

Re: Contract: PW-3956. For: West End Relief Sewer—Section I. Adjusted Contract Price: \$4,859,292.-32. Contractor: Rocco Ferrera and Company, Inc.

Gentlemen—This is to certify that all work required of the Contractor in the performance of this Contract 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 above as the Adjusted Contract Price.

The Contractor has submitted an affidavit that all payrolls, material bills, and all other indebtedness incurred by him in connection with the work have been paid.

It is therefore recommended that the total value of the work, as above stated, less the total amounts previously paid on all progress payments, be paid to the Contractor with the understanding that such payment is made by the City and accepted by the Contractor under the Contract provisions covering final payment.

R. C. MONAHAN,
Engineer of Inspection.

M. J. KEPLER,
Asst. City Engineer.

GLENN C. RICHARDS,
Commissioner.

By Councilman Connor:

Whereas, from the foregoing communication, it appears that all work required to be performed by the Contractor under the Contract therein named has been fully completed; and

Whereas, the completed work has been found acceptable under the terms and conditions of said Contract by the department for whom the work was performed; therefore be it

Resolved, That the said Contract be and is hereby accepted.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Poindexter, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey

—8.

Nays—None.

Department of Public Works

Sept. 9, 1965.

Honorable Common Council:

Re: Contract PW-4562R/71. For: Conner Creek District-Harbor Avenue Relief Sewer and St. Clair Relief Arm. Adjusted Contract Price: \$50,786.50. Contractor: Del Serrone Bros. Exc. Co.

Gentlemen—This is to certify that all work required of the Contractor in the performance of this Contract 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 above as the Adjusted Contract Price.

The Contractor has submitted an affidavit that all payrolls, material bills, and all other indebtedness in-

curred by him in connection with the work have been paid except items specifically listed as unpaid. The Surety has given written consent to payment notwithstanding such unpaid items.

It is therefore recommended that the total value of the work, as above stated, less the total amounts previously paid on all progress payments, be paid to the Contractor with the understanding that such payment is made by the City and accepted by the Contractor under the Contract provisions covering final payment.

R. C. MONAHAN,
Engineer of Inspection.

M. J. KEPLER,
Asst. City Engineer.

GLENN C. RICHARDS,
Commissioner.

By Councilman Connor:

Whereas, from the foregoing communication, it appears that all work required to be performed by the Contractor under the Contract therein named has been fully completed; and

Whereas, the completed work has been found acceptable under the terms and conditions of said Contract by the Department for whom the work was performed; therefore be it

Resolved, That the said Contract be and is hereby accepted.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Poindexter, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey

—8.

Nays—None.

Department of Public Works

September 3, 1965.

Honorable Common Council:

Gentlemen—We are returning herewith a further report on the Petition of the Board of Education, No. 11727 of the year 1961. This petition requests the vacation and relocation of Charlevoix Avenue between Garland and St. Clair Avenues; also the vacation of a portion of an alley and the dedication of a new alley outlet located within the Howe Elementary School site southerly of the above mentioned section of Charlevoix Avenue.

Your Honorable Body on April 4, 1962, J.C.C. Page 775, adopted a resolution vacating and dedicating the above described alleys within the school site. At that time, the relocation of Charlevoix Avenue was withheld from the resolution because of delays in the condemnation of the necessary land for the new street. The land has now been acquired and the new Charlevoix Avenue right-of-way established and improved which eliminates any need for the old right-of-way.

The relocation of the street and the expansion of the Howe Elementary School site has created several parcels of surplus City-owned property. The Board of Education acquired property

which is now within the new Charlevoix Avenue right-of-way. The Board of Education and the City of Detroit have agreed to exchange deeds for these parcels so that they can be properly utilized.

The vacation of the old Charlevoix Avenue right-of-way and the exchange of deeds by the Board of Education and the City of Detroit was approved by the City Plan Commission and referred to this office by your Committee of the Whole for investigation and report.

We wish to advise that our investigations are completed.

