

4550 E. Seven Mile Rd., be and the same is hereby rescinded in accordance with the foregoing communication.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Patrick, Ravitz, Rogell, Wierzbicki and President Pro Tem Connor—7.

Nays—None.

**Department of Public Works**

November 19, 1962.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Hirano G. Phipps, et al, No. 990, requesting the conversion of a portion of the north-south public alley, 20 feet wide, in the block bounded by Southfield, Pickford, Fenmore, and Curtis, into an easement for public utilities.

The conversion of said portion of alley into an easement was approved by the City Plan Commission at an earlier date. 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. In reply to our inquiries, all City departments and privately owned utility companies reported that they have no objection to the conversion of the portion of alley into an easement, provided that proper provisions are incorporated into the vacating resolution protecting their interests in the installations located in said portion of alley.

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 Southfield, Pickford, Fenmore, and Curtis, as platted in Redford Southfield Court, a Subdivision of the S.W. ¼ of N.W. ¼ and part of the W. ½ of the S.E. ¼ of the N.W. ¼ of Sec. 12, T. 1 S., R. 10 E., Redford Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 54, Page 13 of Plats, Wayne County Records, lying west of and adjoining the westerly line of Lots 418 to 431, both inclusive, west of and adjoining the westerly line of the northerly 10.00 feet of the vacated alley adjoining Lot 431, east of and adjoining the easterly line of Lots 25 to 53, both inclusive, east of and adjoining the easterly line of the northerly 11.41 feet of Lot 54, 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 abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, upon 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, Patrick, Ravitz, Rogell, Wierzbicki and President Pro Tem Connor—7.

Nays—None.

**Department of Public Works**

November 19, 1962.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of Sam J. Condilere, et al, No. 2282, requesting the conversion into an easement of the east-west public alley located north of Chandler Park Drive between Harvard and Cadieux Avenues.

The conversion of the 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 will be unaffected by the change or that they have no objection to the conversion provided that proper provisions are incorporated into the vacating resolution protecting their interests in the installation located in said alley.

We recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,  
Commissioner.

By Councilman Beck:

Resolved, That all the east-west, 18-foot wide, public alley north of Chandler Park Drive between Har-



yard Avenue and Cadieux Avenue as platted in the Bernard Vogt Subdivision No. 1 being part of Outlots 11 and 12 of the Subdivision of S.W. ½ of P.C. 564, Wayne County, Michigan as recorded in Liber 66, Page 15 of Plats of Wayne County Records lying south of and adjoining the south line of Lots 63 and 82 and lying north of and adjoining the north line of Lots 58 to 62, both inclusive, all of the above-mentioned subdivision.

Be and the same are vacated as public alleys and are hereby converted into public easements of the full width of the alleys, which easements 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 alleys and by their grantees and assigns, and 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 alleys, 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 easements for the purposes 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 fences) shall be built or placed upon said easements:

Third, that if at any time in the future the owners of any lots abutting on said vacated alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, such owners upon 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, Patrick, Ravitz, Rogell, Wierzbicki and President Pro Tem Connor—7.

Nays—None.

#### Department Of Public Works

November 30, 1962.

Honorable Common Council:

Gentlemen — This communication relates to the agreement of November 1, 1962, for increased sewage transmittal service, recently concluded with Oakland County for the Southeastern Oakland County Sewage Disposal District.

Under the terms of the basic agreement, which was formulated in 1958, Oakland County planned to construct the Dequindre Interceptor in Oakland County to its outlet in the City of Detroit in a size ranging from

4'-6" to 8'-0" in diameter. Such a sewer would be adequate for the district. However, our continued studies of the area-wide service requirements indicates that this sewer should be constructed with additional capacity to provide for future development outside the presently constituted service district. If such additional capacity were not provided, it would be necessary to later construct a parallel interceptor at substantially increased cost to serve the expanded area.

Oakland County has agreed to construct the Dequindre Interceptor with the increased capacity, and a Supplemental Agreement has been worked out to provide for increasing the size of the sewer, and to permit Oakland County the use of 80 c.f.s. additional capacity in our sewers. The acquisition of this additional flowage right by Oakland will ultimately require a payment to Detroit on their part for this transportation service of \$768,060.80.

Oakland County has a very restricted schedule to meet in order to conform with the conditions of Federal Grants approved for the Dequindre Interceptor and related sanitary sewers in Oakland County. The Supplemental Agreement, incorporating the changes we consider necessary, has been approved by the communities in Oakland County, and this document has been examined by our Corporation Counsel and approved as to form.

To accommodate Oakland County in this matter, I am requesting that you authorize me to execute this Supplemental Agreement at this time and approve and confirm its terms. Oakland County officials, because of certain statutory technicalities, will execute the Agreement about December 18, 1962.

To accomplish the foregoing the following resolution is presented for your consideration.

Respectfully submitted,

GLENN C. RICHARDS

Commissioner.

By Councilman Brickley:

Resolved, That the Commissioner of Public Works be and is hereby authorized and directed to execute in behalf of the City of Detroit a Supplemental Agreement with Oakland County providing for the amendment of the terms of the Agreement For Use of Certain Detroit Sewers, dated November 1, 1962; and further

Resolved, That the terms of said Supplemental Agreement be and are hereby approved and confirmed.

Adopted as follows:

Yeas — Councilmen Beck, Brickley, Patrick, Ravitz, Rogell, Wierzbicki and President Pro Tem Connor—7.

Nays—None.

#### Reconsideration

Councilman Brickley moved to reconsider the vote by which the reso-