

Department of Public Works

August 10, 1959.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Crown Packing Company, et al. No. 4033, requesting the vacation of the north-south public alley first east of Orleans Street between Wilkins and Brewster Streets. The vacation of said alley was approved by the City Plan Commission and 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 City Treasurer, the sum of \$249.57, Receipt No. A-7843, credited to the Street Maintenance Fund Code No. 143-6241, said amount being the original cost of paving the south ½ of Wilkins Street and the north ½ of Brewster Street at the intersection of the alley to be vacated.

The petitioner requested that the paved alley return at the entrance of the alley to be vacated, at Brewster Street, 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 return 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 sewer located in the above-mentioned 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 Wise:

Resolved, That all of the north-south public alley, 16 feet wide east of Orleans Street between Wilkins and Brewster Streets, said alley being in fact the west 16 of Plat of part of Outlot 7 of the Dequindre Farm as recorded in Liber 16, Pages 189, 230 and 243 of City Records and more particularly described as lying east of and adjoining the east line of Lot 13 to 16 both inclusive and east of and adjoining the east line of the south 20 feet of Lot 17 of Lingeman's Subdivision of part of Outlot 7 Dequindre Farm as recorded in Liber 1, Page 240 of Plats Wayne County Records said alley being a portion of public alley condemned and confirmed by Court on March 14, 1870.

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 in 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 at any time in the future the removal of the paved alley return at the entrance of the vacated alley becomes necessary, the entire cost of such removal shall be paid by the Crown Packing Company, their heirs, executors, administrators and assigns.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—9.
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, Van Antwerp, Wise and President Beck—9.
Nays—None.

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

The regular order was resumed.