

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 streets, 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 at any time in the future the removal of the street returns at both entrances of Tuxedo Avenue becomes necessary, the entire cost of such removal shall be paid by Metropolitan Hospital, its heirs, executors, administrators and assigns.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Patrick, Rogell, Smith, Wise, Youngblood and President Beck—8.

Nays—None.

**Department of Public Works**

August 18, 1961.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of John A. Thomas, et al., No. 10261, requesting the conversion into an easement of the alley located west of Forrer Avenue, north of Curtis Avenue.

The conversion of said alley into an easement was approved by the City Plan Commission at an earlier date.

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 provided that proper provisions are incorporated into the vacating resolution protecting their interests in the installation located in said alley.

We recommend the adoption of the attached resolution.

Respectfully submitted,  
GLENN C. RICHARDS,  
Commissioner.

By Councilman Carey:

Resolved, That all that part of the east-west public alley, 18 feet wide, west of Forrer Avenue and north of Curtis Avenue as platted in Laurelhurst Subdivision of S. E. ¼ of N. E. ¼ of Section 12, T. 1 S., R. 10 E., Redford Township (now City of Detroit) Wayne County, Michigan, as recorded in Liber 47, Page 16 of Plats Wayne County Records, lying south of and adjoining the south line of Lot 74, north of and adjoining the north line of Lots 68 to 73 both inclusive, north of and adjoining the north line of the easterly 14.00 feet of Lot 67

all of the above mentioned subdivision.

Be and the same is 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 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 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 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, Wise, Youngblood and President Beck—8.

Nays—None.

**Department of Public Works**

August 17, 1961.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Evening News Association, No. 5852 (1959), requesting the vacation of the streets and alleys in the area bounded by Brush, Atwater, St. Antoine, and Jefferson Avenues. The vacation of said streets and alleys was approved by the City Plan Commission, and 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 complete, and they disclose the following City departments to be affected by the vacation of said streets and alleys:

Department of Water Supply—The petitioner deposited with the City Treasurer the sum of \$77,125.00, Receipt No. C-7526, credited to the Department of Water Supply Fund Code No. 600-0000-6232-001, said amount being the estimated cost of removing

and relocating water mains necessitated by the vacations of said streets and alleys.

**Public Lighting Commission**—The petitioner deposited with the City Treasurer the sum of \$116,000.00, Receipt No. C-7529, credited to the Public Lighting Commission Fund Code No. 990-9423, said amount being the estimated cost of removing and relocating P. L. C. installations necessitated by the vacation of said streets and alleys.

**Detroit Fire Department**—The petitioner deposited with the City Treasurer the sum of \$3,200.00, Receipt No. C-7528, credited to the Detroit Fire Department Fund Code No. 990-9406, said amount being the estimated cost of removing and relocating six low pressure fire hydrants necessitated by the vacation of said streets and alleys.

**Street Design Bureau D. P. W.**—The petitioner paid into the City Treasury the sum of \$1,858.99, Receipt No. C-7527, credited to the Street Maintenance Fund Code No. 143-6241, said amount being the cost of the original paving at the intersection of the streets and alleys to be vacated.

**Street Maintenance Bureau D.P.W.**—The petitioner deposited with the Permit Division of the Department of Public Works the sum of \$6,530.00, Receipt No. GR-6394, said amount being the estimated cost of removing paved street and alley returns necessitated by the vacation of said streets and alleys.

**Sewer Design Bureau D. P. W.**—The petitioner also deposited with the Permit Division of the Department of Public Works the sum of \$10,000.00, Receipt No. GR-6395, said amount being the estimated cost of rerouting the 18-inch sewer in Beaubien Avenue extending from Atwater to Woodbridge Avenues.

Proper provisions are incorporated into the vacating resolution protecting the City's interests in the sewers located in Woodbridge Avenue, between Brush and St. Antoine Streets and in Beaubien between the north line of Woodbridge Avenue and the south line of the public alley first north of Woodbridge Avenue.

All other City departments and privately-owned utility companies reported that they will be unaffected by the vacation of said streets and alleys, or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

We recommend the adoption of the attached resolution.

Respectfully submitted,  
GLENN C. RICHARDS,  
Commissioner.

