

Department of Public Works
January 21, 1958.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Department of Parks and Recreation requesting the vacation of Majestic Avenue west of Rutland, a portion of Longacre Avenue north of Warren Avenue, and a portion of the N/S alley north of Warren Avenue between Longacre, and Rutland Avenues. The vacation of said portions of streets and alley was approved by the City Plan Commission with the recommendation that sufficient land be allocated from the recreational site for a new 40 foot E/W street to be known as Majestic Avenue. The petition was then referred to this office by your Committee of the Whole for investigation and report.

We wish to advise that our investigations are completed.

The Street Maintenance Division of the Department of Public Works requested the petitioner to issue an Interdepartmental Purchase Order in the amount of \$650.00, said amount being the estimated cost of removing the paved return and constructing straight sidewalk and curb incident to such removal necessitated by the vacation of said portion of Majestic Avenue. It is requested that the cost of doing the above described work be charged to the Department of Parks and Recreation park development fund in accordance with the resolution adopted October 3, 1950, J.C.C. Pages 2802 and 2803, by your Honorable Body.

It is also requested that the cost of paving the newly allocated Majestic Avenue be handled under assessment procedure, assessment ratios to be determined at the time the newly allocated street is proposed for paving, this also being in accordance with your Honorable Body's resolution of October 3, 1950.

Proper provisions are incorporated into the vacating resolution protecting the City's interests in the sewer located in the portion of alley to be vacated.

All other City departments and privately owned utility companies reported that they will be unaffected by the vacation of said portion of streets and alley.

As the vacation of said portions of streets and alley are necessary for the proper utilization of the recreational site, we recommend the adoption of attached resolution.

Respectfully submitted,
GLENN C. RICHARDS,
Commissioner.

By Councilman Rogell:

Resolved, That all of Majestic Avenue, 50 feet wide, west of Rutland Avenue, as platted in West Warren

Park Subdivision of part of the S. ½ of Section 1, T. 2 S., R. 10 E., Dearborn Township, Wayne County, Michigan, as recorded in Liber 50, Page 6 of plats, Wayne County Records, lying north of and adjoining the north line of Lot 874 and south of and adjoining the south line of Lot 875 of the above mentioned subdivision.

Also, all that part of Longacre Avenue, 50 feet wide, north of Warren Avenue, being the west 50 feet of the east 255.41 feet of the north 83.52 feet of the south 443.25 feet of that part of the S.W. ¼ of Section 1, T. 2 S., R. 10 E., City of Detroit, Wayne County, Michigan, lying west of and adjoining the west line of Lot 874 of West Warren Park Subdivision, as recorded in Liber 50, Page 6 of plats, Wayne County Records, and north of and adjoining the north line of the Easthaven Subdivision, as recorded in Liber 47, Page 1 of plats, Wayne County Records, said portion of Longacre Avenue was deeded to the City of Detroit, said deed having been accepted by the Common Council of the City of Detroit on January 4, 1927.

Be and the same are hereby vacated as public streets to become a part and parcel of the adjoining property; and further

Resolved, That the cost of removing the paved return and constructing straight sidewalks and curbs necessitated by the vacation of said portions of streets be charged to the Department of Parks and Recreation park development fund in accordance with the resolution adopted October 3, 1950, J.C.C. Pages 2802 and 2803 by the Common Council of the City of Detroit; and further

Resolved, That all that part of the north-south public alley, 18 feet wide, north of Warren Avenue between Longacre and Rutland Avenues, being the north 83.52 feet of the east 18 feet of the west 133 feet of the south 443.25 feet of that part of the S.W. ¼ of Section 1, T. 2 S., R. 10 E., City of Detroit, Wayne County, Michigan, lying east of and adjoining the east line of Longacre Avenue and north of and adjoining the north line of the Easthaven Subdivision as recorded in Liber 47, Page 1 of plats, Wayne County Records, said portion of alley was deeded to the City of Detroit, said deed having been accepted by the Common Council of the City of Detroit on September 17, 1929.

