

with the petition of Anthony Janesick, et al, No. 11729, requesting the conversion of the north-south dead end alley between Mackay and Anglin Avenues south of Eight Mile Road, into an easement for public utilities.

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 have no objection to the conversion of the alley into an easement provided that proper provisions are incorporated into the vacating resolution protecting their interests in the installations located in said alley.

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 Eight Mile Road between Mackay and Anglin Avenues as platted in Fox and O'Connor's Sub-division of the N. 32.50 acres of the N.W. ¼ of Sec. 6, lying E. of Conant Road, T. 1 S., R. 12 E., Hamtramck Township (now City of Detroit), Wayne County, Michigan, as recorded in Liber 35 Page 47 of Plats Wayne County Records, lying east of and adjoining the easterly line of the southerly 12.59 feet of Lot 172, east of and adjoining the easterly line of Lots 173, 174 and 175, and lying west of and adjoining the westerly line of Lots 168, 169, and 170 and west of and adjoining the westerly line of the southerly 12.54 feet of Lot 171, all of the above-mentioned subdivision.

Be and the same is hereby 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 heirs, executors, administrators and assigns forever to wit:

First, said owners hereby grant to and for the use of the 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 purpose 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 fence) shall be built or placed upon said easement;

Third, that if at any time in the future the owners of any lots in the lot on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners 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 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 Speedway Petroleum Corporation, et al., No. 11107, requesting the vacation of the east-west public alley, 20 feet wide, first south of Davison Avenue, east of Greenlawn Avenue. 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 paid into the City Treasury, the sum of \$224.98, Receipt No. C-20739 credited to the Public Works Street Maintenance Fund Code No. 143-6241, said amount being the original cost of paving the east one-half of Greenlawn Avenue at the intersection of the alley to be vacated.

The petitioner deposited with the Permit Division of the Department of Public Works the sum of \$950.00, Receipt No. GR-7335, said amount being the cost of constructing a new sewer manhole at the intersection of the easterly line of Greenlawn Avenue with the centerline of the alley to be vacated.

The petitioner also deposited with the Permit Division of the Department of Public Works the sum of \$485.00, Receipt No. GR-7334, said amount being the estimated cost of removing the paved alley return, constructing new curb and walk, and backfilling where necessary.

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

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-