

Alleys in the Block Bounded by Mt. Elliott, Ackley, Strong, and Legrand.

Gentlemen—Returned herewith is Protest Petition No. 6303.

Inasmuch as the petitioner owns a majority of the lots in the block, plans to purchase the remaining lots, and petition for the vacation of the alleys, it is recommended that the Protest Petition be granted.

Respectfully submitted,
ROBERT E. TOOHEY,
Commissioner

By Councilman Hood:

Resolved, That Protest Petition No. 6303 is hereby granted; and be it further

Resolved, That the resolution adopted December 5, 1967, J.C.C. pages 2990 and 2991, authorizing the forced paving of certain alleys, be and the same is hereby amended by deleting therefrom the north-south and east-west alleys in the block bounded by Mt. Elliott, Ackley, Strong, and Legrand.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Rogell, Van Antwerp and President Carey—5.

Nays—None.

Department of Public Works

May 9, 1968

Honorable Common Council:

Re: Petition No. 4215—United Dairies, Inc.; Vacation of Alley bounded by Petoskey, Quincy, Midland, Puritan.

Gentlemen—The above petition requests the vacation of the east-west and north-south public alley, 18 and 15 feet wide, in the block bounded by Petoskey, Quincy, Midland and Puritan Avenues. The requested vacation was approved by the City Plan Commission with the recommendation that sufficient land be dedicated for a new alley. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

The Petitioner has made the following deposits with the City Treasurer, which have been credited to the departments and accounts named, for the purposes indicated:

Department of Water Supply (Sewer Maintenance Division): Fund 500(0000) (6229)001; Receipt No. C-32205; \$4,200.00, for the estimated cost of installing drainage in the newly dedicated alley between Petoskey and Quincy Avenues and south of Puritan Avenue.

Public Lighting Commission: Fund No. 990-9423; Receipt No. A-44810; \$2,550.00, for the estimated cost of rerouting two No. 6 7500-V street lighting wires in the alley to be vacated.

Department of Public Works (Permit Division): Receipt No. GR-15557; \$7,500.00, for the estimated cost of paving the newly deeded alley south

of Puritan between Petoskey and Quincy Avenues.

Department of Public Works and Maintenance Division): Fund No. 143-6241; Receipt No. A-44809; \$439.00, for the original cost of paving Quincy and Petoskey Avenues at the intersection of the alley to be vacated.

The petitioner has also requested that the paved returns at the entrance to the alley to be vacated remain in their present status as the petitioner plans to utilize same and had agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

The petitioner has requested the paving and installation of drainage in the newly deeded alley and the paving of the new alley returns be done under private contract, all costs of such to be borne by the petitioner. The petitioner has also deposited the monies necessary to have this work done by the City. He wishes said deposits to be refunded if he has the work performed privately. The Department of Public Works has no objection to the petitioner's request provided the work is done under City specifications and inspection. Upon completion of the work in a manner satisfactory to the City Engineer, the monies deposited will be refunded.

A Warranty Deed has been received from the petitioner, deeding to the City of Detroit land for the new alley. This 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.

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be located in the public right-of-way to be vacated.

All other involved City departments and privately-owned utility companies reported that they have no objection to the proposed vacation or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
ROBERT E. TOOHEY,
Commissioner

By Councilman Rogell:

Resolved, that all that part of the east-west public alley, 18 feet wide, first south of Puritan Avenue, between Petoskey Avenue and Quincy Avenue, as platted in the Ford View Subdivision of Lot 5, Plan of East ½ of Southeast ¼ of Section 15, T. 1. S., R. 11. E., Greenfield Township (now Detroit), Wayne County, Michigan, as recorded in Liber 29, Page 63, Plats, Wayne County records, lying south of and abutting the southerly line of Lots 8 to 14, and lying north of and abutting the northerly line of Lots

343 and 376 and the north-south alley, 15 feet wide, abutting Lots 343 and 376, inclusive, of the above-mentioned subdivision; also

