

attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,

Commissioner.

By Councilman Ravitz:

Resolved, That all that part of the east-west public alley, 20 feet wide, east of Greenlawn Avenue, south of Davison Avenue, as platted in J. S. Holden Company's Cloverlawn Subdivision No. 1 being a subdivision of part of Fractional Section 28, T. 1 S., R. 11 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 47 Page 12 of Plats Wayne County Records, lying south of and adjoining the southerly line of Lots 437 to 440 both inclusive, south of and adjoining the southerly line of the easterly 14.00 feet of Lot 441 and north of and adjoining the northerly line of the easterly 94.00 feet of Lot 436, 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, and further

Resolved, That all that part of the east-west public alley, 20 feet wide, east of Greenlawn Avenue south of Davison Avenue, as platted in J. S. Holden Company's Cloverlawn Subdivision No. 1 as recorded in Liber 47 Page 12 of Plats Wayne County Records, lying south of and adjoining the southerly line of the westerly 6.00 feet of Lot 441 and north of and adjoining the northerly line of the westerly 6.00 feet of Lot 436, all of the above mentioned subdivision.

Be and the same is hereby vacated as a public alley subject to the following provisions:

Provided, That by reason of the vacation of the above-described streets and alleys, 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

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

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

Provided, That in the event that

the sewer located in said streets and alleys if built upon, shall break causing damage to any construction above, the petitioners 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 Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Wierzbicki and President Carey—8.

Nays—None.

Department of Public Works

March 20, 1962.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Wayne State University No. 10555, requesting the vacation of the alleys in the block bounded by Merrick, Third, Kirby, and Second Avenues. The vacation of said 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 completed.

As per our directive, the petitioner deposited with the City Treasurer, the sum of \$750.00; Receipt No. C-20737, credited to the Department of Water Supply Fund Code No. 600-0000-6232-001, said amount being the estimated cost of abandoning an existing six-inch water main located in the alley west of Second Avenue between Kirby and Merrick Avenues.

The petitioner also deposited with the City Treasurer the sum of \$1,600.00; Receipt No. C-20738, credited to the Public Lighting Commission Fund Code No. 990-9423, said amount being the estimated cost of removing and rebuilding street lighting fixtures located in the alleys to be vacated in the block bounded by Merrick, Third, Kirby and Second Avenues.

The petitioner also paid into the City Treasury the sum of \$554.56, Receipt No. C-20736, credited to the Street Maintenance Fund Code No. 143-6241, said amount being the original cost of paving the south one-half of Kirby Avenue and the north one-half of Merrick Avenue at the intersection of the alleys to be vacated.

The petitioner requested that the paved alley returns at the entrances to the alleys to be vacated 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.

Property provisos will be incorporated into the vacating resolution protecting the City's interests in the sewers located in the alleys to be va-

cated.

An easement is also reserved for the Michigan Consolidated Gas Company over a portion of the alley first west of Second Avenue, north of Merrick.

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.

By Councilman Ravitz:

Resolved, That all that part of the north-south public alley, 16 feet wide, south of Kirby Avenue, first east of Third Avenue, as platted in F. W. Swift's Subdivision of Outlot 10, Cass Farm as recorded in Liber 9 Page 25 of Plats Wayne County Records lying west of and adjoining the westerly line of Lot 29, and lying east of and adjoining the easterly line of Lots 24 to 28 both inclusive, east of and adjoining the easterly line of the northerly 10.00 feet of Lot 23 all of the above mentioned subdivision;

Be and the same are hereby vacated as a public alley to become a part and parcel of the adjoining property, and further;

Resolved, That all that part of the north-south public alley, 16 feet wide, north of Merrick Avenue, first east of Third Avenue, as platted in F. W. Swift's Subdivision of Outlot 10, Cass Farm as recorded in Liber 9 Page 25 of Plats Wayne County Records lying east of and adjoining the easterly line of Lots 18 to 22 both inclusive, east of and adjoining the easterly line of the southerly 30.00 feet of Lot 23, and lying west of and adjoining the westerly line of Lot 17 and west of and adjoining the westerly line of the 20 foot public alley adjoining said Lot 17, all of the above mentioned subdivision.

Also, all of the east-west public alley, 20 feet wide, in the block bounded by Third, Kirby, Second, and Merrick Avenues, as platted in F. W. Swift's Subdivision of Outlot 10 Cass Farm, as recorded in Liber 9 Page 25 of Plats Wayne County Records lying north of and adjoining the northerly line of Lots 11 to 17 both inclusive, and lying south of and adjoining the southerly line of Lots 29 to 35 both inclusive, all of the above mentioned subdivision, and;

Also, all of the north-south public alley, 16 feet wide, first west of Second Avenue between Merrick and Kirby Avenue as platted in F. W. Swift's Subdivision of Outlot 10 Cass Farm, as recorded in Liber 9 Page 25 of Plats Wayne County Records lying west of and adjoining the westerly

line of Lots 1 to 10 both inclusive, and east of and adjoining the easterly line of Lots 11 and 35 and east of and adjoining the easterly line of the 20 foot alley lying between Lots 11 and 35, all of the above mentioned subdivision;

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

Provided, That by reason of the vacation of the above described street, the City of Detroit does not waive any rights to the sewers located therein and at all times shall have the right to enter upon the premises, if found necessary, on account of said sewers to repair, alter, or service same; and further

Provided, That if a building is to be constructed over said sewers, the sewers shall be protected 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

Provided, That no buildings shall be constructed over said sewers without the prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering; and further

Provided, That in the event that the sewers located in said street, if built upon, shall break causing damage to any construction above, the petitioners and their assigns, by acceptance of the permit for building over said sewers waive all claims for damage to such construction and agree to pay all costs incident to the repair of said broken sewers; and further

Provided, That an easement or right-of-way is hereby reserved in the south 66.00 feet of the north-south public alley, 16 feet wide first west of Second Avenue north of Merrick Avenue for the Michigan Consolidated Gas Company for the purpose of installing and maintaining gas mains located in said alley; and further

Provided, That no building or structure of any nature whatsoever shall be constructed over said easement unless prior approval is obtained from the Michigan Consolidated Gas Company; and further

Resolved, That at any time in the future the removal of the paved alley returns at the entrances of the alleys to be vacated becomes necessary, the entire cost of such removal shall be paid for by the petitioners, their heirs, executors, administrators, and assigns.

Adopted as follows:

Yeas — Councilmen Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Wierzbicki and President Carey—8.

Nays—None.