

February 28

modities and/or prices on contracts as recommended in the foregoing communications designated as Contract or File No. 1855, 1857, 2309, 3392, 54650, 3655, 1815, 50289, 9619, and 1717 be and the same are hereby approved.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, and President Henderson — 8.  
Nays — None.

\*RECONSIDERATION (No. 4), per Motions before Adjournment.

### Environmental Protection and Maintenance Department

February 23, 1979

Honorable City Council:

Re: Petition 1493, Arrow Overall Company. Conversion to easement of the N-S alley lying between Concord and Canton Avenues and North of Ferry Avenue.

The above petition requests the vacation of the above described alley 18 feet wide with the reservation of an easement for the public sewer therein. The requested vacation was approved by the Community, Economic and Development Department for the Board of Education who are selling the Thomas School Building and the site to the petitioner.

This site was developed by the school board in 1905 and the building is located over the public alley right-of-way and the public sewer therein. The fact that the alley had never been formally vacated was only disclosed when the title search for the property sale was undertaken.

The developer is proposing to remodel the building and has indicated to the Water and Sewerage Department that they will not be affecting the continued use of the public sewer lying beneath the building. All other City departments and privately owned utility companies are not affected by the vacation as they have not been located within the alley right-of-way since 1905.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
LOUIS W. KLEI  
City Engineer

Approved:

JAMES W. WATTS  
Director

By Council Member Cleveland:

Resolved, that the part of the north-south 18 feet wide public alley between Concord and Canton Avenues, north of Ferry Avenue lying west of lots 54 through 61 and east of lots 62 through 69 all in James Gam-

ble subdivision of part of lots 9 & 10 PC 573 north of Gratiot Avenue recorded L 14 P 67 W.C.R. be and the same is hereby vacated as a public alley to become a part and parcel of the abutting property described above, 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 sewer without the prior approval of such building construction by the Sewer Services Section of the Detroit Water and Sewerage Department and the Department of Buildings and Safety Engineering; and further

3) PROVIDED, That the existing Thomas School Building which is presently over said property shall be permitted to remain; and further

4) PROVIDED, That the petitioner or assigns shall be required to execute with the Detroit Water and Sewerage Department an "Agreement for Easement Encroachment over Sewers," to protect the City of Detroit from any liability because of the existing Thomas School Building being located over the sewer.

5) PROVIDED, That by reason of the vacation of the above property, the City of Detroit through its Public Lighting Department does not waive the right to maintain a transformer pole which is located in the northerly 10 feet of said vacated alley and its lines attached thereto; and further

6) PROVIDED, That should the petitioner or assigns desire to have this pole removed it will be at the petitioner's or assigns sole expense.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, and President Henderson — 8.

Nays — None.

\*RECONSIDERATION (No. 5), per Motions before Adjournment.

From the Clerk

February 28, 1979

That the balance of the adjourned proceedings of February 15, 1979 was presented to His Honor, the Mayor, on February 21, 1979 and was approved by the Mayor on February 27, 1979.

That on February 22, 1979, he presented that portion of the proceedings