

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 Beck, Brickley, Connor, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—8.

Nays—None.

Department of Public Works

September 10, 1964.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Board of Education No. 4376, requesting the vacation of a portion of Fort Street east of Elmwood Avenue and the alleys north and south of Fort Street east of Elmwood Avenue within the limits of the new Eastern High School. The vacation of said portion of street and alleys was approved by the City Plan Commission with the recommendation that sufficient land be dedicated for a new street and alley outlet for the portion of Fort Street which is to remain open. 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. 039924, in the amount of \$7,500.00 in favor of the Department of Water Supply, said amount being the estimated cost of abandoning an existing water main located in the portion of Fort Street to be vacated and constructing a new water main in the newly dedicated street.

The petitioner also issued a Purchase Order, No. 039926, in the amount of \$1,600.00, in favor of the Detroit Fire Department, said amount being the estimated cost of removing or relocating three fire hydrants from the area to be vacated.

The petitioner also issued a Purchase Order, No. 039927, in the amount of \$2,850.00, in favor of the

Public Lighting Commission, Lighting Division, said amount being the estimated cost of removing and rerouting primary and street lighting equipment from the street and alleys to be vacated.

The petitioner also issued a Purchase Order, No. 039928, in the amount of \$664.50 in favor of the Department of Public Works, Street Design Bureau, said amount being the original cost of paving the streets at the intersection of the street and alleys to be vacated.

The petitioner also issued a Purchase Order, No. 039929, in the amount of \$14,805.00, 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 paving the newly deeded street and alley.

Proper provisions are incorporated in the vacating resolution protecting the City's interest in the sewer located in the alleys to be vacated.

We are in receipt of Quit Claim Deeds from the petitioner to the City of Detroit deeding land for a new street outlet into Lafayette Avenue and a new alley outlet south of Fort Street in accordance with the recommendation of the City Plan Commission. Said deeds were approved as to form and execution by the Corporation Counsel and as to description by the City Engineer and are attached hereto for your Honorable Body's acceptance.

All other City departments and privately owned utility companies reported that they will be unaffected by the vacation of said street 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 Van Antwerp:

Resolved, That all that part of the north-south public alley, 20 feet wide, south of Lafayette Avenue, east of Elmwood Avenue as platted in Trowbridges Subdivision of Lot 11 of the Subdivision of the George Hunt Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 14 of Plats Wayne County Records lying east of and adjoining the easterly line of Lots 1 to 5, both inclusive, west of and adjoining the westerly line of Lot 6, west of and adjoining the westerly line of the public alley adjoining Lot 6, all of the above mentioned subdivision.

ALSO, All that part of the north-south public alley, 20 feet wide, north of Fort Street, east of Elmwood Ave-

ue, as platted in Hallock's Subdivision of Part of Lots 10 and 11, George Hunt Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 16 of Plats Wayne County Records lying east of and adjoining the easterly line of Lots 1 to 5 both inclusive, west of and adjoining the westerly line of Lot 6, west of and adjoining the westerly line of the public alley adjoining Lot 6, all of the above mentioned subdivision.

Also, All that part of the east-west public alley, 20 feet wide, east of Elmwood Avenue between Fort Street and Lafayette Avenue, lying south of and adjoining the southerly line of Lots 6 to 25, both inclusive, south of and adjoining the southerly line of the westerly 2.87 feet of Lot 26, all of Trowbridges Subdivision of Lot 11 of the Subdivision of the George Hunt Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 14 of Plats Wayne County Records, lying north of and adjoining the northerly line of Lots 6 to 25, both inclusive, north of and adjoining the northerly line of the westerly 13.57 feet of Lot 26, all of Hallock's Subdivision of Part of Lots 10 and 11, George Hunt Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 16 of Plats Wayne County Records.

Also, All that part of the north-south public alley, 20 feet wide, east of Elmwood Avenue south of Fort Street as platted in Miller and Hallock's Subdivision of Lot 9 and Part of Lot 10, George Hunt Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 5, Page 22 of Plats Wayne County Records lying east of and adjoining the easterly line of Lots A, 28, 29 and 30, east of and adjoining the easterly line of the northerly 17.64 feet of Lot 31, west of and adjoining the westerly line of Lot 27, all of the above mentioned subdivision.

Also, All that part of Fort Street, 60 feet wide, east of Elmwood Avenue, lying south of and adjoining the southerly line of Lots 5 to 24, both inclusive, south of and adjoining the southerly line of the westerly 26.51 feet of Lot 25, south of and adjoining the southerly line of the public alley, 20 feet wide, between Lots 5 and 6, all of Hallock's Subdivision of Part of Lots 10 and 11, George Hunt Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 16 of Plats Wayne County Records, north of and adjoining the northerly line of Lot A, north of and adjoining the northerly line of Lots 8 to 27, both inclusive, north of and adjoining the northerly line of the westerly 10.00 feet of Lot 7, north of and adjoining the northerly line of the public alley, 20 feet wide, between Lots A and 27, all of Miller and Hallocks Subdivision of Lot 9 and Part of Lot 10, George Hunt Farm, City of

Detroit, Wayne County, Michigan as recorded in Liber 5, Page 22 of Plats Wayne County Records.

