

construct cement or concrete sidewalks, crosswalks, or driveways, and in default thereof by them the Department of Public Works proceed to construct or reconstruct such sidewalks, crosswalks or driveways.

Adopted as follows:

Yeas — Councilmen Carey, Connor, Patrick, Rogell, Smith, Wise and President Pro Tem Van Antwerp—7.

Nays—None.

#### Public Works

April 29, 1959,

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Risdon Brothers, Inc., No. 3188, requesting the vacation of the north - south and east - west public alleys south of Risdon Avenue between Roosevelt and Twenty-fourth Street. The vacation of said alleys 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 \$192.05, Receipt No. B-38637, credited to the Public Works Maintenance Fund Code 143-6241, said amount being the original cost of paving the south one-half of Risdon Street and the east one-half of Roosevelt Avenue at the intersections of the alleys to be vacated.

The petitioner requested that the paved alley 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.

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 Rogell:

Resolved, That all of the north-south public alley, 7.85 feet wide, east of Roosevelt Avenue and south of Risdon Street as platted in Grosfield and Schulte's Subdivision of the east part of P.C. 78 between Michigan Avenue and M.C.R.R., City of Detroit, Wayne County, Michigan, as recorded in Liber 10, Page 90 of Plats, Wayne

County Records, lying east of and adjoining the east line of Lots 136 to 146 both inclusive and east of and adjoining the east line of the north 18 feet of Lot 147 all of the above mentioned subdivision.

Also, all of the east-west public alley, 18 feet wide, west of Roosevelt Avenue and south of Risdon Street, which alley was deeded to the City of Detroit, said deed having been accepted by the Common Council of the City of Detroit on December 20, 1910, J.C.C. Page 1864, and which alley is in fact the north 18 feet of Lot 147 of Grosfield and Schulte's Subdivision of the east part of P.C. 78 between Michigan Avenue and M.C.R.R., City of Detroit, Wayne County, Michigan, as recorded in Liber 10, Page 90 of Plats, Wayne County Records.

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 reasons 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, 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 sewers 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 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 costs incidental to the repair of said broken sewers; and further

Resolved, That at any time in the future the removal of the paved alley returns becomes necessary, the entire cost of such removal shall be paid by Risdon Brothers, Inc., their heirs, executors, administrators and assigns.

Adopted as follows:

Yeas — Councilmen Carey, Connor,

Patrick, Rogell, Smith, Wise and President Pro Tem Van Antwerp—7.  
Nays—None.

**Department of Public Works**

April 28, 1959

Honorable Common Council:

Gentlemen—Your Committee of the Whole has referred to this office for investigation and report the petitions listed hereinbelow, wherein petitioners' request permission to construct or maintain garage to encroach into easements in the rear of their lots.

The petitions were investigated by this office, and we find that granting same will not be detrimental to the interests of the City.

An appropriate resolution granting petitioners' requests is attached for your Honorable Body's adoption.

Respectfully submitted,  
GLENN C. RICHARDS,  
Commissioner

By Councilman Rogell:

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

Bruno Costa (3693), to construct a garage encroaching 4 feet into the 10 foot easement in the rear of Lots 80, 81, and 82 of Evergreen Gardens Subdivision located on the east side of Evergreen Avenue between Hessel and Eight Mile Road, commonly known as 20520 Evergreen Avenue.

Russell Enlund (3845), to maintain a garage encroaching 3 feet into the 9 foot easement in the rear of Lot 280 of Chavey's Schoolcraft Subdivision No. 1, located on the west side of Evergreen Avenue, north of Kendall Avenue, commonly known as 14119 Evergreen 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

Provided, That no right in the public easement shall be considered waived by this permission which is granted expressly on the condition that the garage, driveway, building and all obstructions in connection therewith shall be removed at the expense of the grantee at any time when so directed by the Common Council, and further

Provided, If at any time in the future it becomes necessary to repair or replace the sewers or other utilities located or to be located in said easement, by the acceptance of this permission, the owners for themselves, their heirs and assigns waive claim for any damages to the encroaching installations and agree to pay the cost incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the Department

of Public Works at the owner's expense, and further

Provided, That this resolution is revocable at the will, whim or caprice of the Common Council, and the grantees by the acceptance of this permission, waive any right to claim damage or compensation for any driveways or structures constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges, not expressly stated herein.

Adopted as follows:

Yeas — Councilmen Carey, Connor, Patrick, Rogell, Smith, Wise and President Pro Tem Van Antwerp—7.

Nays—None.

**Department of Public Works**

April 30, 1959

Honorable Common Council:

Gentlemen — Speedway Petroleum Corporation has presented the Department of Public Works with a question as to the need for a permit covering the spur track crossings over Patricia, west of Stocker and the alley west of Stocker, south of Patricia inasmuch as they believe same to be on vacated property.

Please be advised that Journal of the Common Council of December 14, 1954 verifies these vacations on pages 2924 and 2925.

Accordingly, it is the recommendation of this Department that the following resolution be adopted:

Respectfully submitted,  
GLENN C. RICHARDS,  
Commissioner.

By Councilman Rogell:

Resolved, That petition No. 2696 of the Speedway Petroleum Corporation as approved July 25, 1950 and recorded on page 2160 of that Journal of the Common Council be amended to read maintain one spur track with three crossings; namely, across vacated Patricia, west of Stocker, then across Stocker and the vacated alley west of Stocker, south of vacated Patricia, north of and connecting the Michigan Central Railroad.

Be It Further Resolved, That the Department of Public Works is authorized and directed to reduce permit No. 9-207 to a charge of \$25.00 for the spur track crossing over Stocker Street.

Adopted as follows:

Yeas — Councilmen Carey, Connor, Patrick, Rogell, Smith, Wise and President Pro Tem Van Antwerp—7.

Nays—None.

**Department of Public Works**

May 1, 1959

Honorable Common Council:

Gentlemen—Congress is now holding hearings on amendments to the Federal Aid Highway Act. I have been asked to represent the American