

and duties; and to provide a penalty for the violation of the terms thereof," as amended.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That District Map No. 69 of Ordinance No. 171-D, entitled: "An Ordinance to establish districts in the City of Detroit; to regulate the use of land and structures therein; to regulate and limit the height, the area, the bulk and location of buildings; to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses; to regulate and determine the area of yards, courts and other open spaces; to regulate the density of population; to provide for the administration and enforcement of this Ordinance; to provide for a Board of Appeals, and its powers and duties; and to provide a penalty for the violation of the terms thereof," as amended, be and the same is hereby amended as follows:

That District Map 69 be amended to show an RM district classification where a B2 district classification is presently shown on the west side of Southfield between Weaver and Orangelawn, that an RM district classification be shown where an R1 district classification is presently shown on the east side of Ashton between Weaver and Orangelawn and on the northeast side of Weaver between Ashton and Orangelawn, and that an RMA district classification be shown where an R1 district classification is presently shown on property located on the northeast side of Weaver between Orangelawn and Rosemont and more particularly described as Lots 291 through 296, inclusive, of the Emerson Park Subdivision and the westerly nine feet of the north/south easement adjoining this property, as recorded in Liber 55, Page 45 of Plats of Wayne County Records, Michigan, said property being located on the north side of Weaver between Southfield and Rosemont;

Section 2. This ordinance is declared necessary for the preservation of the peace, health, safety and welfare of the City of Detroit, and is hereby given immediate effect.

Sec. 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Laid on the table.

Department of Public Works

June 14, 1967.

Honorable Common Council:

Re: Petition No. 573, William Evans (now Sam Shubow) Street and Alley Vacation.

Gentlemen—The above petition of Mr. William Evans requested the vacation of Faust Avenue and the conversion of Penrod Avenue and

certain alleys north of Weaver Avenue into easements for public utilities. Subsequently, the petition was taken over by Sam Shubow, and was changed to request the vacation of the public alley north of Weaver Avenue between Faust and Penrod, and the conversion of Faust Avenue, Penrod Avenue and certain alleys north of Weaver into easements for public utilities.

The petition and proposed changes were approved by the City Plan Commission with the recommendation that sufficient land be dedicated for a street turn-around for that section of Faust Avenue to remain open northerly of Weaver Avenue.

The petition was then referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

The petitioner has paid into the City Treasury the sum of \$3,324.14, Receipt No. B-37834, credited to the Department of 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 or converted to easements.

The petitioner has requested that the paved street returns at the entrances to Faust and Penrod Avenues at the intersection of Weaver Avenue remain in their present status as the petitioner plans to utilize same and has agreed by letter filed with the original petitions to pay all costs incidental to the removal of the returns at such time in the future as the removal becomes necessary.

The petitioner has also requested that the removal of the paved street returns at the northerly ends of Faust and Penrod Avenues, and at the entrance to the alley to be converted east of Greenview Avenue north of Weaver Avenue, the installation of new curb and walk, the necessary catch basin relocation, and the paving of the newly-deeded street turn-around on Faust Avenue, north of Weaver Avenue be done by private contract with all costs being borne by the petitioner. The Department of Public Works has no objection to the petitioner's request provided the work is done under City permit and inspection in accordance with City specifications.

We are in receipt of a Quit Claim Deed from John T. Higgins, Margaretta C. Higgins, his wife, and the L. C. F. Corporation to the City of Detroit deeding land for a street turn-around for Faust Avenue north of Weaver Avenue. 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.

The Sewer Design Section of the Department of Water Supply reported

that they have no objection to the vacation of the alley north of Weaver between Faust and Penrod provided the sewer located in said alley is relocated in accordance with Petition No. 4019, and communication of the Common Council of June 6, 1967.

All other City departments and privately owned utility companies reported that they will be unaffected by these changes or that they have reached satisfactory agreements with the petitioner, or that they have no objections to the conversions of the streets and alleys into easements provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
ROBERT E. TOOHEY,
Commissioner.

By Councilman Van Antwerp:

RESOLVED, That all of the southeast-northwest public alley, 18 feet wide, northerly of Weaver Avenue between Faust Avenue and Penrod Avenue 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 northeasterly of and adjoining the northeasterly line of Lots 417 to 425, both inclusive, southwesterly of and adjoining the southwesterly line of Lots 416 and 426, and lying south of and adjoining the southwesterly line of the vacated alley lying between Lots 416 and 426, 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; and further

RESOLVED, That the petitioner shall relocate the existing sewer in the alley north of Weaver Avenue between Faust Avenue and Penrod Avenue in accordance with Petition No. 4019, and resolution of the Common Council on June 6, 1967, J.C.C. Page 1278; and further

RESOLVED, That all of the southeast-northwest public alley, 18 feet wide, northerly of Weaver Avenue between Greenview Avenue and Faust Avenue as platted in Emerson Park Subdivision as recorded in Liber 55 Page 45 of Plats Wayne County Records lying northeasterly of and adjoining the northeasterly line of Lots 451 to 458, both inclusive, southwesterly of and adjoining the southwesterly line of Lots 450 and 459, and lying southwesterly of and adjoining the southwesterly line of the vacated alley lying between Lots 450 and 459, all of the above mentioned subdivision;

Also, All that part of Faust Avenue, northerly of Weaver Avenue as platted in Emerson Park Subdivision

as recorded in Liber 55, Page 45 of Plats Wayne County Records lying northwest of and adjoining the northwesterly line of Lots 425 and 426, northwest of and adjoining the northwesterly line of the public alley lying between Lots 425 and 426, southeast of and adjoining the southeasterly line of Lots 451, and lying southeast of and adjoining the southeasterly line of the public alley, 18 feet wide, adjoining Lot 451, all of the above mentioned subdivision.