All that part of the north-south public alley, 15 feet wide, south of Puritan Avenue and between Petoskey Avenue and Quincy Avenue lying east of and abutting the easterly line of Lots 375 and 378 and the northerly 10 feet of Lot 374, and lying west of and abutting the westerly line of Lots 343 and 344 and the northerly 10 feet of Lot 345 inclusive, of the above-mentioned subdivision;

Be and the same are hereby vacated as public alleys to become a part and parcel of the abutting property subject to the following provisions:

1) Provided, that by reason of the vacation of the above property, the City of Detroit does not waive any rights to the sewers located or to be located therein, and, at all times, shall have the right to enter upon the premises, if found necessary to repair said sewers, alter, service or install same; and further

2) Provided, that no building shall be constructed over said sewers without the prior approval of such building construction by the Sewer Design Section of the Department of Water Supply and the Department of Buildings and Safety Engineering; and further

3) Provided, in the event that the sewer located or to be located in said property shall break, causing damage to any construction, property or materials above, the petitioners and their assigns, by acceptance of the permit for construction over said sewer, waive all claims for damages; and further

4) Provided, that if the sewer located or to be located in said property shall break or be damaged, as a result of any action on the part of the petitioner, or assigns (by way of illustration but not limitation, such as storage of excessive weights of materials, or any construction not in accordance with Provision 2, mentioned above), then in such event, the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged sewer; and be it further

Resolved, that the Warranty Deed of the United Dairies, Inc., deeding land to the City of Detroit for alley purposes being described as the southerly 20.00 feet of Lots 345 and 374 of the Ford View Subdivision of Lot 5, Plan of East 1/2 of Southeast 1/4, the southwest 1/4 and the west 1/2 of Southeast 1/4 of Section 15, T. 1. S., R. 11. E., Greenfield Township (now Detroit) Wayne County, Michigan as recorded in Liber 29, Page 63, 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 be it further

Resolved, that if at any time in the future the removal of the paved alley returns at the entrance to the vacated alley becomes necessary, the entire cost of such removal shall be paid by the United Dairies, Inc., its heirs, executors, administrators, or assigns; and be it further

Resolved, that the petitioner shall install the necessary drainage and pave the newly deeded alley and alley return by private contract under City permits, in accordance with City specifications and inspection, and that all costs for said work shall be borne by the United Dairies, Inc., its heirs, executors, administrators, or assigns; and be it further

Resolved, that the newly deeded alley be paved prior to the removal of the pavement of the alley to be vacated; and be it further

Resolved, that in the event the alley is paved and the drainage installed by private contract, the monies deposited with the City for such paving and drainage installation (Department of Water Supply's Fund No. 500(0000)-(6229)001; Receipt No. C-32205; \$4,200.00 and Department of Public Works' Permit Division; Receipt No. GR-15557; \$7,500.00) shall be refunded to the petitioner.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Rogell, Van Antwerp and President Carey—5.

Nays—None.

Department of Public Works

May 8, 1968

Honorable Common Council:

Re: Petition No. 6359 Protesting the Paving of the North-South Alley in the Block Bounded by Orleans, Marx, Robinwood, and E. Seven Mile Road.

Gentlemen—We are returning herewith Protest Petition No. 6359.

The paving of this alley was initiated by a majority petition, No. 4623, from the abutting property owners. However, many of the signers of the original petition requesting the paving have changed their minds and have also signed the Protest Petition.

Inasmuch as the Protest Petition represents the owners of a majority of the properties involved, we recommend that the Protest Petition be granted.

Respectfully submitted,
ROBERT E. TOOHEY
Commissioner

By Councilman Van Antwerp:

Resolved, That Protest Petition No. 6359 be and the same is hereby granted; and be it further

Resolved, That the resolution adopted January 30, 1968, J.C.C. page 166, ordering the paving of certain alleys, be and the same is hereby amended by deleting therefrom the