

cated in the alley to be vacated first easterly of Rouge Avenue.

We are in receipt of a Quit Claim Deed wherein the petitioners dedicate land to the City of Detroit for alley purposes in accordance with the City Plan Commission's recommendation. Said deed was approved as to form and execution by the Corporation Counsel and as to description by the City Engineer and it is attached hereto for your Honorable Body's acceptance.

All other City departments and privately owned utility companies reported that they will be unaffected by the vacation of said street and alleys 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 Wise:

Resolved, That all of Rouge Avenue, 60 feet wide, between Ormond and Sanders Avenue as platted in G. W. Zanger's Oakwood Subdivision of Part of Private Claims 667 and 37, Village of Oakwood, Wayne County, Michigan, as recorded in Liber 43, Page 40 of Plats, Wayne County Records lying easterly of and adjoining the easterly line of Lots 332 to 365 both inclusive and westerly of and adjoining the westerly line of Lots 412 to 445 both inclusive of the above-mentioned subdivision.

Also all that part of the north-south public alley, 20 feet wide, northerly of Sanders Avenue between Fordson and Rouge Avenues as platted in said G. W. Zanger's Oakwood Subdivision as recorded in Liber 43, Page 40 of Plats, Wayne County Records lying easterly of and adjoining the easterly line of Lots 271 to 306 both inclusive and westerly of and adjoining the westerly line of Lots 332 to 355 both inclusive of the above-mentioned subdivision.

Be and the same are hereby vacated as a public street and alley to become a part and parcel of the adjoining property; and further.

Resolved, That all of the north-south public alley, 10 feet wide, easterly of Rouge Avenue between Ormond and Sanders Avenues as platted in said G. W. Zanger's Oakwood Subdivision as recorded in Liber 43, Page 40 of Plats, Wayne County Records lying easterly of and adjoining the easterly line of Lots 412 to 445 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:

Provided, That by reason of the

vacation of the above-described alleys 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 sewers to repair, alter, or service same; and further

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

Provided, That no building 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

Provided, That in the event that the sewers 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 sewers, 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 the petitioners to the City of Detroit, a Municipal Corporation, dedicating land for alley purposes, said land being described as "Lot 270 of G. W. Zanger's Oakwood Subdivision of part of Private Claims 667 and 37, Village of Oakwood, Wayne County, Michigan, as recorded in Liber 43, Page 40 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.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—9.  
Nays—None.

Department of Public Works  
November 3, 1958

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Irving Fox, et al, No. 1904, requesting the vacation of Bellevue Avenue between East Grand Boulevard and Palmer Avenue. The vacation of said street 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 the petitioners paid into the City Treasury the sum of \$877.61, Receipt No. B-18921, credited to the Street 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 Bellevue Avenue to be vacated.

An easement is reserved in the vacating resolution for the Department of Water Supply for the maintenance of its water mains located in Bellevue Avenue to be vacated.

The Fire Department agreed to the retention of a fire hydrant within the vacated street as per the petitioners request on the condition that free and unobstructed use thereof may be had at all times.

The Department of Public Works requested that the paved returns into the vacated street to be removed and straight curbing and sidewalks constructed incident to such removal. The petitioners expressed their desire to use said street returns in connection with a parking lot, and have 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.

All other City Departments and privately owned utility companies reported that they will be unaffected by the vacation of said street 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 Wise:

Resolved, That all of Bellevue Avenue, 70 feet wide, between East Grand Boulevard and Palmer Avenue, as platted in Packard Motor Car Company's Subdivision of part of Lots 9 to 14 both inclusive and part of Lots 5 and 6 of Subdivision of Rear Concession of P.C. 19 also part of Lots 9 and 10 of Subdivision of P.C. 573 and also part of Fractional Section 28, T.1S., R.12E., City of Detroit, Wayne County, Michigan as recorded in Liber 39, Page 85 of Plats Wayne County Records, lying east of and adjoining the east line of Lot 4 and west of and adjoining the west line of Lot 5 of the above-mentioned subdivision, be and the same is hereby vacated as a public street 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 Bellevue Avenue, 70 feet wide, for the purpose of maintaining, repairing, removing or replacing the water mains located in said street.

2) No building or structure of any nature whatsoever shall be constructed over said easement unless prior approval is obtained from the Department of Water Supply.

3) An easement or right-of-way is hereby reserved for the Fire Department of sufficient width to readily allow access by the largest Fire Department pumping engine to the fire hydrant located in said vacated Bellevue Avenue.

4) That the fire hydrant be protected from vehicular damage by the installation of steel guard posts constructed by the petitioners at the petitioners own expense.

5) If the street returns into vacated Bellevue Avenue are subsequently removed at the request of the City of Detroit or the petitioners, cost of said removal will be borne by the petitioners, their heirs, successors or assigns.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—9.  
Nays—None.

#### Department of Public Works

October 31, 1958.

Honorable Common Council:

Gentlemen—We have again checked the petitions of Francis J. Dalton, No. 2345, and Lucien Welles, No. 2348, requesting permission to construct and maintain garage and side drive encroaching into the easements in the side or rear of their properties.

On October 7, 1958, J.C.C. Page 2108, your Honorable Body granted the above named petitioners permission to maintain their garages encroaching into the easements. Subsequently, both Mr. Dalton and Mr. Wells submitted another petition requesting permission to construct a portion or their side drives encroaching into the easements at the side of their properties.

Under the provisions of your Honorable Body's resolution establishing a policy on encroachments into easements, it becomes necessary for this office to recommend a denial of the petitioners' requests.

Since your Honorable Body has already granted permission to the petitioners to maintain garage encroachments into the easements, we feel that no undue harm could result from granting the petitioners' subsequent request.

If your Honorable Body desires to grant the petitioners' request, an appropriate resolution to that effect is attached.

Respectfully submitted,  
GLENN C. RICHARDS,  
Commissioner.

By Councilman Wise:

Resolved, That subject to the provisions below, the Department of Pub-