

phone Company, the Michigan Consolidated Gas Company permits to re-locate their pipes, poles and lines from the vacated alleys to public streets most conveniently located in reference to the vacated alleys and consistent with the public health, safety, convenience and general welfare; and be it further

Resolved, That the Detroit Edison Company, the Michigan Bell Telephone Company and the Michigan Consolidated Gas Company are hereby directed to remove all their pipes, poles and wires from the vacated alleys without expense to the City within thirty (30) days after receipt of a copy of this resolution; and be it further,

Resolved, That the City Clerk is hereby directed to mail to the Detroit Edison Company, the Michigan Bell Telephone Company and the Michigan Consolidated Gas Company, a certified copy of this resolution; and be it further

Resolved, That all that part of the east-west public alley, 20 feet wide, west of Fourth Avenue between Lafayette Boulevard and Howard Street as platted in Block 32 of the Plat of the Subdivision of Part of P.C. 247 between the northerly line of Woodbridge and Larned Streets and the southerly line of Michigan Avenue, City of Detroit, Wayne County, Michigan, as recorded in Liber 44, Page 1 of Deeds Wayne County Records lying north of and adjoining the northerly line of Lot 12, north of and adjoining the northerly line of the easterly 32.00 feet of Lot 11, south of and adjoining the southerly line of Lot 1, south of and adjoining the southerly line of the easterly 32.00 feet of Lot 2, all of the above mentioned subdivision.

Be and the same are hereby vacated as public alley to become a part and parcel of the adjoining property subject to the following provisions.

1) Underground public easements are hereby reserved within the right-of-way of said alley hereinabove described for public utilities.

2) The right to ingress and egress to and over said easement for the purpose of installing, maintaining, repairing, removing or replacing of public utilities.

3) Public utilities shall not be installed on surface but only underground and no building or structures of any nature whatsoever (except necessary line fences) shall be built or placed upon said easement; and further

Resolved, That the Detroit Edison Company and the Michigan Bell Telephone Company are hereby directed to remove all their overhead poles and wires from the vacated alley without expense to the City within thirty (30) days after receipt of a copy of this resolution; and be it

further Resolved, That the City Clerk is hereby directed to mail to the Detroit Edison Company, the Michigan Bell Telephone Company and the Michigan Consolidated Gas Company a certified copy of this resolution.

Adopted as follows:  
Yeas — Councilmen Beck, Brickley, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—7.  
Nays—None.

**Reconsideration**  
Councilmen Beck 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, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—7.  
Nays—None.

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

The regular order was resumed.

**Department of Public Works**  
May 13, 1964.  
Honorable Common Council:

Gentlemen — We are returning herewith the petition of Commonwealth Industries, Inc., et al, No. 7017, requesting the vacation of a strip of Commonwealth Avenue, 6.5 feet in width from the east side of street right-of-way south of Marquette Avenue. The vacation of said portion of street right-of-way 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 \$260.00 Receipt No. C31-040, credited to the Department of Water Supply Fund Code No. 600-(0000)(6232)001, said amount being the estimated cost of abandoning and relocating the existing service connections in the area to be vacated.

All other City departments and privately owned utility companies reported that they will be unaffected by the vacation of said strip of street right-of-way 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 W. RICHARDS,  
Commissioner.

By Councilman Van Antwerp:  
Resolved, That all that part of the Commonwealth Avenue Right-of-Way,



south of Marquette Avenue as platted in D. B. Woodbridges Subdivision of the north part of the Woodbridge Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 11 Page 7 of Plats Wayne County Records being in fact the easterly 6.5 feet of said Commonwealth Avenue Right-of-Way lying west of and adjoining the westerly line of Lots 39 to 54 both inclusive, west of and adjoining the westerly line of the northerly 15.5 feet of Lot 55, all of the above mentioned subdivision.

Be and the same is hereby vacated as public street right-of-way to become a part and parcel of the adjoining property.

Adopted as follows:

Yeas — Councilmen Beck, Brickley, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—7.

Nays—None.

**Department of Public Works**

May 13, 1964.

Honorable Common Council:

Gentlemen — We are returning herewith the petition of Eonic Inc., et al, No. 7439, requesting the vacation of a portion of the public alley west of Omira Avenue between Robinwood Avenue and Hollywood Avenue. The vacation of said portion of 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 are 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 portion of 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 Van Antwerp:

Resolved, That all that part of the east-west public alley, 16 ft. wide, west of Omira Avenue between Robinwood Avenue and Hollywood Avenue as platted in Seven-Oakland Subdivision of the N. E. ¼ of N. W. ¼ of Section 12, T. 1 S., R. 11 E., City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 62 of Plats Wayne County Records lying north of and adjoining the northerly line of Lots 167, and 168 and 169, and south of and adjoining the southerly line of Lots 158, 159 and 160 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, any rights to the sewer located there-in 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;

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 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 Beck, Brickley, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—7.

Nays—None.

**Department of Public Works**

May 14, 1964.

Honorable Common Council:

Gentlemen—On April 21, 1964, Page 859, Journal Common Council, your Honorable Body approved the forced construction of sidewalks at various locations on Fenton Avenue, City of Detroit.

However, an incorrect street was listed for one of the lots approved for this construction.

We, therefore, request a correction of the following lot: S. 74.15 Ft. of Lot 64; same should read, W.S. of Fenton between Grove and Florence, side on Florence only, instead of W.S. of Fenelon as was listed.

Respectfully submitted,

GLENN C. RICHARDS,  
Commissioner.

By Councilman Wierzbicki:

Resolved, That the communication from the Department of Public Works in proceedings of April 21, 1964 (J.C.C. p. 859), relative to the forced construction of sidewalks on Fenton Ave., be and the same is hereby corrected in the fifth paragraph to read as fol-