By Councilman Carey:

Resolved, That all that part of Franklin Street, east of Brush Street, of which the north 15.07 feet of the east 82.05 feet was platted in the Plan of Part of the Brush Farm as

recorded in Liber 7, Pages 224 and 225 of City Records, lying north of and adjoining the northerly line of Lots 11 and 12, north of and adjoining the northerly line of the easterly 22.065 feet of Lot 10, and south of and adjoining the southerly line of the easterly 82.05 feet of Lot 13, all of the above-mentioned Subdivision; the southerly portion of said Franklin Street, which was dedicated for street purposes on December 16, 1869, Liber 138, Page 596, more particularly described as follows:

Beginning at the northwest corner of Lot 10 of the Plan of Part of the Brush Farm as recorded in Liber Pages 224 and 225, City Records, thence southerly 15.05 feet to a point; thence easterly 94 feet to a point on the easterly line of Lot 12 of the above-mentioned Subdivision, said point also being the northwest corner of Lot 22 of the Plat of Part of the Beaubien Farm as recorded in Liber 6, Page 475, City Records; thence northerly along the easterly line of Lot 12, 35.07 feet to the northwest corner of said Lot 12, thence westerly 92.20 feet to the place of beginning.

Also, all that part of Franklin Street, 50 feet wide, west of Beaubien Street, as platted in the Plat of Part of the L. Beaubien Farm in the City of Detroit, as surveyed into Town Lots for the proprietors by John Mullett, Surveyor, as recorded in Liber 6, Page 475, City Records, lying north of and adjoining the northerly line of Lots 19 to 22, both inclusive, and south of and adjoining the southerly line of Lots 23 to 26, both inclusive all of the above-mentioned Subdivision;

Also, all that part of Franklin Street, 50 feet wide, east of Beaubien Street, as platted in the above-mentioned L. Beaubien Farm, as recorded in Liber 6, Page 475, City Records, lying north of and adjoining the northerly line of Lots 15 to 18, both inclusive, and south of and adjoining the southerly line of Lots 27 to 30, both inclusive, all of the above-mentioned Subdivision;

Also, all that part of Franklin Street, 50 feet wide, west of St. Antoine Street, as platted in the Plat of the Antoine Beaubien Farm as recorded in Liber 7, Page 197 of Deeds, Wayne County Records, lying north of and adjoining the northerly line of Lots 5 to 9, both inclusive, and south of and adjoining the southerly line of Lots 5 to 8, both inclusive, all of the above-mentioned Subdivision.

Also, all of Beaubien Street, 60 feet wide, between the northerly line of Atwater Street and the southerly line of Woodbridge Avenue, 50 feet wide, as platted in the Plat of Part of the L. Beaubien Farm in the City of Detroit, as surveyed into Town Lots

for the proprietors by John Mullett, Surveyor, as recorded in Liber 6, Page 475, City Records, lying east of and adjoining the easterly line of Lot 19, east of and adjoining the easterly line of Franklin Street, east of and adjoining the easterly line of Lots 26 and 35, east of and adjoining the easterly line of the 20-foot public alley lying between Lots 26 and 35, lying west of and adjoining the westerly line of Lot 18, west of and adjoining the westerly line of Franklin Street 50 feet wide, west of and adjoining the westerly line of Lots 27 and 34, west of and adjoining the 20.00-foot vacated alley between Lots 27 and 34, all of the above-mentioned Subdivision.

Also, all of the east-west public alley, 12.05 feet wide, south of Woodbridge Street and east of Brush Street, as platted in the Plan of Part of the Brush Farm, as recorded in Liber 7, Page 224 and 225, City Records, lying north of and adjoining the northerly line of the easterly 82.00 feet of Lot 15, and south of and adjoining the southerly line of Lots 1 and 2 and south of and adjoining the southerly line of the easterly 22.00 feet of Lot 3, all of the above-mentioned Subdivision;

Also, all of the east-west public alley, 20 feet wide, south of Woodbridge Street and west of Beaubien Street, as platted in the Plat of Part of the L. Beaubien Farm in the City of Detroit, as surveyed into Town Lots for the proprietors by John Mullett, Surveyor, as recorded in Liber 6, Page 475, City Records, lying north of and adjoining the northerly line of Lots 23 to 26, both inclusive, and south of and adjoining the southerly line of Lots 35 to 38, both inclusive, all of the above-mentioned Subdivision;

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

Resolved, That all that part of Woodbridge Street, 50 feet wide, east of Brush Street, as platted in the Plan of Part of the Brush Farm, as recorded in Liber 7, Pages 224 and 225, City Records, lying north of and adjoining the northerly line of Lots 1 and 2, north of and adjoining the northerly line of the easterly 22.00 feet of Lot 3, south of and adjoining the southerly line of Lots 9 and 10 and south of and adjoining the southerly line of the easterly 22.00 feet of Lot 8, all of the above-mentioned Subdivision;

