

Department of Public Works

June 16, 1961.

Honorable Common Council:

Gentlemen—In response to published advertisements, bids were received on June 13, 1961, for Contract PW-3861W, as follows:

Street: Decatur, Limits, 830.43 Feet S. of Westfield to 446.43 Feet S. of Westfield.

A tabulation of bids received is attached.

The low bid is regular in all respects and in accordance with the Contract requirements. It is recommended that the Contract be awarded to John Carlo, Incorporated, in the amount stated. The total funds required include the cost of advertising, inspection, engineering, financing, and possible minor contingencies, as well as the Contract cost.

Contract Number, PW-3861W, Amt. of Bid, \$6,268.75, Total Funds Required, \$7,510.00.

It is recommended that the Controller be authorized and directed to set up the necessary account to cover the Contract and the cost of advertising, inspection, engineering, financing, and possible minor contingencies.

Respectfully submitted,
GLENN C. RICHARDS,
Commissioner.

Approved:

R. S. REASON,
Deputy Controller.

By Councilman Carey:

Resolved, That the bid of the foregoing recommended lowest responsible bidder for the respective paving contract be and is hereby approved and accepted; and be it further

Resolved, That said bid shall remain firm until the special assessment district for the respective paving has been created by the Common Council; and be it further

Resolved, That thereupon the Commissioner of Public Works be and is hereby authorized and directed to enter into contract with the said lowest responsible bidder, subject to approval and confirmation by the Common Council; and be it further

Resolved, That in the preparation of the City Engineer's final cost statement for payment of the contract cost of the new paving, any deductions from or additions to the original contract cost shall be adjusted in the City portion of the contract, so that the original assessment roll previously confirmed and levied shall remain unchanged: Provided, That when the amount of such deduction from or addition to the assessment portion of the contract exceeds \$100.00 or one percent of the original contract amount, whichever is greater, this procedure must be approved by the Common Council.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Patrick, Rogell, Smith, Van Antwerp, Wise, Youngblood and President Beck—9.

Nays—None.

Department of Public Works

June 13, 1961.

Honorable Common Council:

Gentlemen — Your Committee of the Whole referred to this office for investigation and report the petition of Edmund Straetmans, et al, No. 10198, requesting the conversion of the alley north of Warren Avenue between Bluehill and Gullford Avenues into an easement for public utilities.

We wish to advise that our investigations are completed. In reply to our inquiries, all City departments and privately owned utility companies reported that they will be unaffected by the change or that they have no objection to the conversion of the alley into an easement provided that proper provisions are incorporated into the vacating resolution protecting their interests in the installations located in said alley.

We recommend the adoption of the attached resolution.

Respectfully submitted,
GLENN C. RICHARDS,
Commissioner.

By Councilman Van Antwerp:

Resolved, That all that part of the east-west public alley, 20 feet wide, east of Bluehill Avenue north of Warren Avenue, the south 10 feet being platted in Cahill Park Subdivision of Part of Lot 34 of Michael Cadieux Estate Subdivision of Part of Private Claims 506 and 564, City of Detroit, Wayne County, Michigan as recorded in Liber 53, Page 83 of Plats Wayne County Records and lying north of and adjoining the north line of Lots 21 to 25, both inclusive of the above-mentioned subdivision, the north 10 feet of the above mentioned alley was allocated for alley purposes on May 15, 1951, J.C.C. Page 1054 and being the south 10 feet of that part of Lot 35 of Plat of Private Claim 506 and east one-half of Private Claim 564 as recorded in Liber 118, Page 520 of Deeds Wayne County Records, lying north of and adjoining the north line of the above-mentioned Cahill Park Subdivision, between the west line extended northerly of Lot 21 and the east line extended northerly of Lot 25 of said Cahill Park Subdivision.

Also, All that Part of the east-west public alley, 16 feet wide, west of Gullford Avenue north of Warren Avenue as platted in Grosse Pointe Highlands Subdivision of Part of Lots 1, 2, 3, 4 and 5 of Front and Rear Concessions of P.C. 239, Gratiot and Grosse Pointe Townships, Wayne County, Michigan, as recorded in

Liber 36, Page 61 of Plats Wayne County Records lying north of and adjoining the north line of Lots 123 to 127 both inclusive and south of and adjoining the south line of Lot 128 of the last mentioned subdivision.

Be and the same are vacated as public alleys and are hereby converted into public easements of the full width of the alleys, which easements 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 alleys 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 alleys 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 easements 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 upon said easements;

Third, that if at any time in the future the owners of any lots abutting on said vacated alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Patrick, Rogell, Smith, Van Antwerp, Wise, Youngblood and President Beck—9.

Nays—None.

Department of Public Works

June 13, 1961.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of Edwin Hollister, No. 10138, wherein petitioner requests permission to construct a garage which will encroach into the easement at the rear of his lot.

Investigation of Mr. Hollister's property discloses a seven-foot easement in the rear of his lot. The depth of his lot is 107 feet, which dimension includes the easement in the rear of the lot. The width of his lot is only 30 feet and in order to

utilize maximum yard space he is desirous of constructing his garage to encroach three feet into the seven-foot easement.

There are no obstructions near the proposed site of this garage and similar encroachments exist in this block.

We find that granting the petitioner's request would cause no undue harm to the interests of the City and an appropriate resolution granting same is attached for your Honorable Body's adoption.

Respectfully submitted,

GLENN C. RICHARDS,
Commissioner.

By Councilman Van Antwerp:

Resolved, That the Department of Public Works is hereby authorized and directed to issue permit to Edwin Hollister, No. 10138, to construct a garage encroaching three feet into the seven-foot easement in the rear of Lot 43 of Columbia Freunds Subdivision located on the north side of Cincinnati Avenue east of Cadieux Avenue, commonly known as 17125 Cincinnati Avenue; 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, Patrick, Rogell, Smith, Van Antwerp.