

Adopted as follows:
Yeas — Councilmen Carey, Lincoln, Rogell, Smith, Van Antwerp, Wise and President Beck—7.
Nays—None.

Public Works

July 22, 1959

Honorable Common Council:
Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petitions listed hereinbelow, wherein petitioners request permission to construct or maintain garage and/or side drive encroachments in the easements in the rear or side of their property.

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 listed below the Department of Public Works is hereby authorized and directed to issue permit to:

George McMillan (4233) to construct a garage to encroach 3 feet into the 9-foot easement in the rear of Lot 74 of Plymouth Park Subdivision, located on the west side of Terry Avenue north of Westfield Avenue, commonly known as 9329 Terry Avenue.

Harold Alvis (4389), to construct a garage to encroach 4 feet into the 10-foot easement in the rear of Lot 76 of Evergreen Gardens Subdivision, located on the east side of Evergreen Avenue north of Hessel Avenue, commonly known as 20540 Evergreen Avenue.

George Gabarino (4391), to construct a garage to encroach 4 feet into the 10-foot easement in the rear of Lot 1399, the south 7 feet of 1400 and the north 15 feet of 1398 of Drennan and Seldon's Regent Park Subdivision No. 3, located on the north side of State Fair Avenue west of Regent Drive, commonly known as 14161 East State Fair Avenue.

John A. Kunath (4693), to construct a side drive to encroach 9 feet into the 10-foot easement at the south side of Lot 54 of Owna Home Subdivision, located on the east side of Albion Avenue north of Greiner Avenue, commonly known as 18025 Albion Avenue.

Eddie and Dorothy Glicken (4482) to construct a garage encroaching 4 feet into the 10-foot easement in the rear of Lots 85 and 86 and the south 4 feet of 84 of Evergreen Gardens Subdivision located on the east side of Evergreen Avenue north of Hessel Avenue, commonly known as 20500 Evergreen Avenue.

Sam Cohen (4670), to construct a side drive encroaching 10 feet into the 10-foot easement at the south side of the south 40 feet of Lots 78 and 79 of Hitchman's Little Farms Subdivision, located on the west side of Lenore Avenue south of McNichols Road, commonly known as 16935 Lenore Avenue.

Leon Halpern (4543) to construct a garage encroaching 1.5 feet into the 9-foot easement in the rear of Lot 917 of San Bernardo Park Subdivision No. 3, located on the east side of Lauder Avenue north of Pembroke Avenue, commonly known as 19950 Lauder 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 claims for any damages to the encroaching installations and agree to pay the costs 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 owners' 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 damages 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, Lincoln, Rogell, Smith, Van Antwerp, Wise and President Beck—7.

Nays—None.

Public Works

July 21, 1959

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Frank Messana, et al, No. 3982, requesting the vacation of a portion of the north-south public alley east of John R Street and south of Seven Mile Road. 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.

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 installations therein.

We recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,
Commissioner

By Councilman Rogell:

Resolved, That all that part of the north-south public alley, 20 feet wide, south of Seven Mile Road and east of John R Street, as platted in Blanck and Gargaro Company, Incorporated Subdivision of part of the N.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ Section 12 T. 1 S., R. 11 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 62, Page 71 of Plats, Wayne County Records, lying east of and adjoining the east line of Lots 8 to 9 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 ac-

ceptance 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, Lincoln, Rogell, Smith, Van Antwerp, Wise and President Beck—7.

Nays—None.

Public Works

July 21, 1959.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of J. J. Barney, et al No. 769, requesting the vacation of portions of alleys south of Davison Avenue east of Syracuse Avenue. The vacation of said alleys was approved by the City Plan Commission with the recommendation that the petitioner dedicates to the City a new alley outlet into Syracuse 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 paid into the City Treasury the sum of \$75.43, Receipt No. C-939, credited to the Public Works Maintenance Fund Code No. 143-6241, said amount being the original cost of paving the east half of Syracuse Avenue at the intersection of the alley to be vacated south of Davison Avenue.

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

The petitioner requested that the paved alley return at the entrance to the alley to be vacated remain in its 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 alley return at such time in the future as the removal becomes necessary.

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 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.