

42s E. 46.59 Ft. th. S. 89d 43m 48s W. 288.72 Ft. th. due N. 279.11 Ft. th. due E. 440 Ft. th. S. 0d 02m E. 322.62 Ft. to P.O.B. Exc. E. 33 Ft. thereof; W.S. Hubbell bet. W. Chicago and Ellis, Front only; 99 Lin. Ft.

Lots 1375 to 1399 Incl. & Lots 1402 to 1408 Incl.; W.S. Hubbell bet. Ellis and Joy Rd., Fronts only; 498 Lin. Ft.

All th. pt. of S.W. $\frac{1}{4}$ Sec. 31, T. 1 S., R. 11 E. Incl. pt. of Lot 269 of Plymouth Gdns. Sub. and Desc. as fols.— Beg. at a pte. in N/S $\frac{1}{4}$ line N. 0d 02m W. 1261.69 Ft. from S. $\frac{1}{4}$ Cor. th. due W. 281.47 Ft. th. due N. 40.38 Ft. th. N. 89d 55m 23s W. 834.28 Ft. th. N. 0d 04m 34s E. 187.16 Ft., th. S. 89d 52m 22s E. 533.57 Ft. th. S. 56d 30m 35s E. 184.42 Ft. th. on Cur. to L. 192.72 Ft. Rad. 369.26 Ft. Ch. 71d 28m E. 190.61 Ft. th. S. 86d 25m 25s E. 114.46 Ft. th. S. 0d 02m E. 13.49 Ft. th. due E. 133 Ft. th. S. 0d 02m E. 44.50 Ft. to pte. of Beg. Exc. E. 33 Ft. thereof; E.S. Robson bet. Ellis and Westfield, Rear on Hubbell only; 44.5 Lin. Ft.

There is approximately 1,147.80 lineal feet of concrete sidewalks to be constructed; the approximate cost of this new local improvement would be \$3,787.74, the cost and expense to be assessed against such lots or parcels of real estate to be benefitted by such local improvement in proportion to the probable benefit to be derived therefrom.

As these are original sidewalks and can only be ordered constructed by a formal resolution as a forced account under the provisions of Chapter 264, as amended May 3, 1949, of the Compiled Ordinances, we recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,
Commissioner.

By Councilman Patrick:

The Common Council of the City of Detroit deems it necessary to construct or reconstruct cement or concrete sidewalks, crosswalks, or driveways upon the descriptions of the property heretofore described in the aforesaid communication, therefore;

Resolved: That The Department of Public Works be and hereby instructed to serve notices upon the owners or agents of the property heretofore described, to construct or reconstruct cement or concrete sidewalks, crosswalks, or driveways and in default thereof by them The Department of Public Works proceed to construct or reconstruct such sidewalks, crosswalks or driveways.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

Department of Public Works

May 11, 1962.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Lawrence C. Fitzpatrick, et al, No. 12497, requesting the vacation of Ashton Avenue and all the alleys in the area bounded by Rosemont Avenue, Plymouth Road, Southfield Road and Elmira Avenue. The vacation of said street 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 completed.

As per our directive, the petitioner deposited with the City Treasurer, the sum of \$4,820.00, Receipt No. C-23307, credited to the Department of Water Supply, Fund Code No. 600 (0000)(6232)001, said amount being the estimated cost of abandoning an existing 8-inch water main in Ashton Avenue which is to be vacated.

The petitioner also deposited with the City treasurer, the sum of \$950.00, Receipt No. C-23308, credited to the Detroit Fire Department, Fund Code No. 990-9406, said amount being the estimated cost of relocating one fire hydrant necessitated by the vacation of Ashton Avenue.

The petitioner also deposited with the Permit Division of the Department of Public Works the sum of \$3,755.00, Receipt No. GR-7644, said amount being the estimated cost of removing the paved street and alley returns, constructing new curb and walk and backfilling where necessary.

The petitioner also paid into the City Treasury the sum of \$1,623.91, Receipt No. C-23309, credited to the Public Works Street Maintenance Fund Code No. 143-6241, said amount being the original cost of paving the streets at the intersection of the streets and alleys to be vacated.

