

## Department of Public Works

April 6, 1962.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Board of Education, No. 12378, requesting the vacation of Beaver Street between Vinewood and McKinley Avenues and all the alleys in the blocks bounded by Vinewood Avenue, Hancock Avenue, McKinley Avenue, and Rich Street. The vacation of said street 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 completed.

As per our directive, the petitioner issued a Purchase Order, No. 83251, in the amount of \$1,004.82, in favor of the Department of Public Works, Street Design Bureau, said amount being the original cost of paving the east one-half of Vinewood Avenue and the west one-half of McKinley Avenue at the intersection of the street and alleys to be vacated.

The petitioner also issued a Purchase Order, No. 83252, in the amount of \$1,700.00, in favor of the Detroit Fire Department, to cover the cost of relocating two fire hydrants necessitated by the vacation of said street and alleys.

The petitioner also issued a Purchase Order, No. 83253, in the amount of \$900.00, in favor of the Public Lighting Commission, to cover costs of relocating one street light, removing three street lights and seven spans of street lighting wire.

The petitioner also issued a Purchase Order, No. 83254, in the amount of \$5,660.00, in favor of the Department of Public Works, Street Maintenance Division, said amount being the estimated cost of removing the paved street and alley returns, constructing new curb and walk, and backfilling where necessary.

The petitioner also issued a Purchase Order, No. 83255, in the amount of \$1,400.00, in favor of the Department of Water Supply, said amount being the estimated cost of abandoning an eight-inch main in Beaver Street.

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

All other City departments and privately owned utility companies reported that they will be unaffected by said vacations or that they have reached satisfactory agreement with the petitioner regarding their installations therein.

We recommend the adoption of the attached resolution.

Respectfully submitted,  
GLENN C. RICHARDS,  
Commissioner.

By Councilman Brickley:

Resolved, That all of Beaver Street, 50 feet wide, between Vinewood Avenue, 66 feet wide and McKinley Avenue, 50 feet wide, as platted in C. F. Campau's Subdivision of W.  $\frac{1}{2}$  of Rear Concession of Private Claim 78 as recorded in Liber 4, Page 32 of Plats, Wayne County Records, lying north of and adjoining the northerly line of Lots 14 to 26 both inclusive, Block 5, and lying south of and adjoining the southerly line of Lots 1 to 13 both inclusive, Block 6, all of the above-mentioned subdivision;

Also, all of the east-west public alley, 20 feet wide, north of Beaver Street between Vinewood and McKinley Avenues, as platted in Block 6 of C. F. Campau's Subdivision of W.  $\frac{1}{2}$  of Rear Concession of Private Claim 78 as recorded in Liber 4, Page 32 of Plats, Wayne County Records, lying north of and adjoining the northerly line of Lots 1 to 13, both inclusive, and lying south of and adjoining the southerly line of Lots 14 to 26 both inclusive, all of the above-mentioned subdivision.

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

Resolved, that all of the east-west public alley, 20 feet wide, south of Beaver Street between Vinewood and McKinley Avenues, as platted in Block 5 of C. F. Campau's Subdivision of the W.  $\frac{1}{2}$  of Rear Concession of Private Claim 78 as recorded in Liber 4, Page 32 of Plats Wayne County Records, lying north of and adjoining the northerly line of Lots 1 to 13 both inclusive, and lying south of and adjoining the southerly line of Lots 14 to 26 both inclusive, all of the above-mentioned Subdivision.

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 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 Engineer; 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.

Adopted as follows:

Yeas — Councilmen Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

Department of Public Works

April 6, 1962.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of Paul F. Drain, et al, No. 5617, wherein petitioner requests permission to construct a garage and side drive which will encroach into the easement at the side of his lot.

Investigation of Mr. Drain's property discloses a 10-foot easement at the south side of his lot. The width of his lot is 50 feet, which dimension includes said 10-foot easement. His proposed garage will encroach 4 feet and the side drive will encroach 8 feet into the easement. Utility poles have been moved so that the proposed encroachment will not be too close for their function or maintenance.

We find that granting the petitioner's request would not be detrimental 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 Brickley:

Resolved, That the Department of Public Works is hereby authorized and directed to issue permit to Paul F. Drain, No. 5617, to construct a garage and side drive encroaching 4 and 8 feet respectively into the 10-foot easement located at the south side of Lot 1476 of Rouge Park Sub-division No. 2, located on the east side of Lamphere Avenue, north of Tireman Avenue, commonly known as 8030 Lamphere Avenue.

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 granted expressly on the condition that the garage, driveway, building and all obstruction in connection therewith shall be removed at the expense of the grantee in connection 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 owner's 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 Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

Department of Public Works

April 2, 1962.

Honorable Common Council:

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

Contract No. PW-3975; Description, Oil Circuit Breaker Replacements—Oakwood Pumping Station—Installation; Contractor's Name, Kramer Electric Co.; Award Authorized 3-6-62.

Contract No. PW-3987; Description, Relief Sewer 7048 in Fairmount, Alley west of Alcoy to Schoenherr Road; Contractor's Name, Oak Park Excavating Co.; Award Authorized 3-13-62.

Respectfully submitted,

GLENN C. RICHARDS,  
Commissioner.

By Councilman Rogell:

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

Adopted as follows:

Yeas — Councilmen Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

Reconsideration  
Councilman Ravitz moved to