

Corporation Counsel

June 19, 1950.

To the Honorable, the Common Council:

Gentlemen — You have again referred to us Petition 7666 of the National Building Corporation, which asks for vacation of the public alley bridged by the National Bank Building. You have asked us "to see if an instrument can be prepared which will accomplish what the petitioner desires and which will protect the City of Detroit."

We have prepared the attached Resolution of Vacation, which we believe represents the consensus of thought of your Body when last this matter was before you. Petitioner, however, claims that the last paragraph in the Resolution is unsatisfactory to him. We have been unable to arrive at an acceptable solution and again will point out that no power to vacate rests with your Body unless a finding can be made that benefit to the public accrues from the vacation.

The circumstances here present demonstrate no such changes as would obviate the various legal questions set forth in our former opinion rendered December 21, 1949.

Respectfully submitted,
PAUL T. DWYER,
Chief Assistant
Corporation Counsel.

Approved:
FRANK G. SCHEMANSKE,
Corporation Counsel.

By Councilman Connor:

Resolved, That all that portion of the public alley described as follows:

Land in the City of Detroit, Wayne County, Michigan described as a parcel of land being that part of the public alley lying South of and adjoining Lots 50 and 51 of Section 1 of Governor & Judges Plan of the City of Detroit, more particularly described as:

Beginning at the intersection of the South line of Cadillac Square (200 feet wide) with the West line of Bates Street (60 feet wide), said point being the Northeasterly corner of Lot 48 of said Section 1 of Governor & Judges Plan; thence South 89 d. 51 m. West, along the South line of Cadillac Square, 120 feet to a point, said point being the Northeasterly corner of said Lot 50; thence South 0 d. 17 m. East, along the East line of said Lot 50, 100.00 feet, to a point on the North line of a public alley (20.00 feet wide), said point being the Northeasterly corner and the point of beginning of the parcel herein described; thence South 0 d. 17 m. East, 20.00 feet to a point on the South line of said public alley; thence South 89 d. 51 m. West, along the South line of said public alley, 53.72 feet to a point of angle; thence South 29 d. 29 m. 50 s. West, along the southeasterly line of said public alley, 30.20 feet to a point; thence North 0 d. 17 m. West 46.25 feet to a point on the Northerly line of said public alley; thence North 89 d. 51 m. East, along the Northerly line of said public alley, 53.72 feet to the place of beginning.

being all that portion of the public alley situated between the rear of Lots 50 and 51, and the rear of Lots 92, 93 and 94, and the vacated alley between the three last mentioned lots, all in Section 1 of the Governor & Judges Plan of the City of Detroit and being that portion of the existing alley now bridged by the National Bank Building under permit authorized by this Common Council on, to-wit: May 31, 1927;

BE AND THE SAME IS HEREBY vacated as a public alley,

Reserving, however, an easement therein of to a height of 14 feet above the surface of the alley for alley purposes, including the passage of persons and vehicles and its use for public utility purposes, to-wit: for the purpose of installing, maintaining, repairing, removing or replacing any sewer, conduit, telephone, telegraph, electric light or other poles or things usually placed or installed in a public alley in the City of Detroit;

Conditioned upon the following:

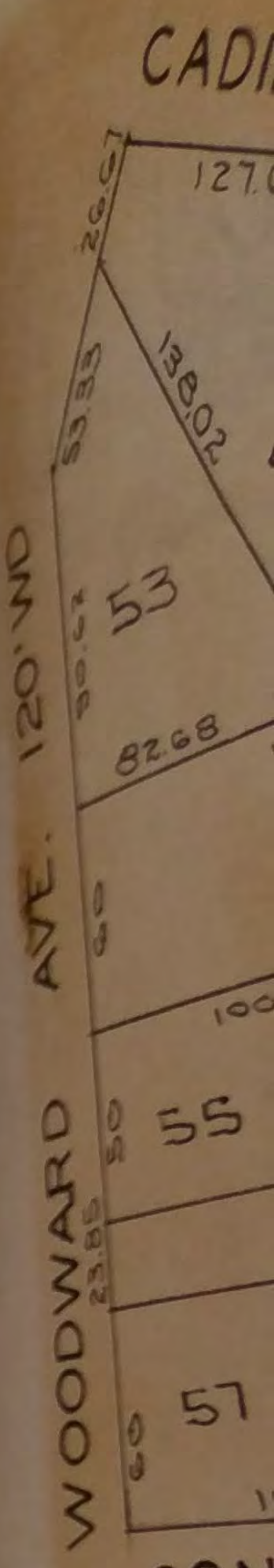
1. The owner or owners of the building which bridges the alley shall provide and maintain lighting within said vacated public alley in a manner satisfactory to the Public Lighting Commission of the City of Detroit.

2. Said owner or owners shall maintain the pavement in said public alley in a manner satisfactory to the Department of Public Works of the City of Detroit.

Adopted as follows:

Yeas — Councilmen Beck, Connor, Kronk, Oakman, Rogell, Smith, and the President—7.

Nays—None.



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Corporation Counsel.

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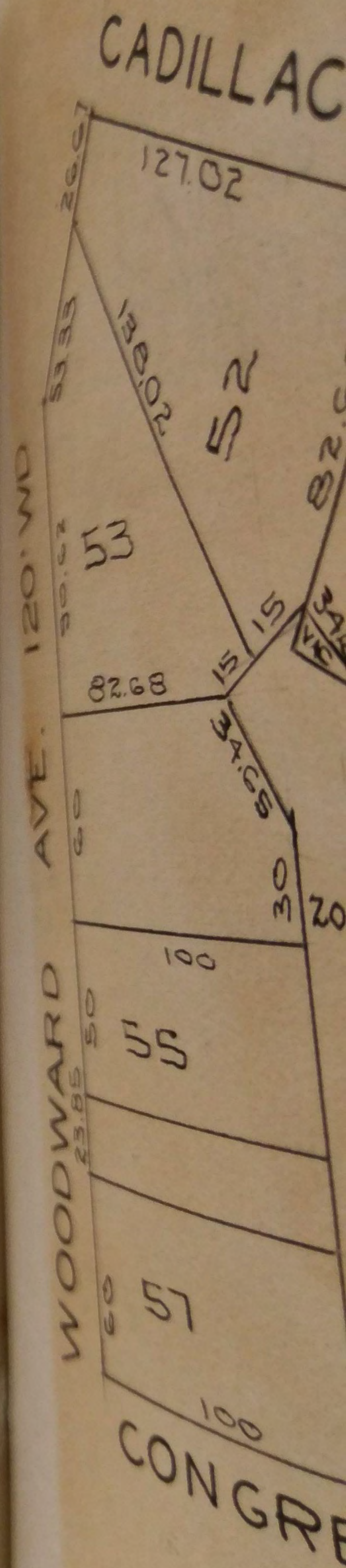
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Nays—None.



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