Proper provisions are incorporated into the vacating resolution protecting the City's interests in the sewers located in the street and alleys to be vacated.

All other City departments and privately owned utility companies reported that they have no objection to the vacation of the street and 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 Wierzbicki:

Resolved, That all that part of Ashton Avenue, 60 feet wide, between the southerly line of Plymouth Road, 113 feet wide, and the northerly line of the 20 foot public alley first southerly of Plymouth Road, as platted in Emerson Park Subdivision of part of

the N.E. $\frac{1}{4}$ of Section 35, T. 1 S., R. 10 E., City of Detroit, Wayne County, Michigan as recorded in Liber 55, Page 45 of Plats Wayne County Records lying east of and adjoining the easterly line of Lot 78 and west of and adjoining the westerly line of Lot 79 all of the above-mentioned subdivision;

Also, all that part of Ashton Avenue, 60 feet wide, between the northerly line of Elmira Avenue and the southerly line of the 20 foot public alley first southerly of Plymouth Road, as platted in Emerson Park Subdivision as recorded in Liber 55, Page 45 of Plats, lying east of and adjoining the easterly line of Lots 248 to 266 both inclusive and west of and adjoining the westerly line of Lots 230 to 247 both inclusive, all of the above-mentioned subdivision;

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

Resolved, That all of the east-west public alley, 20 feet wide, south of Plymouth Road between Rosemont and Ashton Avenues, as platted in Emerson Park Subdivision as recorded in Liber 55, Page 45 of Plats, lying south of and adjoining the southerly line of Lots 66 to 78 both inclusive, north of and adjoining the northerly line of Lots 248 and 330, north of and adjoining the northerly line of the 18 foot alley adjoining Lots 248 and 330, all of the above-mentioned subdivision.

Also all of the north-south public alley, 18 feet wide, south of Plymouth Road between Rosemont and Ashton Avenues as platted in Emerson Park Subdivision as recorded in Liber 55, Page 45 of Plats Wayne County Records lying west of and adjoining the westerly line of Lots 248 to 266 both inclusive, and east of and adjoining the easterly line of Lots 312 to 330 both inclusive, all of the above-mentioned subdivision.

Also all of the north-south public alley, 20 feet wide, south of Plymouth Road between Ashton Avenue and Southfield Road as platted in Emerson Park Subdivision as recorded in Liber 55, Page 45 of Plats Wayne County Records lying west of and adjoining the westerly line of Lots 90 to 122 both inclusive and east of and adjoining the easterly line of Lots 230 to 247 both inclusive, all of the above-mentioned subdivision.

Also all that part of the east-west public alley, 20 feet wide, south of Plymouth Road between Ashton Avenue and Southfield Road as platted in Emerson Park Subdivision as recorded in Liber 55, Page 45 of Plats, Wayne County Records, lying south of and adjoining the southerly line of Lots 79 to 87 both inclusive, south of and adjoining the southerly line of the westerly 11.00 feet of Lot 88, north of and adjoining the northerly line of the westerly 68.02 feet of Lot 90,

north of and adjoining the northerly line of Lot 247, and north of and adjoining the northerly line of the 20 foot alley lying between Lots 90 and 247, all of the above-mentioned subdivision.

Also all that part of Ashton Avenue, 60 feet wide, south of Plymouth Road, as platted in Emerson Park Subdivision, as recorded in Liber 55, Page 45 of Plats Wayne County Records, lying east of and adjoining the easterly line of the 20 foot alley adjoining the northerly line of Lot 248 and lying west of and adjoining the westerly line of the 20 foot alley adjoining the northerly line of Lot 247 all of the above-mentioned subdivision;

Be and the same are hereby vacated as a public street and alleys 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 street and alleys, the City of Detroit does not waive any right 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

4) Provided, That in the event that the sewer located in said street 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, Van Antwerp, Wierzbicki, and President Carey—9.

Nays—None.

Reconsideration

Councilman Ravitz moved to reconsider the vote by which the resolution was adopted.

Councilman Rogell moved to suspend Rule 23 for the purpose of