

the southerly line of the easterly 38.00 feet of Lot 50, south of and adjoining the southerly line of the 20-foot vacated alley adjoining Lot 50, north of and adjoining the northerly line of the easterly 9.00 feet of Lot 9, north of and adjoining the northerly line of Lots 7 and 8, north of and adjoining the northerly line of the westerly 9.00 feet of Lot 6, all of the above mentioned subdivision.

Be and the same is hereby vacated as an easement 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 pipes of the same size, rerouted or enclosed 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.

Adopted as follows:

Yeas—Councilmen Brickley, Connor, Patrick, Ravitz, Rogell, Wierzbicki and President Carey—7.

Nays—None.

Department Of Public Works

October 9, 1962.

Gentlemen—We are returning herewith the petition of the Board of Education, No. 728, requesting the vacation of a portion of the east-west public alley, 20 feet wide, in the block bounded by Ellery Street, Mt. Elliott Avenue, Pulford Street, and Mack Avenue, with the limits of the proposed Harris Replacement School Site. The vacation of said portion of alley was approved by the City Plan Commission and the peti-

tion 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. 2608, in the amount of \$1,200.00, in favor of the Public Lighting Commission, Lighting Division, to cover the costs of removing and relocating a transformer installation located in the alley to be vacated.

The petitioner also issued a purchase order, No. 2609, in the amount of \$157.98, in favor of the Department of Public Works, Street Design Bureau, said amount being the original cost of paving the east one-half of Ellery Street at the entrance to the alley to be vacated.

The petitioner also issued a purchase order, No. 2610 in the amount of \$715.00, in favor of the Department of Public Works, Street Maintenance Division, to cover the cost of removing the paved alley return, constructing new curb and walk, adjusting a Fire Department manhole frame and cover, and backfilling where necessary.

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 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 the east-west public alley, 20 feet wide, east of Ellery Street between Pulford Street and Mack Avenue, lying north of and adjoining the northerly line of Lots 9 to 25, both inclusive, of August Mylius' Subdivision of the southern part of Lots 16, 17 and 18 of Leib Farm, as recorded in Liber 6, Page 34 of Plats, Wayne County Records, and lying south of and adjoining the southerly line of Lots 1 to 17, both inclusive, of Tapert's Subdivision of Lot 26 of Mylius' Subdivision of the south part of Lots 16, 17, and 18, Leib Farm as recorded in Liber 14, Page 22 of Plats, Wayne County Records.

Be and the same is hereby vacated as a public alley to become a part and parcel of the adjoining property.

Adopted as follows:

Yeas—Councilmen Brickley, Connor, Patrick, Ravitz, Rogell, Wierzbicki and President Carey—7.

Nays—None.

Department Of Public Works

October 4, 1962.

Honorable Common Council:

Gentlemen—We are returning here-