

the motion to reconsider be indefinitely postponed, which motion prevailed.

The regular order was resumed.

Department of Public Works
February 27, 1961.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Grandale Presbyterian Church, No. 7774, requesting the vacation of a portion of the east-west public alley, 18 feet wide, south of Plymouth and east of Forrer Avenues. 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.

As per our directive the petitioner deposited with the City Treasurer the sum of \$210.60, Receipt No. B-33168, credited to the Street Maintenance Fund Code No. 146-6241, said amount being the original cost of paving the east one-half of Forrer Avenue at the intersection of the alley to be vacated.

The petitioner also deposited with the City Treasurer the sum of \$175.00, Receipt No. B-33169, credited to the Communications Division of the Public Lighting Commission, Fund Code No. 990-9423-472, said amount being the estimated cost of rerouting Public Lighting Commission facilities made necessary by the vacation of said alley.

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 return at such time in the future as the removal of the return becomes necessary.

Proper provisions have been incorporated into the vacating resolution protecting the City's interests in the sewer 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 following resolution.

Respectfully submitted,
GLENN C. RICHARDS,
Commissioner.

By Councilman Youngblood:

Resolved, That all that part of the east-west public alley, 18 feet wide,

south of Plymouth and east of Forrer Avenue as platted in Frischkorn's Dynamic Subdivision being part of the N.E. ¼ of Sec. 36, T. 1 S. R. 10 E., Redford Township (now City of Detroit), Wayne County, Michigan, as recorded in Liber 48, Page 66 of Plats, Wayne County Records, lying north of and adjoining the north line of Lot 440 and south of and adjoining the south line of Lots 434 to 439, both inclusive and south of and adjoining the south line of the west one foot of Lot 433, 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 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 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 becomes necessary, the entire cost of such removal shall be borne by Grandale Presbyterian Church, their heirs, executors, administrators and assigns.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Patrick, Rogell, Smith, Van Antwerp, Wise, Youngblood and President Beck—9.

Nays—None.