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 that part of the east-west public alley, 20 feet wide, east of Elmwood Avenue between Fort Street and Congress Street, as platted in Miller and Hallocks Subdivision of Lot 9 and part of Lot 10, George Hunt Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 5 Page 22 of Plats Wayne County Records lying south of and adjoining the southerly line of Lots 8 through 27, both inclusive, south of and adjoining the southerly line of the westerly 10.00 feet of Lot 7, north of and adjoining the northerly line of Lots 37 through 56, both inclusive, north of and adjoining the northerly line of the westerly 20.68 feet of Lot 57, all of the above mentioned subdivision.

Also, all that part of the north-south public alley, 20 feet wide, east of Elmwood Avenue, north of Congress Street as platted in Miller and Hallock's Subdivision of Lot 9 and part of Lot 10, George Hunt Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 5, Page 22 of Plats Wayne County Records lying west of and adjoining the westerly line of Lot 37, west of and adjoining the westerly line of the public alley, 20 feet wide, adjoining Lot 37, east of and adjoining the easterly line of Lots 32 through 36, both inclusive, east of and adjoining the easterly line of the southerly 12.36 feet of Lot 31, all of the above mentioned subdivision.

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

1. That by reason of the vacation of the above property, the City of Detroit does not waive any rights to the sewers 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 no buildings shall be constructed over said sewers without the prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering; and further

3. Provided, that if a building is to be constructed over said sewers, the sewers 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 petitioner, their successors, or assigns; and further

4. Provided, In the event that the sewer located in said property shall break, causing damage to any construction, property or materials above, the petitioners and their assigns, by acceptance of the permit for construction over said sewer, waive all claims for damages; and further

5. Provided, That if the sewer located in said property shall break or be damaged, as a result of any action on the part of the petitioner, or assigns, (by way of illustration but not limitation, such as storage of excessive weights of materials, or any construction not in accord with provision 2, mentioned above) then in such event, the petitioner or assigns shall be liable for all costs incident to the repair of such broken or damaged sewers; and further

Resolved, That all that part of Fort Street east of Elmwood Avenue and all that part of the north-south public alley south of Fort Street east of Elmwood Avenue adjoining the Detroit Fire Department Station shall be left open for access to the station until such time as the station is abandoned or relocated; and further,

Resolved, That the Quit Claim Deed of the Board of Education to the City of Detroit deeding land for alley purposes being the easterly 20.00 feet of Lot 7 of Miller and Hallock's Subdivision of Lot 9 and part of Lot 10 George Hunt Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 5, Page 22 of Plats Wayne County Records.

Also, The Quit Claim Deed of the Board of Education to the City of Detroit deeding land for street purposes being a strip of land the full depth of Lot 26 starting 2.87 feet east of the westerly property line of Lot 26 traveling 24.00 feet to a point 3.13 feet west of the easterly property line of Lot 26, which is now a dedicated public right-of-way; all of Trowbridges Subdivision of Lot 11 of the Subdivision of the George Hunt Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 14 of Plats Wayne County Records and the westerly 7.57 feet of Lot 27 and the easterly 16.43 feet of Lot 26, of Hallock's Subdivision of Part of Lots 10 and 11, George Hunt Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 16 of Plats Wayne County Records.

Be and the same are hereby accepted and the City Controller is hereby directed to record said Deeds in the Office of the Register of Deeds for Wayne County; and further

Resolved, That the above described newly dedicated north-south street between Lafayette Avenue and Fort Street, be known as Ellery Street.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—8.

Nays—None.

Department of Public Works

August 28, 1964.

Honorable Common Council:

Gentlemen—Contract PW-4565, is for the paving of St. Aubin from Lafayette to Jay—Elmwood Park Rehabilitation Project No. 1, Mich. R-40. L. A. Davidson is the Contractor.

At the time this job was designed, the Site Plans of the individual developers, indicating the proposed street pattern, were not available. The street pattern has now been developed, but this requires that certain Island openings be relocated to place them in line with the new street returns. Certain grade and drainage changes are also necessary.

The Contractor has quoted a price of \$2,554.82, for this work on the basis of Contract Unit Prices, which is subject to adjustment when final quantities are known. This price has been checked by the City Engineer and is considered to be fair and reasonable.

It is, therefore, recommended that this work be added to the existing Contract PW-4565, in accordance with the contract provisions for "Changes in the Work."

Respectfully submitted,

GLENN C. RICHARDS,

Recommended: Commissioner.

ROBERT D. KNOX,
Director-Secretary.

Approved:

G. J. SAAM,

Deputy Controller.

By Councilman Wierzbicki:

Resolved, That the additional work described in the foregoing communication, be and is hereby approved as an extra to Contract PW-4565, Paving of St. Aubin—Lafayette to Jay—Elmwood Park Rehabilitation Project No. 1, Mich. R-40, in the amount of \$2,554.82, for the reasons stated in the foregoing communication; and be it further

Resolved, That the Controller be and is hereby authorized and directed to honor vouchers when presented covering this additional work and charge them to Account 465-9361-901.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—8.

Nays—None.

Department of Public Works

September 17, 1964.

Honorable Common Council:

Gentlemen—Submitted herewith for confirmation is contract for demolition of buildings entered into as authorized and directed by your formal proceedings dated below:

Contract No.: PW-5098; Location: 13148-50 Maine; Contractor's Name Arturs Mednis; Award Authorized: 8-25-64.

Respectfully submitted,

GLENN C. RICHARDS,

Commissioner.