

cently laid pavement of the Grayfield circle. On these lots he plans to erect a ranch-type house. He also plans to erect a retaining wall along his east line to keep out flood waters of the Rouge.

After receiving assurance from several city departments that his plans were feasible, Mr. Koviak has made a commitment to sell his home, with 90-day vacation limit, and has made preliminary arrangements to fill the low ground and build the new house. When the matter was brought to the attention of Assistant City Engineer Clyde Palmer, he immediately recognized the unfavorable aspects of the situation from the standpoint of flood control.

For many years the City has been acquiring Rouge Valley property for flood control purposes and has been discouraging the filling of private property in the flood plain. To permit this filling would be contrary to past City Policy. In 1954 the City acquired by condemnation lots 90 to 104 just north of Mr. Koviak's lots but for some unknown reason lots 111 and 112 were not included in the condemnation suit.

The over-all problem of Rouge River channel improvements is now very much alive with the Corps of Engineers making detailed studies for presentation to the Congress. At this time it is not possible to accurately delineate the ultimate channel but it appears probable that the major portion of these two lots will be necessary for the new channel. If Mr. Koviak makes his improvements now, the City would be obliged to pay for such improvements in a later condemnation. On the other hand, the City cannot legally withhold the rights of a property owner to develop his property on the premise that some day the property might be needed for flood control.

After carefully considering the matter from all angles, it is therefore my recommendation that the City take steps at once to acquire these two lots by condemnation for flood control purposes. A resolution to start this action accompanies, for your consideration.

Respectfully submitted,
GLENN C. RICHARDS,
Commissioner.

By Councilman Rogell:

Resolved, That the Corporation Counsel be and is hereby authorized and directed to acquire by condemnation as quickly as possible Lots 111 and 112 in the Glenbrook Subdivision near Grayfield and Margareta for the purpose of flood control of the Rouge River.

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—Your Committee of the Whole referred to this office for investigation and report, the petition of the Wayne State University No. 9722, requesting the vacation of a portion of alley north of Palmer Avenue and west of Second Avenue. The petition was approved by the City Plan Commission in their communication to your Honorable Body.

We wish to advise that our investigations are completed.

As per our directive the petitioner paid into the City Treasury the sum of \$56.84, Receipt No. C-12344, credited to the Public Works Maintenance Fund Code No. 143-0000 (6241), said amount being the original cost of paving the north ½ of Palmer Avenue at the intersection of the alley to be vacated west of Second Avenue.

The petitioner requested that the paved alley return at the entrance to the alley to be vacated remain in its 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 return at such time in the future as the removal becomes necessary.

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 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 that part of the north-south public alley, 20 feet wide, north of Palmer Avenue and west of Second Avenue as platted in Block 18 of 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 3 both inclusive, west of and adjoining the west line of the south 21 feet of lot 4 and east of and adjoining the east line of lot 25 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.

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. 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,