

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.

Proper provisions will be incorporated into the vacating resolution protecting the City's interest in the sewer located in the alley to be vacated.

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 Rogell:

Resolved, That all of the east-west public alley, 20 feet wide, in the block bounded by Pelham Avenue, Wabash Railroad, Swain Avenue and Jefferson Avenue, as platted in Bela Hubbard's Subdivision of P. C. 7, north of River Street and south of Fort Street, City of Detroit, Wayne County, Michigan, as recorded in Liber 5, Page 46 of Plats, Wayne County Records, lying north of and adjoining the northerly line of Lots 10, 11 and 12, north of and adjoining the northerly line of the westerly 11.00 feet of Lot 9, south of and adjoining the southerly line of the westerly 71.00 feet of Lot 50, 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 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 petitioner, 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 Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

Department of Public Works

September 12, 1963.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Great Atlantic and Pacific Tea Company, Inc., No. 2582, requesting the conversion of portions of certain east-west and north-south public alleys in the block bounded by Vernor Highway, Newberry Avenue, Cavalry Avenue, and Campbell Avenue into easements for public utilities. The conversion of these alleys into easements was approved by the City Plan Commission with the recommendation that sufficient land be dedicated to relocate the portion of the east-west alley to be closed. 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.

The petitioner deposited with the City Treasurer's Office the sum of \$4,570.00, Receipt No. A-14227, credited to the Public Lighting Commission Fund Code No. 990-9423, said amount being the estimated cost of removing and relocating P.L.C. facilities necessitated by the conversion of said alleys into easements.

We are in receipt of a Warranty Deed from the petitioner to the City of Detroit deeding land for the relocation of an alley to be vacated. 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 the conversion of said alleys into easements 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 Rogell:

Resolved, That all that part of the north-south public alley, 20 feet wide, west of Campbell Avenue, south of Newberry Avenue, as platted in the

Subdivision of the Walter Crane Farm as recorded in Liber 5, Page 29 of Plats Wayne County Records lying east of and adjoining the easterly line of the northerly 106.95 feet of lot 996, west of and adjoining the westerly line of lots 992 to 995 both inclusive, and west of and adjoining the westerly line of the northerly 6.71 feet of Lot 991, all of the above mentioned subdivision,

Also, all that part of the east-west public alley, west of Campbell Avenue between Vernor Highway and Newberry Avenue, as plotted in the Subdivision of the Walter Crane Farm as recorded in Liber 5, Page 29 of Plats Wayne County Records more particularly described as follows: Beginning at a point in the southerly line of said public alley said point being the northeast corner of Lot 973 of the above mentioned subdivision; thence northerly along the easterly line of Lot 973 extended, 18.00 feet to a point; thence westerly along a line, 18.00 feet north of and parallel to the south line of said public alley, 195.00 feet to a point; thence southwesterly along a line to a point in the northerly line of Lot 964, said point being 5.00 feet west of the northeast corner of said Lot 964, thence easterly along the southerly line of said public alley, also being the northerly line of Lots 964 to 973, both inclusive, 230.00 feet to the point of beginning.

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 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; and further Resolved, That the Warranty Deed of the Valley Construction Company, Inc. deeding land to the City of Detroit, for alley purposes being described as: The southerly 18.00 feet of Lot 991 of the Subdivision of the Plot of the Walter Crane Farm as recorded in Liber 5, Page 29 of Plats Wayne County Records, and all that part of Lots 996 to 999, both inclusive, of the Subdivision of the Plot of the Walter Crane Farm as recorded in Liber 5, Page 29 of Plats Wayne County Records more particularly described as follows: Beginning at the southeasterly corner of Lot 996 of the above mentioned subdivision, thence northerly along the easterly line of said Lot 996, 18.00 feet to a point; thence westerly along a line 18.00 feet north of and parallel to the south line of Lot 996, 50.00 feet to a point in the easterly line of Lot 998, thence southwesterly along a line to a point in the southerly line of Lot 999, said point being 15.00 feet east of the southwest corner of Lot 999; thence easterly along the southerly line of Lots 996 to 999, 85.00 feet to the place of beginning.

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, 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 indefinitely postponing the motion to reconsider, which motion prevailed as follows:

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

Nays—None.

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

The regular order was resumed.

Department of Public Works

September 9, 1963.

Honorable Common Council:

Gentlemen—This is to certify that all work required of the Contractors in the performance of these Contracts for demolition of buildings has been fully completed and found acceptable under the terms and conditions thereof, and that the total value of such completed work, including all Contract Changes duly issued, is that stated below as the Adjusted Contract Price.