

Smith, Van Antwerp, Wise, Youngblood and President Beck—7.
Nays—None.

Department of Public Works
September 12, 1957.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Wayne State University, No. 9721, requesting the vacation of the alleys in the block bounded by Third, Second, Palmer and Ferry Avenues. The petition was approved by the City Plan Commission and 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 the petitioner paid into the City Treasury the sum of \$117.08, Receipt No. C-12345, credited to the Public Works Maintenance Fund Code No. 143-0000(6241), said amount being the original cost of paving the south $\frac{1}{2}$ of Palmer Avenue and the north $\frac{1}{2}$ of Ferry Avenue at the intersection of the alley to be vacated west of Second Avenue.

The petitioner requested that the paved returns at the entrances to the alleys to be vacated remain in their present status as the petitioner plans to utilize same, and has agreed, by letter filed with the original petition, to pay all costs incidental to the removal of the returns at such time in the future as the removal becomes necessary.

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

Proper provisions are incorporated into the vacating resolution protecting the City's interests in the sewers located in the alleys to be vacated.

All other City departments and 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 Lincoln:

Resolved, That all of the north-south public alley, 20 feet wide west of Second Avenue between Palmer and Ferry Avenues, as platted in Block 19 of the Cass Farm Co., Limited Subdivision of Blocks 111, 112, 113, 114, 115, 116, 118 and 119 and part of Block 117, Cass Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 19, Page 35 of Plats Wayne County Records, lying west of and adjoining the west line of lots 1 to 7 both inclusive, east of and adjoining

the east line of lots 8 and 25 and east of and adjoining the east line of the 20-foot east-west public alley lying between lots 8 and 25 all of the above mentioned subdivision.

Also, all that part of the east-west public alley, 20 feet wide, west of Second Avenue between Palmer and Ferry Avenues, as platted in Block 19 of said Cass Farm Co., Limited Subdivision as recorded in Liber 19, Page 35 of Plats Wayne County Records, lying south of and adjoining the south line of lots 8 to 14 both inclusive and north of and adjoining the north line of lots 19 to 25 both inclusive of the above mentioned subdivision.

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, An easement or right-of-way is hereby reserved in and over the vacated alleys heretofore mentioned for the purpose of maintaining, repairing, removing, or replacing the Public Lighting Commissions' facilities located in said alleys;

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 alleys, 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

4) 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

5) 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

6) Provided, That in the event that the sewers located in said alleys, 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 sewers waive all claims for damages to such construction and agree to pay all cost incident to the repair of said broken sewers.

Adopted as follows:

Yeas—Councilmen Lincoln, Rogell,

Smith, Van Antwerp, Wise, Youngblood and President Beck—7.
Nays—None.

Department of Public Works

September 12, 1957.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Wayne State University, No. 9723, requesting the vacation of the alleys in the block bounded by John C. Lodge Expressway, Fourth Avenue, Kirby Avenue, and Reed Place. The petition was approved by the City Plan Commission and 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 the petitioner paid into the City Treasury the sum of \$105.37 Receipt No. 12343, credited to the Public Works Maintenance Fund Code No. 143-0000 (6241), said amount being the original cost of paving the south $\frac{1}{2}$ of Kirby Avenue and the north $\frac{1}{2}$ of Reed Place at the intersection of the alley to be vacated west of Fourth Avenue.

The petitioner requested that the paved alley returns at the entrances to the alleys to be vacated remain in their present status as the petitioner plans to utilize same, and has agreed, by letter filed with the original petition, to pay all costs incidental to the removal of the returns at such time in the future as the removal becomes necessary.

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

Proper provisions are incorporated into the vacating resolution protecting the City's interests in the sewers located in the alleys to be vacated.

All other City departments and 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 Lincoln:

Resolved, That all of the north-south public alley, 15 feet wide, west of Fourth Avenue between Kirby Avenue and Reed Place, the east $\frac{1}{2}$ being platted in Block 33 of the Plat of Albert Crane's Section of the Crane Farm being Blocks 25, 33, 35, 37, 38, 39, 40, 42, 43 and 45 of the Crane Farm as recorded in Liber 1, Page 151 of Plats Wayne County Records, lying west of and adjoining the west line of lots 204 to 208 both inclusive, west

of and adjoining the west line of the south 9.9 feet of lot 203 and west of and adjoining the west line of vacated Mark Street, 25 feet wide, all of the above-mentioned subdivision, the west $\frac{1}{2}$ being platted in the Plat of G. W. Reed's Subdivision of Lot 20 of the Connor Subdivision on the Forsyth Farm, as recorded in Liber 6, Page 38 of Plats Wayne County Records and the Plat of W. P. Reed's Subdivision of the southerly part of Outlot 20 of Connors Subdivision of the Forsyth Farm as recorded in Liber 7, Page 45 of Plats Wayne County Records, lying east of and adjoining the east line of lot 14 of the last mentioned subdivision, east of and adjoining the east line of lot 14, and east of and adjoining the east line of the 15-foot east-west alley lying south of lot 14 of the above-mentioned G. W. Reed's Subdivision.

Also, all that part of the east-west public alley, 15 feet wide, west of Fourth Avenue between Kirby Avenue and Reed Place, as platted in G. W. Reed's Subdivision of Lot 20 of the Connor Subdivision of the Forsyth Farm, as recorded in Liber 6, Page 38 of Plats Wayne County Records, lying south of and adjoining the south line of lots 13 and 14 of the last mentioned subdivision.

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) An easement or right-of-way is hereby reserved in and over the vacated alleys heretofore mentioned for the purpose of maintaining, repairing, removing, or replacing the Public Lighting Commission's facilities located in said alleys;

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 alleys, 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

4) 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 petitioner, their successors, or assigns; and further;