, Michigan, as recorded in Liber 65, Page 75 of Plats, Wayne County Records, lying east of and adjoining the east line of lots 12 to 17 both inclusive and west of and adjoining the west line of lots 29 to 33 both inclusive 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.

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  $\frac{3}{8}$  of the East  $\frac{1}{2}$  of the northwest  $\frac{1}{4}$  of section 35 and the west 20 acres of the northeast  $\frac{1}{4}$  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.  $44^{\circ} 22' 49''$  E., 365.16 feet to a point in the southeast corner of said lot 553; thence along a line north  $89^{\circ} 41' 30''$  East, 86.00 feet to a point; thence along a line S.  $0^{\circ} 18' 30''$  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  $44^{\circ} 22' 49''$  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  $89^{\circ} 10' 30''$  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  $0^{\circ} 18' 30''$  west 55.00 feet to a point; thence along the northeasterly line of Fitzpatrick Avenue north  $44^{\circ} 22' 49''$  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  $89^{\circ} 10' 30''$  east, 53.66 feet to a point; thence along a line south