Also, All that part of Penrod Avenue northerly of Weaver Avenue as platted in Emerson Park Subdivision as recorded in Liber 55, Page 45 of Plats Wayne County Records lying westerly of and adjoining the northwesterly line of Lots 373, 374, and 375, westerly of and adjoining the northwesterly line of the southwesterly 17.59 feet of Lot 376, west of and adjoining the northwesterly line of the vacated alley lying between Lots 373 and 374, easterly of and adjoining the southeasterly line of Lots 417 and 416, easterly of and adjoining the easterly line of the southerly 21.28 feet of Lot 416, easterly of and adjoining the northeasterly line of the alley lying between Lots 416 and 417, all of the above mentioned subdivision.

Be and the same are hereby vacated as a public alley and streets and are hereby converted into public easements of the full width of the alley and streets 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 alley and streets 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 and streets hereinabove described for the purposes of installing, maintaining, repairing, removing, or replacing any sewer conduit, water main, telephone, electric light or other poles or things usually placed or installed in a public alley or street 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 structure of any nature whatsoever (except necessary line fence) shall be built or placed upon said easements, without prior approval by the Department of Public Works.

THIRD, That if at any time in the future the owners of any lots abutting on said vacated alley and streets 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; further

RESOLVED, That at any time in the future the removal of the paved street returns on the north side of Weaver Avenue at the intersection of Faust Avenue and Penrod Avenue to be converted into easements becomes necessary, the entire cost of such removal shall be paid by Samuel Shubow, his heirs, administrators, executors, or assigns; and further

RESOLVED, That the paved street and alley returns, construction of new curb and walk, and backfilling where necessary at the entrance to the alley converted to an easement north of Weaver Avenue, east of Greenview Avenue, at the dead end section of Faust Avenue, north of Weaver Avenue, and at the intersection of Penrod Avenue and Elmira Avenue, shall be done by private contract under D.P.W. permit and inspection, in accordance with City specifications, with all costs being borne by Samuel Shubow, his heirs, administrators, executor, or assigns; and further

RESOLVED, That the Quit Claim Deed of John T. Higgins, Margaretta C. Higgins, his wife, and the L. C. F. Corporation, to the City of Detroit deeding land for a street turn-around, being the easterly 30 feet of Lot 450 measured at right angles from the northerly lot line thereof of Emerson Park, a subdivision of part of the Northeast $\frac{1}{4}$ 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.

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; and further

Resolved, That all the work involved in removing the curb and walk, constructing a new concrete street turn-around, and new walk will be done privately by the petitioner; and further

Resolved, That the entire work shall be performed in accordance with plans and specifications of the City Engineer's Office, and under Department of Public Works permit and inspection and further

Resolved, That the City Engineer is hereby directed to prepare plans and specifications for the turn-around at the dead-ended Faust Avenue north of Weaver Avenue, and the new intersection of Penrod and Elmira Avenues north of Weaver Avenue.

Adopted as follows:

Yeas—Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—7.

Nays—None.

COMMUNICATIONS From the Mayor

June 27, 1967.

Honorable Common Council:

Gentlemen — I am returning herewith the proceedings of your Honorable Body of the session of June 20, 1967. I have approved all of the proceedings with the exception of the resolution pertaining to expenditures from the Contingency fund (JCC p. 1551).

The procedure of charging specific types of expenditures directly to the Contingencies account was in effect when I took office. Actually, the method of expending funds from Contingencies has not changed in the last twenty years.

The accounting system of the City regulating the expenditure of funds has been established in accordance with the City Charter. Any substantive change should be based on the provisions of the Charter. Therefore, I have asked the Corporation Counsel for a legal opinion as to the proper method of charging expenses to the Contingency fund. Our future action should be guided by his legal opinion.

Respectfully yours,

JEROME P. CAVANAGH,

Mayor.

Councilman Miriani moved to reconsider the vote by which the resolution referred to in the foregoing veto message of His Honor, the Mayor, was adopted, which motion prevailed as follows:

Yeas — Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—7.

Nays—None.

Councilman Miriani then moved that the matter be referred back to Committee of the Whole, which motion prevailed as follows:

Yeas—Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—7.

Nays—None.

Controller

June 23, 1967.

Honorable Common Council:

Gentlemen — In accordance with the resolution of the Common Council passed on December 10, 1963, we are submitting claim sheets to the City Clerk representing vouchers paid during the week ending June 22, 1967 and payrolls paid during the week ending June 23, 1967.

Voucher payments during this period amounted to \$18,485,748.54, whereas payroll paid totaled \$3,192,216.03. All of these expenditures were audited by this Office prior to payment and found to be correct.

Respectfully submitted,

R. P. ROSELLE,
Deputy Controller.

By Councilman Rogell:
Resolved, That the foregoing