

Joints for MacArthur Bridge, Adjusted Contract Price \$80,386.04, Contractor Thompson - Schmidt Company.

Re: Contract PW-3029, Lateral Sewer 6984 in Blocks Bounded by Beaverland E. of Bramell, S. of Davison, and Davison, Adjusted Contract Price \$8,325.00.

JOHN S. PERCIVAL,
Engr. of Tests & Insp'n.
CLYDE L. PALMER,
Assistant City Engineer.
GLENN C. RICHARDS,
Commissioner.

By Councilman Wise:

Whereas, From the foregoing communication, it appears that all work required to be performed by the Contractors under the contracts therein named has been fully completed; and

Whereas, The completed work has been found acceptable under the terms and conditions of said contracts by the Department of Public Works; therefore be it

Resolved, That the said contracts be and are hereby accepted.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—9.
Nays—None.

Reconsideration

Councilman Carey moved to reconsider the vote by which the resolution was adopted.

Councilman Rogell moved to suspend Rule 23 for the purpose of indefinitely postponing the motion to reconsider, which motion prevailed as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—9.
Nays—None.

Councilman Connor then moved that the motion to reconsider be indefinitely postponed, which motion prevailed.

The regular order was resumed.

Department of Public Works

April 9, 1958

Honorable Common Council:

Gentlemen—On December 14, 1948, Common Council Proceedings, Page 3294, your Honorable Body, upon recommendation of the City Plan Commission, ordered the opening of an alley to the width of 18 feet west of the Charleston Avenue frontage between Winchester and Colton Avenues. This action was accordingly carried out and an assessment roll prepared in which the cost of this proceeding, in the amount of \$600.00, was assigned against the property fronting on Charleston Avenue.

We are now in receipt of a complaint from Mr. R. C. Vincent, 20303 Charleston, who has just paid part three of the alley opening assessment, to the effect that this alley has never

been opened on the ground and requesting that some appropriate action be taken.

An extensive investigation has been made by the City Engineer's Office, and we find that, since the condemnation of this alley, the property has lain dormant in its original state and has never been improved. It has also been determined that in all that time nobody has ever used the alley since the garages all face the street and garbage and rubbish is picked up on Charleston Avenue.

The usual move in a case of this kind is to have the Department of Public Works grade and stone the alley and construct paved returns at each end. This, it is estimated, would cost approximately \$1,000.00.

The other choice is to force pave the alley and assess the cost against the abutting property owners who have already paid \$600.00 for the opening.

Neither of these solutions warrants the expense since the alley would not be of any use anyway and, as your Honorable Body is aware, the City is closing alleys and converting them into easements in residential areas such as this.

It is, therefore, our recommendation that this alley be vacated and converted into an easement for utilities, and that a refunding roll be made out by the Board of Assessors for returning to the Charleston Avenue property owners the \$600.00 that has been paid by them.

Respectfully submitted,
GLENN C. RICHARDS,
Commissioner

By Councilman Wise:

Resolved, That "all of the north-south public alley, 18 ft. wide, west of Charleston ave. between Winchester and Colton aves., which alley is in fact the east 18 ft. of lots 25 and 39 of Little Garden Farms Subdivision of that part of the N.W. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Sec. 2, T. 1 S., R. 11 E., lying east of the D. G. H. & M. R.R., Greenfield Township, Wayne County, Michigan, as recorded in Liber 30, page 67 of Plats of Wayne County Records," be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, 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 alley and by their grantees and assigns, and 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 alley hereinabove described 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, with the right to ingress and egress at any time to and over said easement for the purposes above set forth;

Second, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built or placed upon said easement,

Third, that if at any time in the future the owners of any lots abutting on said vacated alley 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 incident to such removal and/or relocation, unless such charges are waived by the utility owners, and further

Resolved, That the Board of Assessors be and it is hereby authorized and directed to prepare a refunding roll for the purpose of returning to the Charleston ave. property owners the assessments paid by them for the opening of this alley.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—9.
Nays—None.

Department of Public Works

September 30, 1958.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Fred J. Kendrick, No. 2268, requesting permission to construct a portion of driveway and overhead roof over the 6-foot easement or the south side of the petitioner's lot known as 8529 Sorrento Avenue.

Investigation of Mr. Kendrick's property discloses the existence of a total 12-foot easement, 6 feet thereof being at the side of the petitioner's lot. The house is presently under construction and is located on the west side of Sorrento Avenue, north of Mackenzie Avenue. The Building Department has ordered the builder to stop construction of the house pending the outcome of this petition. There are many other encroachments in the balance of the petitioner's block.

Under the provisions of your Honorable Body's resolution establishing a policy on encroachments into 6-foot easements, it becomes necessary for this office to recommend a denial of the petitioner's request. In the event your Honorable Body desires to grant the petitioner's request, an appropriate resolution to that effect is

attached.

Respectfully submitted,
GLENN C. RICHARDS,
Commissioner.

By Councilman Wise:

Resolved, That subject to the provisions below, the Department of Public Works is hereby authorized and directed to issue permit to:

Fred J. Kendrick, Petition No. 2268, to construct a driveway and overhead roof to encroach 3 feet into the 6-foot easement at the south side of Lot 2927 of Robert Oakman Land Co.'s Aviation Field Subdivision No. 4 located on the west side of Sorrento Avenue, north of Mackenzie Avenue, commonly known as 8529 Sorrento Avenue.

Provided, That the action on said permit is approved by the Department of Buildings and Safety Engineering; and further

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded by and at the permittee's expense in the Office of the Register of Deeds for Wayne County; and further

Provided, That no right in the public easement shall be considered waived by this permission which is granted expressly on the condition that the garage, driveway, building and all obstructions in connection therewith shall be removed at the expense of the grantee at any time when so directed by the Common Council; and further

Provided, If at any time in the future it becomes necessary to repair or replace the sewers or other utilities located or to be located in said easement, by the acceptance of this permission, the owners for themselves, their heirs, and assigns waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the Department of Public Works at the owners' expense; and further

Provided, That this resolution is revocable at the will, whim or caprice of the Common Council, and the grantees by the acceptance of this permission, waive any right to claim damages or compensation for any driveways or structures constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges, not expressly stated herein.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—9.
Nays—None.

Department of Public Works

September 26, 1958.

Honorable Common Council:

Gentlemen — We return herewith