

By Councilman Carey:

Resolved, That the additional work, as described and for the reasons stated in the foregoing communication, be and is hereby added as an extra to Contract PW-2375, Paving of Concrete Sidewalks and Driveways in District FEE, in the amount of \$1,935.90 and to Contract PW-2376, Paving of Concrete Sidewalks and Driveways in District GGW in the amount of \$1,613.25; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to honor vouchers when presented covering the cost of such additional work and charge them to Account 918-2143-371.

Adopted as follows:

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

Nays—None.

Department of Public Works

January 13, 1959.

Honorable Common Council:

Gentlemen — Submitted herewith for confirmation are contracts entered into as authorized and directed by your formal proceedings dated 12-9-58:

ZO-32, Refrigeration System Improvement — Commissary Building, Midwest Maintenance, Inc.

Respectfully submitted,

M. F. WAGNITZ,
City Engineer.

By Councilman Smith:

Resolved, That contracts as listed in the foregoing communication be and the same are hereby confirmed.

Adopted as follows:

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

Nays—None.

Reconsideration

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

The regular order was resumed.

Department of Public Works

January 9, 1959.

Honorable Common Council:

Gentlemen — Your Committee of the Whole referred to this office for investigation and report petitions requesting the conversion into ease-

ments 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 objection 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 Wise:

Resolved, That all of the north-south public alley, 20 feet wide, in the block bounded by Cooley, Fargo, Lahser, and Pembroke Avenues as platted in Herbert J. Wilson's Lahser Homes Subdivision of part of S.E. ¼ of N.E. ¼ of Section 4, T. 1 S., R. 10 E., Redford Twp., Michigan, as recorded in Liber 54, Page 17 of Plats, Wayne County Records, lying east of and adjoining the east line of Lots 14 to 22, both inclusive, east of and adjoining the east line of Lot 11, east of and adjoining the east line of the 20-foot easement lying between Lots 11 and 14, and west of and adjoining the west line of Lots 1 to 10, both inclusive, all of the last-mentioned subdivision. (Tim Hutcherson Sr., et al, 2684).

Also, all that part of the east-west public alley, 18 feet wide, west of University Avenue and south of Chandler Park Drive as platted in Marseilles Park Subdivision of Lot 53 of Plat of addition to Rivard Park Subdivision of Private Claims 229 and 458, City of Detroit, Wayne County, Michigan, as recorded in Liber 59, Page 80 of Plats, Wayne County Records, lying north of and adjoining the north line of the west 45 feet of Lot 55 and south of and adjoining the south line of Lot 58 of the above-mentioned subdivision. (Charles Brookins, et al, 1990).

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

January 12, 1959.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Archdiocese of Detroit, No. 2927, requesting the vacation of east-west public alley and a portion of the north-south public alley east of Dwyer between Robinwood Avenue and Seven Mile Road East. The vacation of this alley was approved by the City Plan Commission with the recommendation that the petitioner dedicate sufficient land to provide a new 20-foot alley outlet into Dwyer Avenue. The petition 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 and they disclose the following City department to be affected by the vacation of said alleys.

Department of Public Works: The petitioner on January 7, 1959, deposited with the Permit Division of the Department of Public Works the sum of \$1,500.00, Receipt No. 4.R.1764, said amount being the estimated cost of removing the paved alley return to the entrance of the alley to be vacated, constructing straight curb and sidewalk incident to such removal, installing paved alley returns for the newly dedicated alley, and stoning and grading the surface of the newly dedicated alley.

Proper provisions are incorporated

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

We are in receipt of a Quit Claim deed from the petitioner to the City of Detroit deeding land for alley purposes in accordance with the City Plan Commission's recommendation. Said deed was approved by the Corporation Counsel as to form and execution and as to the description by the City Engineer and is attached 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 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 Wise:

Resolved, That all of the east-west public alley, 20 feet wide, east of Dwyer Avenue between Robinwood Avenue and Seven Mile Road East, which alley was deeded to the City of Detroit on April 6, 1954, J.C.C. Page 799, said alley being in fact the north 20 feet of lot 245, of Kern Heights, Louis N. Hilsendegens Subdivision of part of the N.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Section 9, T. 1 S., R. 12 E., Hamtramck Township, Wayne County Michigan, as recorded in Liber 36, Page 24 of Plats of Wayne County Records.

Also all that part of the north-south public alley 20 feet wide, east of Dwyer Avenue between Robinwood Avenue and Seven Mile Road East, as platted in said Kern Heights, Louis N. Hilsendegens Subdivision, lying east of and adjoining the east line of the north 15 feet of lot 243, and east of and adjoining the east line of lots 244 and 245 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, 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

2. 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, routed 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