

Adopted as follows:

Yeas—Councilmen Carey, Connor, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—8.  
Nays—None.

**Department of Public Works**

September 2, 1959.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Louis E. Neuder, et al, No. 10759, requesting the vacation of the east-west public alley in the block bounded by St. Anne, 18th, Jefferson and Fort Street. the vacation of said alley was approved by the City Plan Commission, and 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.

As per our directive, the petitioner paid into the City Treasury the sum of \$207.33, Receipt No. B-2781, credited to the Public Works Maintenance Fund Code No. 143-6241, said amount being the original cost of paving the east one-half of St. Anne Street and the west one-half of 18th Street at the intersections of the alley to be vacated.

The petitioner requested that the paved alley returns at the entrances to the alley 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.

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

The Michigan Bell Telephone Company requested that an easement be retained for the full width of the alley to be vacated and that the petitioner provide a key for the Michigan Bell Telephone Company if a gate is put up across the entrances of said alley.

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 Connor:

Resolved, That all that part of the east-west public alley, 20 feet wide, east of St Anne Avenue between Fort Street and Jefferson Avenue as platted in the Plat of Loranger's Subdivision of part of the Loranger Farm south of

Fort Street being part of P.C.'s 338 and 474 as recorded in Liber 1, Page 130 of Plats Wayne County Records lying south of and adjoining the south line of Lots 5 to 8 both inclusive, south of and adjoining the 20 foot vacated alley lying east of said lot 8, north of and adjoining the north line of Lots 13 to 16 both inclusive, and north of and adjoining the north line of the 20 foot vacated alley lying east of said Lot 16 all of the above mentioned subdivision.

Also all that part of the east-west public alley, 20 feet wide, west of 18th Street between Fort Street and Jefferson Avenue as platted in the Plat of Subdivision of Part of Private Claim 473 known as the Stanton Farm, as recorded in Liber 47, Pages 558 and 559 of Deeds Wayne County Records lying north of and adjoining the north line of Lots 8 to 12, both inclusive, and south of and adjoining the south line of Lots 13 to 17, both inclusive of the last 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 sewer, 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 buildings 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 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 sewer, 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 an easement of the full width of the alley be reserved for the Michigan Bell Telephone Company and that a key be made available to said company if a gate is put up across the entrances of said vacated alley; and further

Resolved, That at any time in the future the removal of the paved alley returns to the entrances of said vacated alley becomes necessary, the entire cost of such removal shall be paid by the petitioners, their heirs, executors, administrators and assigns.

Adopted as follows:

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

Nays—None.

#### Department of Public Works

September 3, 1959.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Ace Wiping Cloth Company, et al, No. 4465, requesting the vacation of a portion of the north-south public alley south of Majestic between Central and Bryden Avenues. The vacation of said alley was approved by the City Plan Commission with the recommendation that the petitioner dedicates to the City a new alley outlet into Bryden 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.

As per our directive the petitioner deposited with the Permit Division of the Department of Public Works, the sum of \$712.00, Receipt No. GR-2968, said amount being the estimated cost to construct 120 square feet of 4-inch sidewalk at Majestic Avenue, construct alley return at entrance of the newly deeded alley, and to stone and grade the newly deeded alley.

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

We are in receipt of a Warranty Deed from the petitioner to the City of Detroit deeding land for a new alley outlet 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 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 alley or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

We recommend the adoption of the attached resolution.

GLENN C. RICHARDS,  
Commissioner,

By Councilman Patrick:

Resolved, That all that part of the

north-south public alley, 18 feet wide, south of Majestic and east of Central Avenues as platted in Forys Subdivision of Lot 10 of Fox and Quinn Subdivision of West 49 acres of S.E. ¼ of Section 4, T. 2 S., R. 11 E., City of Detroit, Wayne County, Michigan as recorded in Liber 45, Page 32 of Plats, Wayne County Records, lying east of and adjoining the east line of Lots 1 and 2 and lying west of and adjoining the west line of Lots 5 and 6, 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 sewer, 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 buildings 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 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 sewer, 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 Warranty Deed of Ace Wiping Cloth Company, to the City of Detroit deeding land for alley purposes, said land being described as: "The south 20.00 feet of Lot 10 of Makowski Subdivision of Lot 9 of Fox and Quinn Subdivision of westerly 49 Acres of S.E. ¼ of Section 4, T. 2 S., R. 11 E., City of Detroit, Wayne County, Michigan as recorded in Liber 45, Page 11 of Plats, Wayne County Records," be and the same is hereby accepted and the City Controller 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,