

ing a walkway to provide pedestrian access between Hurlbut and Cadillac Avenues instead of taking private property to provide a public alley. It would be desirable to provide pedestrian access between Hurlbut and Cadillac Avenues in addition to the vehicular access to be provided to Bewick Avenue.

If Your Honorable Body is favorable to the granting of the petitioner's request on street and alley vacations and street dedication, it is recommended that he also be required to dedicate a ten (10) foot by 137 foot strip of his property directly south of lot 151 of King Subdivision for public walkway purposes and to provide in this walkway lighting and a five (5) foot wide paved sidewalk located one (1) foot north of his property line. This dedication would connect directly to an existing east-west alley farther to the west and would provide the recommended access westerly from the end of Hurlbut Avenue.

Respectfully submitted,

ELMER E. MUELLER

Assistant Director

Department of Public Works

June 12, 1969

Honorable Common Council:

Re: Petition No. 7617, National Brewing Company, Vacation and Conversion to Easement of Hurlbut Avenue north of Mack and the alleys in the block bounded by Hurlbut, Bewick, Mack, and Sylvester.

Gentlemen—The above petition requests the conversion of Hurlbut Avenue from Mack Avenue to approximately 417 feet north of Mack Avenue into an easement for public utilities; and the vacation of part of the alleys in the block bounded by Hurlbut, Bewick, Mack, and Sylvester Avenues.

The requested vacation and conversion into easement for public utilities was recommended by City Plan Commission with the recommendation that sufficient land be dedicated for a new street and walkway.

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:

Fire Department Fund 990-9406

Receipt No. B-37297, \$1,100.00. For the estimated cost of relocating one fire hydrant from Hurlbut Avenue.

Public Lighting Commission Fund 990-9423

Receipt No. B-37296, \$2,950.00. For the estimated cost of relocating lighting equipment at Mack and Hurlbut Avenues.

DPW Intersection Fund 143-6241

Receipt No. B-37298, \$280.00. For the original cost of paving the north half of Mack Avenue at the intersec-

tion of Hurlbut Avenue to be vacated.

The petitioner has also requested that the paved returns at the entrance to Hurlbut Avenue and the alley west of Bewick Avenue 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.

Warranty Deeds have been received from the petitioner, deeding to the City of Detroit, land for the new street and walkway. The deeds were approved as to form and execution by the Corporation Counsel and as to description by the City Engineer, and are attached for your Honorable Body's acceptance.

The petitioner has requested that the construction of the new street and sidewalk in the walkway and installation of necessary drainage be done privately with all costs being borne by the petitioner. This office has no objection to the petitioner's request provided the work is done under Department of Public Works and Detroit Metropolitan Water Services permit and inspection in accordance with City specifications.

The petitioner has filed a bond in the amount of \$33,100.00 guaranteeing completion of the above paving by December 31, 1970.

All other involved City departments and privately-owned utility companies reported that they have no objection to the proposed vacations 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 P. ROSELLE,

Commissioner.

By Councilman Tindal:

Resolved, That all that part of the east-west public alley, 18 and 20 foot wide, first northerly of Mack Avenue, between Hurlbut and Bewick Avenues lying southerly of and abutting the southerly line of lot 22, lying northerly of and abutting the northerly line of lot 21 inclusive of Charles Bewick's subdivision of part of Private Claim 725, north of Mack, village of St. Clair Heights, Wayne County, Michigan as recorded in Liber 24, Page 80, Plats Wayne County records, lying northerly of and abutting the northerly line of the southerly five feet of lot 97, lying southerly of and abutting the southerly line of the northerly five feet of lot 97 inclusive of King's subdivision of lots 14, 15, 16, and 17 of M. H. Butler's subdivision of Private Claim 257, Hamtramck, Wayne County, Michigan as recorded in Liber 11, Page 61, Plats, Wayne County Records;

Be and the same are hereby vacated to become a part and parcel of

the abutting property; and be it further

Resolved, That all that part of the north-south public alley 18 and 36 feet wide in the block bounded by Hurlbut, Bewick, Mack and Sylvester Avenues lying easterly of and abutting the easterly line of the northerly 1.39 feet of lot 98, the southerly 5.00 feet of lot 97, the public alley, 20 feet wide, north of the southerly five feet of lot 97, the northerly five feet of lot 97, all of lot 96 and the southerly 10.0 feet of lot 95 inclusive of King's subdivision as recorded in Liber 11, Page 61, Plats, Wayne County records; lying westerly of and abutting the westerly line of the southerly 15.0 feet of lot 23, all of lot 22 and the 18 foot alley southerly of lot 22 inclusive of Charles Bewick's Subdivision as recorded in Liber 24, Page 80 Plats Wayne County records;

