

(J.C.C. p. 2816), authorizing the Stroh Brewery Co., to erect hangers for ammonia pipe lines and catwalk to project over alley westerly of Gratiot at Elizabeth, be and the same is hereby rescinded, and the City Controller is hereby directed to release, in accordance with established procedure, the bond that was furnished pursuant to said resolution.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Pro Tem Connor—7.

Nays—None.

### Department of Public Works

January 6, 1964.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Board of Education, No. 4377, requesting the vacation of Frankfort Avenue east of Guilford Avenue, Woodhall Avenue between Southampton Avenue and the alley first north of Warren Avenue, and the public easements north and south of Frankfort Avenue between Guilford and Woodhall Avenues. The vacation of said streets and easements 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. 039183, in the amount of \$7,095.00, in favor of the Department of Water Supply, said amount being the estimated cost of abandoning an existing 8-inch water main and constructing a new 8-inch pipe in the area of the new school site.

The petitioner also issued a purchase order, No. 039184, in the amount of \$1,125.00, in favor of the Detroit Fire Department, said amount being the estimated cost of removing three fire hydrants from the area to be vacated.

The petitioner also issued a purchase order, No. 039185, in the amount of \$1,070.00, in favor of the Public Lighting Commission, Communications Division, said amount being the estimated cost of rerouting communication facilities located in the area to be vacated.

The petitioner also issued a purchase order, No. 039186, in the amount of \$3,800.00, in favor of the Public Lighting Commission, Lighting Division, to cover the cost of removing and relocating street lighting facilities necessitated by the vacation of said streets and easements.

The petitioner also issued a purchase order, No. 039187, in the amount of \$325.69, in favor of the Department of Public Works, Street Design Bureau, said amount being the original cost of paving the street at the intersection of Frankfort and Woodhall Avenues to be vacated.

The petitioner also issued a purchase order, No. 039923, in the amount of \$3,880.00, in favor of the Department of Public Works, Street Maintenance Division, to cover the cost of removing the paved street returns, constructing new curb and walk, and backfilling where necessary at the area of the streets to be vacated.

Proper provisions will be incorporated into the vacating resolution protecting the City's interests in the sewer located in Woodhall Avenue 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 agreements with the petitioner regarding their installations therein.

We recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,

Commissioner.

By Councilman Rogell:

Resolved, That all of Frankfort Avenue, 60 feet wide, between Guilford Avenue and Woodhall Avenue, as platted in Grosse Pointe Highlands Subdivision of Part of Lots 1, 2, 3, 4 and 5 of Front and Rear Concession of P.C. 239, City of Detroit, Wayne County, Michigan, as recorded in Liber 36, Page 61 of Plats, Wayne County Records, lying north of and adjoining the northerly line of Lots 172 and 297 and south of and adjoining the southerly line of Lots 171 and 298, all of the above mentioned subdivision;

Also, all that part of Frankfort Avenue, 60 feet wide, east of Woodhall Avenue, as platted in Grosse Pointe Highlands Subdivision, as recorded in Liber 36, Page 61 of Plats, Wayne County Records, lying north of and adjoining the northerly line of the westerly 110.00 feet of Lot 334 and south of and adjoining the southerly line of the westerly 110.02 feet of Lot 333, all of the above mentioned subdivision;

Also, all of the north-south easement, 12 feet wide, south of Frankfort Avenue between Guilford Avenue and Woodhall Avenue, as platted in Grosse Pointe Highlands Subdivision, as recorded in Liber 36, Page 61 of Plats, Wayne County Records, being in fact the easterly 6 feet of Lots 172 to 179, both inclusive, and the westerly 6 feet of Lots 290 to 297, both inclusive, all of the above mentioned subdivision;

Also, all of the north-south easement, 12 feet wide, north of Frankfort Avenue between Guilford Avenue and Woodhall Avenue, as platted in Grosse Pointe Highlands Subdivision, as recorded in Liber 36, Page 61 of Plats, Wayne County Records, being in fact the easterly 6 feet of Lots 162 to 171, both inclusive, and the westerly 6 feet of Lots 298 to 307, both inclusive, all of the above mentioned



subdivision.

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

Resolved, That all of Woodhall Avenue, 60 feet wide, between Southhampton Avenue and the northerly line of the east-west public alley, 16 feet wide, first north of Warren Avenue, as platted in Grosse Pointe Highlands Subdivision, as recorded in Liber 36, Page 61 of Plats, Wayne County Records, lying east of and adjoining the easterly line of Lots 290 to 307, both inclusive, east of and adjoining the easterly line of Frankfort Avenue, 60 feet wide, west of and adjoining the westerly line of Lots 324 to 341, both inclusive, west of and adjoining the westerly line of Frankfort Avenue, 60 feet wide, all of the above mentioned subdivision.

Be and the same is hereby vacated as a public street to become a part and parcel of the adjoining subject to the following provisions,

1) Provided, That by reason of the vacation of the above-described street 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 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 Engineer; and further

4) Provided, That in the event that the sewer located in said street, 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 all that part of Frankfort Avenue, 60 feet wide, east of Woodhall Avenue, as platted in Grosse Pointe Highlands Subdivision, as recorded in Liber 36, Page 61 of Plats, Wayne County Records, lying north of and adjoining the northerly line of the easterly 6.00 feet of Lot 334 and south of and adjoining the

southerly line of the easterly 6.00 feet of Lot 333, all of the above mentioned subdivision.

Be and the same is hereby vacated as a public street right-of-way and is hereby converted into a public easement, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lot abutting on said street 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 street hereinabove described for the purpose of installing, maintaining, repairing, removing or replacing any sewer conduit, telephone, telegraph, electric light, gas main or other poles or things usually placed or installed in a public street 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, if at any time in the future the owners of the lot abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners 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 Beck, Brickley, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Pro Tem Connor—7.

Nays—None.

#### Department of Public Works

January 8, 1964.

Honorable Common Council:

Gentlemen—This is to certify that all work required of the Contractors in the performance of these Contracts for demolition of buildings 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