Be and the same is hereby vacated as a public alley to become a part and parcel of the adjoining property, subject to the following provisions:

1) Provided, That by reason of the vacation of the above described alley, the City of Detroit does not waive any rights to the sewer located therein

and at all times shall have the right to enter upon the premises, if found necessary, on account of said sewer to repair, alter, or service same; and further

2) Provided, That if a building is to be constructed over said sewer, the sewer shall be replaced with cast iron pipe of the same size, rerouted or encased in 6 inches of Class "A" concrete, or in lieu of the above, such work shall be done as will be specified by the City Engineer, all of the work mentioned to be done under the supervision and inspection of the Department of Public Works and all costs entailed to be borne by the petitioners, their successors, or assigns; and further

3) Provided, That no building shall be constructed over said sewer without the prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering; and further

4) Provided, That in the event that the sewer located in said alley, if built upon, shall break causing damage to any construction above, the petitioner and their assigns, by acceptance of the permit for building over said sewer, waive all claims for damages to such construction and agree to pay all costs incident to the repair of said broken sewer; and further

Resolved, that the south 40 feet of the north 131 feet of Lot 874 of West Warren Park Subdivision of part of the S. $\frac{1}{2}$ of Section 1, T. 2 S., R. 10 E., Dearborn Township, Wayne County, Michigan, as recorded in Liber 50, page 6 of plats, Wayne County Records.

Also, the west 115 feet of the north 40 feet of the south 359.73 feet of that part of the S.W. $\frac{1}{4}$ of Section 1, T. 2 S., R. 10 E., City of Detroit, Wayne County, Michigan, lying east of and adjoining the east line of Longacre Avenue, 50 feet wide, and north of and adjoining the north line of Easthaven Subdivision of a part of the S.W. $\frac{1}{4}$ of Section 1, T. 2 S., R. 10 E., Dearborn Township, Wayne County, Michigan, as recorded in Liber 47, Page 1 of plats, Wayne County Records.

Also, the north 40 feet of the south 359.73 feet of that part of the S.W. $\frac{1}{4}$ of Section 1, T. 2 S., R. 10 E., City of Detroit, Wayne County, Michigan, lying east of and adjoining the east line of the 18-foot north-south public alley lying between Longacre and Rutland Avenues, west of and adjoining the west line of Lot 874 of West Warren Park Subdivision, as recorded in Liber 50, Page 6 of plats, Wayne County Records, and north of and adjoining the north line of Easthaven Subdivision, as recorded in Liber 47, Page 1 of plats, Wayne

County Records, be and the same are hereby allocated for street purposes, to be known as Majestic Avenue; and further

Resolved, That the cost of paving the newly allocated Majestic Avenue be handled under assessment procedure, assessment ratios to be determined at the time the newly allocated street is proposed for paving.

Adopted as follows:

Yeas—Councilmen Carey, Lincoln, Patrick, Rogell, Smith, Van Antwerp and President Beck—7.

Nays—None.

Department of Public Works

January 22, 1958

Honorable Common Council:

Gentlemen—Re: Contract PW-2862. Recapping Residential Streets, 1957 Construction Season. Contractor Louis Garavaglia.

Total Amount Accepted Proposal, \$204,103.60.

Interim Reconciling Change, \$14,563.50.

Adjusted Contract Price, \$218,667.10.

The above Contract is on a unit price basis with estimated quantities of the various items of work stated in the Proposal. The work has been substantially completed and field measurements indicate the actual quantities of the various items of work performed to date result in a net difference as shown in the Interim Reconciling Contract Change.

It is respectfully requested that the increased cost as shown on the Interim Reconciling Change be approved and that the Controller be authorized to honor vouchers based on the above adjusted Contract Price.

The work remaining to be done consists of the application of waterproofing and sheet asphalt for the adjustment of driveways. It would be to the City's interest to postpone this work until spring. However, the Contractor has requested that all monies due him be released with the exception of \$1,000.00.

We feel this to be reasonable and recommend that the Contractor's request be granted. The amount earned to date is \$218,667.10, of which \$166,234.95 has previously been paid. The payment, at this time, would therefore be \$51,432.15.

Respectfully submitted,

GLENN C. RICHARDS,

Commissioner

By Councilman Smith:

Resolved, That the "Adjusted Contract Price" on the above Contract be and is hereby approved; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to honor vouchers when presented, based on the Adjusted Con-