Also, all that part of Woodbridge Street, 50 feet wide, west of Beaubien Street, as platted in the Plat of Part of the L. Beaubien Farm in the City of Detroit, as surveyed into Town Lots for the proprietors by John Mullett, Surveyor, as recorded in Liber 6, Page 475, City Records, lying

north of and adjoining the northerly line of Lots 35 to 38, both inclusive, and lying south of and adjoining the southerly line of Lots 39 to 42, both inclusive, all of the above-mentioned Subdivision;

Also, all that part of Woodbridge Street, 50 feet wide, east of Beaubien Street, as platted in the above-mentioned L. Beaubien Farm, as recorded in Liber 6, Page 475, City Records, lying north of and adjoining the northerly line of Lots 31 to 34, both inclusive, and south of and adjoining the southerly line of Lots 43 to 46, both inclusive, all of the above-mentioned Subdivision;

Also, all that part of Woodbridge Street, 50 feet wide, west of St. Antoine Street, as platted in the Plat of the Antoine Beaubien Farm, as recorded in Liber 27, Page 197 of Deeds, Wayne County Records, lying north of and adjoining the northerly line of Lots 5 to 8, both inclusive, and south of and adjoining the southerly line of Lots 5 to 8, both inclusive, all of the above-mentioned Subdivision;

Also, all that part of Beaubien Avenue, 60 feet wide, between the south line of Woodbridge Avenue, 50 feet wide, and the south line of the 20-foot public alley first north of Woodbridge Avenue as platted in the Plat of Part of the L. Beaubien Farm in the City of Detroit, as surveyed into Town Lots for the proprietors by John Mullett, Surveyor, as recorded in Liber 6, Page 475, City Records, lying east of and adjoining the east line of Woodbridge Avenue, 50 feet wide, east of and adjoining the east line of Lot 42, west of and adjoining the west line of Lot 43 and west of and adjoining the west line of Woodbridge Avenue, 50 feet wide, all of the above-mentioned Subdivision;

Be and the same are hereby vacated as public streets 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 streets, 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 buildings 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 streets, if built upon shall break, causing damage to any construction above, the petitioners 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.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Patrick, Rogell, Smith, Wise, Youngblood and President Beck—8.

Nays—None.

**Department of Public Works**

August 14, 1961.

Honorable Common Council:

Gentlemen—This is to certify that all work required of the Contractors in the performance of these Contracts has been fully completed and found acceptable under the terms and conditions thereof, and that the total value of such completed work, including all Contract Changes duly issued, is that stated below as the Adjusted Contract Price.

The Contractors have submitted affidavits that all payrolls, material bills, and all other indebtedness incurred by them in connection with the work have been paid.

It is therefore recommended that the total value of the work, as stated below be paid to the Contractors with the understanding that such payments are made by the City and accepted by the Contractors under the Contract provisions covering final payment.

PW-3776F, Alley Paving, Chatham, Outer Drive, Elmira, Plymouth. A. N. Marando & Sons, Adjusted Contract Price, \$2,462.15.

PW-3806W, Alley Paving, Schaefer, Hartwell, Schoolcraft, Compass. A. N. Marando & Son, Adjusted Contract Price, \$2,746.00.

DONALD B. WARD,  
Engineer of Tests & Inspection.

CLYDE L. PALMER,  
City Engineer.

GLENN C. RICHARDS,  
Commissioner of Public Works.  
By Councilman Patrick:

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, Patrick, Rogell, Smith, Wise, Youngblood and President Beck—8.

Nays—None.

**Reconsideration**

Councilman Rogell 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, Patrick, Rogell, Smith, Wise, Youngblood and President Beck—8.

Nays—None.

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

The regular order was resumed.

**Department of Public Works**

August 16, 1961.

Honorable Common Council:

Gentlemen—Submitted herewith for confirmation are contracts entered into as authorized and directed by your formal proceedings dated below:

PW-3939, Demolition of Building, 971-5 Benton, Moon Wrecking Co., Award Authorized 8161.

PW-3959, Curtis Relief Arm, James Couzens to West of Steel, J. Mancinelli Excavating Co., Inc., Award Authorized, 7-25-61.

Respectfully submitted,

GLENN C. RICHARDS,  
Commissioner.

By Councilman Smith:

Resolved, That contracts as listed in the foregoing communication be and the same are hereby confirmed.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Patrick, Rogell, Smith, Wise, Youngblood and President Beck—8.

Nays—None.

**Reconsideration**

Councilman Patrick 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, Patrick, Rogell, Smith, Wise, Youngblood and President Beck—8.

Nays—None.

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

The regular order was resumed.

**Department of Public Works**

August 15, 1961.

Honorable Common Council:

Gentlemen — We are returning