

clusive, of Ritter and Burch's Subdivision of the north 198 feet of the south 528 feet of the west 758.90 feet of Lot 1 of Commissioner's Plat of James Messmore Estate being part of Fractional Section 1, T. 2 S., R. 11 E., except that portion lying north of the south line of Piquette Avenue (now Marquette Avenue), as recorded in Liber 23, Page 67 of Plats, Wayne County Records, more particularly described as follows: Beginning at a point on the north line of Lot 12, said point being distant N. 56d 08m E., 52.13 feet from the northwest corner of said Lot 12, thence S. 33d 30m E., 98.96 feet; thence S. 10d w., 5.80 feet; thence S. 53d 30m W., 48.19 feet; thence S. 33d 30m E., 20 feet; thence N. 53d 30m E., 66.20 feet; thence N. 33d 30m W., 122.32 feet; thence S. 56d 08m W., 14 feet to the place of beginning.

Also, all that part of Stanton Avenue, 60 feet wide, north of McGraw Avenue, as platted in Pepper and Heidt's Subdivision of the westerly 788.88 feet of the southerly 163.89 feet of Lot 1, Estate of James Messmore in Fractional Section 1, T. 1 S., R. 11 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 9, Page 69 of Plats, Wayne County Records, lying east of and adjoining the easterly line of Lot 11, and east of and adjoining the easterly line of the 10 foot alley adjoining Lot 11, and lying west of and adjoining the westerly line of Lot 12 and west of and adjoining the westerly line of the 10 foot public alley adjoining Lot 12 all of the above-mentioned Pepper and Heidt's Subdivision;

Also, all that part of Stanton Avenue, 60 feet wide, north of McGraw Avenue, as platted in Fordyce and Nagle's Subdivision of Part of Lot 1 of Fractional Section 1, T. 2 S., R. 11 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 15, Page 8 of Plats, Wayne County Records, lying east of and adjoining the easterly line of Lots 6 to 10, both inclusive, and east of and adjoining the easterly line of the 8 foot alley adjoining Lot 6, and lying west of and adjoining the westerly line of Lots 11 to 15, both inclusive, and west of and adjoining the westerly line of the 8 foot alley adjoining Lot 15, all of the above-mentioned Fordyce and Nagle's Subdivision.

Also, all that part of Stanton Avenue, 60 feet wide, south of Marquette Avenue, as acquired through condemnations proceedings on May 22, 1903, File No. 888, being a part of Lot 1 of the Commissioner's Plat of the James Messmore Estate, being a subdivision of a portion of Fractional Section 36, T. 1 S., R. 11 E., and part of Fractional Section 1, T. 2 S., R. 11 E., more particularly described as follows: Commencing at the north-

westerly corner of Lot 11 of Fordyce and Nagle's Subdivision of part of Lot 1, Fractional Section 1, T. 2 S., R. 11 E., as recorded in Liber 15, Page 8 of Plats; thence N. 33d 30m W., 177.35 feet; thence S. 56d 08m W., 60.06 feet; thence S. 33d 30m E., 180.1 feet; thence N. 53d 34m E., 60.08 feet to the place of beginning.

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

1) An easement or right-of-way is hereby reserved in and over the full width of Stanton Avenue for the purpose of installing and maintaining gas mains located in said street;

2) 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.

Adopted as follows:

Yeas — Councilmen Beck, Brickley, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—7.

Nays—None.

**Reconsideration**

Councilman Rogell 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 Beck, Brickley, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—7.

Nays—None.

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

The regular order was resumed.

**Department of Public Works**

December 21, 1961.

Honorable Common Council:

Gentlemen — We are returning herewith the petition No. 11102 of the Board of Education, requesting the vacation of a portion of the north-south public alley, 20 feet wide, in the block bounded by Crane, Agnes, Hibbard and Jefferson Avenues. The vacation of the said alley was approved by the City Plan Commission with the recommendation that sufficient land be dedicated for a new alley outlet into Crane Avenue. 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 issued a purchase order No. 72765, in the amount of \$3,750.00, in favor of the Department of Public Works, Street Maintenance Division, to cover costs of removing curb and walk, con-



structing a paved alley return and paving the newly deeded alley.

The petitioner also issued a purchase order, No. 72767, in the amount of \$6,700.00, in favor of the Public Lighting Commission to cover the costs of removing and rerouting P.L.C. facilities necessitated by the vacation of said alley.

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

We are in receipt of a Quit Claim Deed from the petitioner to the City of Detroit, deeding land for a new alley outlet into Crane Avenue. Said deed was approved as to form and execution by the Corporation Counsel and as to description by the City Engineer, and is attached for your Honorable Body's acceptance.

All other City departments and privately owned utility companies reported that they will be unaffected by said vacation 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 Beck:

Resolved, That all that part of the north-south public alley, 20 feet wide in the block bounded by Crane, Agnes, Hibbard, and Jefferson Avenues, as platted in William B. Wesson's Subdivision of Lots 2 and 3 in Albert Crane's Subdivision of P.C. No. 644 and east 53.91 feet of P.C. 723, north of Jefferson Avenue, Hamtramck (now City of Detroit), Wayne County, Michigan, as recorded in Liber 10, Page 96 of Plats, Wayne County Records, lying west of and adjoining the westerly line of Lots 11 to 22, both inclusive, west of and adjoining the westerly line of the southerly 2.60 feet of Lot 23, and lying east of and adjoining the easterly line of the southerly 30.00 feet of Lot 75, east of and adjoining the easterly line of Lots 76 to 84, both inclusive, and east of and adjoining the easterly line of the northerly 2.60 feet of Lot 85, 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 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 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 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 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 the Quit Claim Deed of the Board of Education deeding land to the City of Detroit for alley purposes, said land being described as the northerly 20.00 feet of Lot 15, of Benoit Stegrie and John Moran's Subdivision of the south part of Lot Number One of the Subdivision of P.C. 644, and the east part of P.C. 723, north of Jefferson Avenue, Hamtramck (now City of Detroit), Wayne County, Michigan, as recorded in Liber 3, Page 71 of Plats, Wayne County Records; also the northerly 20.00 feet of Lot 75 of William B. Wesson's Subdivision of Lots 2 and 3 in Albert Crane's Subdivision of P.C. No. 644 and east 53.91 feet of P.C. 723, north of Jefferson Avenue, Hamtramck (now City of Detroit), Wayne County Michigan, as recorded in Liber 10, Page 96 of Plats, Wayne County Records.

Be and the same is hereby accepted and the City Controller is hereby directed to record said deed in the Office of the Register of Deeds for Wayne County.

Adopted as follows:

Yeas — Councilmen Beck, Brickley, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—7.

Nays—None.

#### Reconsideration

Councilman Rogell 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 Beck, Brickley, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—7.

Nays—None.