Be and the same is hereby vacated 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 Detroit Metropolitan Water Services 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 all that part of Hurlbut Avenue, 60 feet wide, between Mack and Sylvester Avenues as platted in King's Subdivision as recorded in Liber 11, Page 61, Plats, Wayne County records, lying easterly of and abutting the easterly line of the southerly 15.0 feet of lot 152, easterly of and abutting the easterly line

of lot 153 to 158, the northerly 6.0 feet of lot 159, the southerly 6.0 feet of lot 159 and the vacated alley, 18 feet wide, between the northerly and southerly 6.0 feet of said lot 159 easterly of and abutting lots 160, 161 and 109 and the vacated east-west alley 18 feet wide between lots 109 and 161; lying westerly of and abutting the westerly line of the southerly 10.0 feet of lot 95, westerly of and abutting the westerly line of lot 96, the northerly 5.0 feet of lot 97, the southerly 5.0 feet of lot 97, westerly of and abutting the westerly line of the east-west alley 20 feet wide, between the northerly and southerly 5 feet of said lot 97, westerly of and abutting the westerly line of lots 98 to 101, the northerly 6.0 feet of lot 102, the southerly 6.0 feet of lot 102, the vacated east-west alley, 18 feet wide between the northerly and southerly 6.0 feet of said lot 102; westerly of and abutting the westerly line of lots 103, 104, and 108 and the vacated east-west alley, 18 feet wide, between lots 104 and 108;

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the street; 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 street 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 street hereinabove described for the purposes of maintaining, installing, repairing, removing or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public 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 structures of any nature whatsoever including but not limited to concrete slabs or driveways, retaining or partition walls (except necessary line fence) shall be built or placed upon said easement, nor any change of surface grade made 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 street 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 incidental to such removal

and/or relocation, unless such charges are waived by the utility owners.

PROVIDED FURTHER. That if any utility 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 construction not in accordance with Section 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 utility; and be it further

RESOLVED, That the Warranty Deed of the National Brewing Company deeding land to the City of Detroit for street purposes and a walkway being described as:

1) The Southerly 25 feet of Lot 94 and the Northerly 20 feet of Lot 95 King's Sub'n, according to the Plat thereof, as recorded in Liber 11, Page 61, Wayne County Records.

2) Lot 24 and the Northerly 15 feet of lot 23 Charles Bewick's Sub'n according to the Plat thereof, as recorded in Liber 24, page 80, Wayne County Records.

3) The westerly 10 feet of the vacated alley abutting the Southerly 5 feet of lot 128, and the vacated 20 foot alley abutting the Northerly 10 feet of lot 152 and the Northerly 10 feet of Lot 152, King's Sub'n, according to the Plat thereof, as recorded in Liber 11, Page 61, Wayne County Records.

Be and the same are 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 removal of the paved street and alley returns becomes necessary in the future the removal and construction of new curbs and sidewalks shall be done at the expense of the petitioner, his heirs, or assigns; and be it further

RESOLVED, That the petitioner shall install the necessary drainage and pave the newly dedicated street and construct the sidewalk in the newly deeded walkway by private contract under permit of the Department of Public Works and the Detroit Metropolitan Water Services in accordance with City specifications and inspection and that all costs for said work shall be paid by the National Brewing Company, its heirs, successors, or assigns.

RESOLVED, That the above-mentioned pavement construction be completed by December 31, 1970.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Tindal, Wierzbicki and President Pro Tem Ravitz—5.

Nays—None.

City Plan Commission

June 12, 1969

Honorable Common Council:
R.E: Naming of newly dedicated street, National Brewing Co. (7617)

Gentlemen — Our previous recommendation for opening a new street between Hurlbut and Bewick Avenues north of Mack, as requested by the National Brewing Company (#7617), did not include a name for this street.

Emmons Avenue, two blocks to the west, is in close alignment with the proposed new street location. We recommend that this new street be named Emmons Avenue.

Respectfully submitted,
CHARLES A. BLESSING,
Director of City Planning

By Councilman Tindal:

Resolved, That the foregoing recommendation of the City Plan Commission for the naming of the newly dedicated street located between Hurlbut and Bewick Avenues, north of Mack, more particularly described in the above adopted resolution from the Department of Public Works, to Emmons Avenue be and the same is hereby concurred in.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Tindal, Wierzbicki and President Pro Tem Ravitz—5.

Nays—None.

From the Mayor

June 13, 1969

Honorable Common Council:

Gentlemen — Returned herewith are the proceedings of your session of June 10, 1969, which I have approved with the exception of a resolution offered by Councilman Beck and adopted by a 5 to 3 vote, calling upon the State Attorney General to investigate certain allegations recently published in a local magazine.

I am vetoing that resolution — not because I oppose any fair and objective inquiry into the conduct of City officials, but because the resolution does not go far enough. If an official investigation is required whenever anyone publishes any charges against any person in public office — no matter what the source or the credibility of the accuser — then fairness requires that the investigation be two-sided. If the accusations are true, criminal action should be taken against the wrongdoing public official. But if the accusations are false, reckless, and malicious, then criminal action should be taken against the character assassins.

Only in this way can public officials and their families be protected against the cruel assaults of unscrupulous scandal mongers. Persons in public life know they must and should submit their actions to full public scrutiny; but in turn they are entitled to redress when they are criminally maligned. If this minimum