

We wish to advise that our investigations are completed.

Proper provisions are incorporated into the vacating resolution protecting the City's interests in the sewers located in 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 alley or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

We recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS  
Commissioner

By Councilman Smith:

Resolved, That all that part of the east-west public alley, 16 feet wide, east of Russell Street and north of Caniff Avenue as platted in Oak Park Adolph Sloman's Subdivision of a portion of  $\frac{1}{4}$  Section 23, 10,000 A. T. Hamtramck, Wayne County, Michigan as recorded in Liber 13, Page 34 of Plats Wayne County Records, lying north of and adjoining the north line of lots 63 to 66 both inclusive and south of and adjoining the south line of lots 83 to 86 both inclusive 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 sewers, 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 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

4. Provided, That in the event that the sewer 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 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 Carey, Connor, Lincoln, Patrick, Rogell, Smith, Wise and President Beck—8.

Nays—None.

#### Reconsideration

Councilman Wise moved to reconsider the vote by which the resolution was adopted.

Councilman Rogell moved to suspend Rule 23 for the purpose of indefinitely postponing the motion to reconsider, which motion prevailed as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Wise and President Beck—8.

Nays—None.

Councilman Connor then moved that the motion to reconsider be indefinitely postponed, which motion prevailed.

The regular order was resumed.

#### Department of Public Works

August 31, 1959.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report petitions requesting the conversion into easement of the alleys described in the attached resolution.

The conversion of the alleys into easements was approved by the City Plan Commission at an earlier date.

We wish to advise that our investigations are completed. In reply to our inquiries, all City departments and privately owned utility companies reported that they will be unaffected by the changes or that they have no objections to the conversion of the alleys into easements provided that proper provisions are incorporated into the vacating resolution protecting their interests in the installations located in the alleys.

We recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,  
Commissioner.

By Councilman Smith:

Resolved, That all that part of the north-south public alley, 20 feet wide, south of Pfent Avenue and east of Schoenherr Avenue, as platted in Maple View Park Subdivision of part of the W.  $\frac{1}{2}$  of S.W.  $\frac{1}{4}$  Section 1, T. 1 S., R. 12 E., Gratiot Township, Detroit, Wayne County, Michigan, as recorded in Liber 51, Page 76 of Plats Wayne County Records, lying east of and adjoining the east line of Lots 68 to 72 both inclusive, east of and adjoining the east line of the north 11 feet of Lot 67 and west of and adjoining the west line of Lot 102 of the above mentioned subdivision. (Camillo B. Tress, et al No. 4325)

Also all that part of the north-south public alley, 20 feet wide, north of Rossini Drive and west of Regent Drive, as platted in Drennan and Seldon's Regent Park Subdivision of N.E. ¼ of N.W. ¼ of Section 6, T. 1 S., R. 13 E., Detroit, Wayne County, Michigan, as recorded in Liber 53, Page 72 of Plats Wayne County Records lying east of and adjoining the east line of Lot 1475 and west of and adjoining the west line of Lots 1374 to 1379 both inclusive and west of and adjoining the west line of the south 1 foot of Lot 1373 all of the above mentioned subdivision. (E. H. Benke, et al 4466)

Be and the same are vacated as public alleys and are hereby converted into public easements of the full width of the alleys, which easements shall be subject to the following covenants and agreements, uses, reservations and regulations which shall be observed by the owners of the lots abutting on said alleys and by their grantees and assigns, and their heirs, executors, administrators, and assigns forever, to-wit:

First, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public alleys hereinabove described for the purpose of installing, maintaining, repairing, removing or replacing any sewer, conduit, telephone, telegraph, electric light or other poles or things usually placed or installed in a public alley in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purposes above set forth:

Second, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built or placed upon said easements:

Third, that if at any time in the future the owners of any lots abutting on said vacated alleys shall request the removal and or relocation of any existing poles or other utilities in said easements, such owners upon whose property the poles or other utilities are located shall pay all costs incident to such removal and/or relocation, unless such charges are waived by the utility owners.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Wise and President Beck—8.

Nays—None.

Department of Public Works

July 22, 1959

Honorable Common Council:  
Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petitions of David E. Crockett, No. 4541; R. H.

Johnson, No. 4595; John C. McBride, No. 4544; and Jay C. Beaumont, No. 4231; requesting permission to construct or maintain garages and/or patios encroaching into the easements in the rear of their lots. The petitions were investigated by this office and our findings are as follows:

In each of the above cases the petitioner's lots have six-foot easements in the rear of the lots. The depth of the lots range from 100 feet to 135 feet, which dimension includes the easement in the rear of the lots. There are other garage encroachments in each of the blocks affected by these petitions.

Under the provisions of your Honorable Body's resolution establishing a policy on garage encroachments, it becomes necessary for this office to recommend a denial of the petitioner's requests. In the event your Honorable Body determines that the above described conditions warrant the allowance of the encroachments, a resolution granting the petitions is attached.

Respectfully submitted,

GLENN C. RICHARDS,  
Commissioner

By Councilman Smith:

Resolved, That subject to the provisions below, the Department of Public Works is hereby authorized and directed to issue permit to:

David E. Crockett (4541) to maintain a garage encroachment of 1.5 feet into the 6-foot easement in the rear of Lot 251 of Stollman Subdivision No. 3, located on the east side of Burgess Avenue, south of Vassar Avenue, commonly known as 19314 Burgess Avenue.

R. H. Johnson (4595) to construct a garage to encroach 3 feet into the 6-foot easement in the rear of Lot 73 of Evergreen Manor Subdivision, located on the east side of Heyden Avenue north of Grove Avenue, commonly known as 16850 Heyden Avenue.

John C. McBride (4544) to maintain a garage encroachment of 1.5 feet into the 6-foot easement in the rear of Lot 249 of Stollman Subdivision No. 3, located on the east side of Burgess Avenue south of Vassar Avenue, commonly known as 19300 Burgess Avenue.

Jay C. Beaumont (4231) to construct a garage to encroach 3 feet into the 6-foot easement in the rear of Lot 151 of East Detroit Development Co. Subdivision No. 1, located on the east side of Bedford Avenue north of Brunswick Avenue commonly known as 3636 Bedford Avenue.

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded, by and at the permittee's expense in the Office of the Register of Deeds for Wayne County, and further