

lot. His existing garage encroaches 3 feet into the 6-foot easement. The rear of the garage is aligned with several other garages in the same block.

Mr. Felder's lot is only 108 feet in depth. A 6-foot easement is located at the rear of the lot. He wishes to construct a garage which will encroach 3 feet into said easement. This will enable him to utilize additional rear yard space. One other garage was constructed into the easement in the same block with approval by your Honorable Body.

We find that granting the petitioners' requests would not be detrimental 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 Carey:

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

Robert L. Kiefiuk, No. 10704, to construct a concrete driveway encroaching 10 feet into the 10-foot easement at the side of Lot 196 of Southlawn Grove Subdivision, located on the east side of Stahelin Avenue, south of Pembroke Avenue, commonly known as 19790 Stahelin Avenue;

J. E. McNamara, No. 10824, to construct a garage encroaching 2 feet into the 6-foot easement in the rear of Lot 157 of Estes Park Subdivision, located on the west side of Heyden Avenue, north of Midland Avenue, commonly known as 15741 Heyden Avenue;

Hoyle J. Beall, No. 10966, to maintain a garage encroaching 3 feet into the 6-foot easement in the rear of Lot 99 of James W. Fales Aviation Field Subdivision, located on the north side of Tireman Avenue west of Normile Avenue, commonly known as 10122 Tireman Avenue;

Martin Felder, No. 10971, to construct a garage encroaching 3 feet into the 6-foot easement in the rear of Lot 297 of Alper-Green Subdivision, located on the east side of St. Mary's Avenue, north of Pembroke Avenue, commonly known as 19954 St. Mary's 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 obstruction 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 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 of 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, Patrick, Rogell, Smith, Wise, Youngblood and President Beck—8.

Nays—None.

#### Department of Public Works

August 18, 1961.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Metropolitan Hospital, No. 10255, requesting the vacation of Tuxedo Avenue between Twelfth and Woodrow Wilson also a strip of street right-of-way south of Tuxedo Avenue known as Oakman Court. The vacation of said streets was approved by the City Plan Commission and 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 \$1,777.00, Receipt No. C-7910, credited to the Department of Water Supply Fund Code No. 600-0000-6232-001, said amount being the estimated cost of abandoning an existing 6 inch water main and the remaining equity in said main necessitated by the vacation of said Tuxedo Avenue.

The petitioner deposited with the City Treasurer, the sum of \$700.00, Receipt No. B-10235, credited to the Public Lighting Commission Fund Code No. 990-9423, said amount being the estimated cost of removing street lighting facilities necessitated by the vacation of Tuxedo Avenue.

The petitioner also deposited with the City Treasurer the sum of \$1,200.00, Receipt No. B-10236, credited to the Detroit Fire Department Fund Code No. 990-9406, said amount being the estimated cost of removing fire hydrant necessitated by the vacation of said street.

The petitioner requested that the

paved street return at the entrance to Tuxedo at Twelfth Street and at Woodrow Wilson 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 streets to be vacated.

We recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,  
Commissioner.

By Councilman Carey:

Resolved, That all that part of Tuxedo Avenue, 60 feet wide, between Twelfth Street and Woodrow Wilson Avenue, the south 14.00 feet of which was deeded for street purposes on April 20, 1920, being in fact all of Outlot E of Robert Oakman's Hamilton Boulevard Subdivision of part of Quarter Section 26, 10,000 Acre Tract, City of Detroit, Wayne County, Michigan as recorded in Liber 29, Page 37 of Plats Wayne County Records, lying north of and adjoining the northerly line of Lots 1 to 10, both inclusive all of the above mentioned subdivision, and also all that part of Outlot D of said Robert Oakman's Hamilton Boulevard Subdivision lying north of and adjoining the northerly line of Lot 11 and north of and adjoining the northerly line of the westerly 16.11 feet of Lot 12 all of said Robert Oakman's Hamilton Boulevard Subdivision as recorded in Liber 29, Page 37 of Plats Wayne County Records, the north 46 feet of said Tuxedo Avenue which was condemned for street purposes on March 5, 1929, more particularly described as:

All that part of Quarter Section 26, 10,000 Acre Tract, described as follows: Beginning at a point on the easterly line of Twelfth Street 66 feet wide, said point being N. 25d 06m 30s W., 14.00 feet from the northwesterly corner of Lot 1 of Robert Oakman's Hamilton Boulevard Subdivision, a part of Quarter Section 26, 10,000 Acre Tract as recorded in Liber 29, Page 37 of Plats of Wayne County Records, thence along the northerly line of said subdivision N. 65d 57m 30s E., 765.20 feet to a point on the westerly line of Woodrow Wilson Avenue, 78 feet wide, as now opened; thence along a line N. 46d 32m W. 49.79 feet to a point; thence along a line S. 65d 57m 30s W. 747.01 feet to a point on the easterly line of Twelfth Street, 66 feet wide; thence along a line S. 25d 06m 30s E. 46.01 feet to the place of beginning.

