

August 23

1960

Rogell, Smith, Van Antwerp, Wise and President Beck—7.  
Nays—None.

**Reconsideration**  
Councilman Van Antwerp 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, Rogell, Smith, Van Antwerp, Wise and President Beck—7.  
Nays—None.

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

The regular order was resumed.

### Department of Public Works

August 19, 1960.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of Max Levin, No. 7929, requesting permission to construct a garage encroaching into the easement in the rear of his lot.

Investigation of Mr. Levin's property discloses a six-foot easement in the rear of his lot. The depth of his lot is 115 feet which dimension includes the easement in the rear of the lot. The total distance from the rear of the house to the rear lot line is 31 feet. In order to give Mr. Levin just 10 feet of yard between his proposed garage and the rear of his house, he would have to encroach 5 feet into the 6-foot easement in the rear of the lot.

Sewers and utility poles are located on the opposite side of Mr. Levin's rear lot line and the garage on the opposite side of his lot is set back approximately 15 feet enabling easy access to above mentioned utilities. There are other encroachments in the block ranging from 3 to 4 feet.

We find that granting the petitioner's request would cause no undo harm to the interests of the City and an appropriate resolution granting same is attached for your Honorable Body's adoption.

Respectfully submitted,

GLENN C. RICHARDS,  
Commissioner.

By Councilman Smith:

Resolved, That the Department of Public Works is hereby authorized and directed to issue permit to Max Levin, No. 7929, to construct a garage encroaching 5 feet into the 6-foot easement in the rear of Lot 154 of Estes Park Subdivision, located on the west side of Heyden Avenue, north as Midland Avenue, commonly known as 15723 Heyden Avenue; and further

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 directly 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, Connor, Rogell, Smith, Van Antwerp, Wise and President Beck—7.  
Nays—None.

### Department of Public Works

August 19, 1960.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Fruehauf Trailer Company, No. 7339, requesting the vacation of Dry Dock Street between Pelham and Swain Avenue.

The vacation of said street 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 deposited with the City Treasurer the sum of \$566.22, Receipt No. B-11345, credited to the Public Works Maintenance Fund Code No. 143-6241, said amount being the original cost of paving the west one-half of Swain Avenue at the intersection of the street to be vacated.

The petitioner deposited with the Permit Division of the Department of Public Works the sum of \$900.00.

Receipt No. GR-4774, said amount being the estimated cost of removing paved returns, adjusting curb and walk and backfilling where necessary.

The petitioner deposited with the City Treasurer the sum of \$950.00, Receipt No. B-4941, credited to the Detroit Fire Department Fund Code No. 990-9406, said amount being the estimated cost of relocating one fire hydrant located on Dry Dock Street at the northeast corner of Pelham Avenue.

The petitioner also deposited with the City Treasurer the sum of \$810.00, Receipt No. B-11344, credited to the Public Lighting Commission Fund Code No. 990-9423, said amount being the estimated cost of removing and rerouting Public Lighting Commission installations necessitated by the vacation of said Dry Dock Street.

The Department of Water Supply reported that they will be unaffected by the change or that they have no objection to the vacation of Dry Dock Street provided that proper provisions are incorporated into the vacating resolution protecting their installations located in the street.

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

All other City departments and privately owned utility companies reported that they will be unaffected by the vacation of said street 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 Smith:

Resolved, That all of Dry Dock Street, 40 feet wide, between Pelham and Swain Avenues as platted in Bela Hubbards Subdivision of P.C. 77, North of River Street and south of Fort Street, Springwells (now Detroit), Wayne County, Michigan, as recorded in Liber 5, Page 46 of Plats, Wayne County Records, lying south of and adjoining the south line of Lots 41 and 60, south of and adjoining the south line of the vacated 20 foot public alley lying between Lots 41 and 60, lying north of and adjoining the north line of Lots 42 and 59, and north of and adjoining the north line of vacated 20 foot public alley lying between Lots 42 and 59, all of the above mentioned subdivision,

Be and the same is hereby vacated as a public street to become a part and parcel of the adjoining property subject to the following provisions:

A) An easement or right-of-way is hereby reserved for the Department of Water Supply over the southerly

20 feet of northerly 26 feet of vacated portion of Dry Dock Street for the purpose of maintaining, repairing, removing or replacing the water main located in said portion of street; and further

B) That no buildings shall be constructed over said water main without prior approval of the Department of Water Supply and the Department of Buildings and Safety Engineering; and further

1) Provided, That by reason of the vacation of the above described street, 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 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 street, 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.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Rogell, Smith, Van Antwerp, Wise and President Beck—7.

Nays—None.

Department of Public Works

August 16, 1960

Honorable Common Council:

Gentlemen—The City Engineer is currently planning the design of the Woodward-Bauman Relief Sewer. One arm of the proposed sewer is designed to relieve an existing sewer which traverses the State Fair Grounds in an existing 20-foot right-of-way. It will be necessary to locate the proposed sewer in a 15-foot right-of-way parallel to the existing sewer to achieve the maximum relief.

This part of the proposed relief arm