Also, the south 14.00 feet of said Tuxedo Avenue, described as follows: Beginning at the southeast corner of

Outlot E of Robert Oakman's Hamilton Boulevard Subdivision as recorded in Liber 29, Page 37 of Plats, thence along the east line of said Outlot E, 14.00 feet to a point; thence easterly 25.00 feet to the northwest corner of Outlot C of the above mentioned subdivision; thence southerly along the westerly line of said Outlot C, 14.00 feet to a point; thence westerly 25.00 feet to the place of beginning;

Also, the south 14 feet of Tuxedo Avenue, described as follows: Beginning at the southwest corner of Outlot D of Robert Oakman's Hamilton Boulevard Subdivision as recorded in Liber 29, Page 37 of Plats, thence northerly along the westerly line of said Outlot D, 14.00 feet to a point; thence westerly 25.00 feet to the northeast corner of Outlot C of the above mentioned subdivision; thence southerly along the easterly line of said Outlot C, 14.00 feet to a point; thence easterly 25.00 feet to the place of beginning.

Also, the south 14 feet of Tuxedo Avenue as opened by condemnation for street purposes on March 5, 1929 more particularly described as the northerly 14.00 feet of Outlot C of Robert Oakman's Hamilton Boulevard Subdivision of part of Quarter Section 26, 10,000 Acre Tract City of Detroit, Wayne County, Michigan, as recorded in Liber 29, Page 37 of Plats Wayne County Records.

Also all that part of Outlot C of Robert Oakman's Hamilton Boulevard Subdivision as recorded in Liber 29, Page 37 of Plats, as acquired by the City of Detroit by Scavenger Sale on October 13, 1942, J.C.C. Page 2731-32, being more particularly described as all that part of Outlot C lying between the southerly line of Tuxedo Avenue 60 feet wide as now established and the northerly line of the 18-foot public alley lying south of Tuxedo Avenue and west of Woodrow Wilson Avenue.

Be and the same are hereby vacated as public streets 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 streets, 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 streets, 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 street returns at both entrances of Tuxedo Avenue becomes necessary, the entire cost of such removal shall be paid by Metropolitan Hospital, its heirs, executors, administrators and assigns.

Adopted as follows:

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

Nays—None.

#### Department of Public Works

August 18, 1961.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of John A. Thomas, et al., No. 10261, requesting the conversion into an easement of the alley located west of Forrer Avenue, north of Curtis Avenue.

The conversion of said alley into an easement was approved by the City Plan Commission at an earlier date.

We wish to advise that our investigations are completed. In reply to our inquiries, all City departments and privately owned utility companies reported that they will be unaffected by the change or that they have no objection to the conversion provided that proper provisions are incorporated into the vacating resolution protecting their interests in the installation located in said alley.

We recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,

Commissioner.

By Councilman Carey:

Resolved, That all that part of the east-west public alley, 18 feet wide, west of Forrer Avenue and north of Curtis Avenue as platted in Laurelhurst Subdivision of S. E.  $\frac{1}{4}$  of N. E.  $\frac{1}{4}$  of Section 12, T. 1 S., R. 10 E., Redford Township (now City of Detroit) Wayne County, Michigan, as recorded in Liber 47, Page 16 of Plats Wayne County Records, lying south of and adjoining the south line of Lot 74, north of and adjoining the north line of Lots 68 to 73 both inclusive, north of and adjoining the north line of the easterly 14.00 feet of Lot 67

all of the above mentioned subdivision.

Be and the same is vacated as a public alley and is hereby converted into a public easement of the full width of the alley which easement shall be subject to the following covenants and agreements, uses, reservations, and regulations which shall be observed by the owners of the lots abutting on said alley and by their grantees and assigns, and their heirs, executors, administrators, and assigns forever, to wit:

First, said owners hereby grant to and for the use of public an easement or right-of-way over said vacated public alley hereinabove described for the purpose of installing, maintaining, repairing, removing or replacing any sewer, conduit, telephone, telegraph, electric light or other poles or things usually placed or installed in a public alley in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purposes above set forth;

Second, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built upon said easement;

Third, that if at any time in the future the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easements, such owners upon whose property the poles or other utilities are located shall pay all costs incident to such removal and/or relocation, unless such charges are waived by the utility owners.

Adopted as follows:

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

Nays—None.

#### Department of Public Works

August 17, 1961.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Evening News Association, No. 5852 (1959), requesting the vacation of the streets and alleys in the area bounded by Brush, Atwater, St. Antoine, and Jefferson Avenues. The vacation of said streets and 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 complete, and they disclose the following City departments to be affected by the vacation of said streets and alleys:

Department of Water Supply—The petitioner deposited with the City Treasurer the sum of \$77,125.00, Receipt No. C-7526, credited to the Department of Water Supply Fund Code No. 600-0000-6232-001, said amount being the estimated cost of removing