The Board of Education paid into the City Treasury the sum of \$176.36, Receipt No. B-10108, credited to the Department of Public Works Street Maintenance Fund Code No. 143-6241, said amount being the original cost of paving the west one-half of St. Clair Avenue at the intersection of Charlevoix Avenue to be vacated.

Proper provisions are incorporated in the vacating resolution protecting the City's interests in the sewers located in the street and portion of alley to be vacated.

An easement is reserved in the vacating resolution for the Department of Water Supply for the maintenance of their water mains located in the portion of street to be vacated.

We are in receipt of a Quit Claim Deed from the Board of Education deeding land to the City of Detroit for the new Charlevoix Avenue right-of-way. Said deed was approved as to form and execution by the Corporation Counsel and as to description by the City Engineer, and is attached 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.

We recommend the adoption of the attached resolution vacating old Charlevoix Avenue, acceptance of the deed from the Board of Education for land needed for new Charlevoix Avenue right-of-way and authorizing the City Controller to issue a deed to the Board of Education to portions of excess property adjoining the Howe Elementary School site.

Respectfully submitted,
GLENN C. RICHARDS,
Commissioner.

By Councilman Rogell:

Resolved, That all that part of Charlevoix Avenue, west of St. Clair Avenue, which was opened through condemnation proceedings on July 26, 1910, being in fact all of Lots 72, 258, and 259, and part of Lots 71 and 73 of Aberle's Subdivision of the Easterly 30.00 feet of the Westerly one-half and that part of Lots 1, 2, 3, 4, and 5 of Subdivision of the Easterly one-half, all of P.C. 725 lying between Jefferson and Mack Avenues, City of Detroit,

Wayne County, Michigan, as recorded in Liber 18, Page 83 of Plats, Wayne County Records, more particularly described as follows: Beginning at the northeast corner of Lot 257 of the above mentioned subdivision, said corner being the intersection of the south line of Charlevoix Avenue and the west line of St. Clair Avenue; thence westerly along the north line of Lot 257, 129.08 feet to the northwest corner of Lot 257; thence northwesterly 20.48 feet to a point in the east line of Lot 73, said point being 19.77 feet north of the southeast corner of said Lot 73; thence westerly 129.16 feet to a point in the west line of Lot 73, said point being 18.75 feet north of the southwest corner of Lot 73, said point also being the intersection of the east line of Garland Avenue and the south line of Charlevoix Avenue; thence N. 27d 51m 00s W., along the east line of Garland Avenue, 1.95 feet to a point; thence along a curve, concave to the left radius 297.34 feet, central angle 20d 04m 47s, chord bearing, N. 39d 27m 46s E., Chord length 103.67 feet, a distance along the arc of 104.21 feet to a point; thence along a line N. 29d 25m 25s E., 15.75 feet to a point in the north line of Charlevoix Avenue; thence N. 61d 54m 51s E., along the north line of Charlevoix Avenue, 20.57 feet to a point; thence along a line N. 46d 36m 08s E., 20.67 feet to a point; thence along a line N. 62d 19m 00s E., 129.29 feet to a point in the west line of St. Clair Avenue; thence S. 27d 39m 39s E., along the west line of St. Clair Avenue, 60.00 feet to the point of beginning.

All of the north-south public alley, 20 feet wide, west of St. Clair Avenue, between old Charlevoix Avenue and new Charlevoix Avenue, as platted in Aberle's Subdivision of the Easterly 30.00 feet of the Westerly one-half and that part of Lots 1, 2, 3, 4, and 5 of the Subdivision of the Easterly one-half, all of P.C. 725 lying between Jefferson and Mack Avenues, City of Detroit, Wayne County, Michigan, as recorded in Liber 18, Page 83 of Plats, Wayne County Records, lying west of and adjoining the westerly line of the southerly 20.81 feet of Lot 260, east of and adjoining the easterly line of the southerly 13.14 feet of the northerly 20.23 feet of Lot 71, all of the above mentioned subdivision being more particularly described as follows: Beginning at the southwest corner of Lot 260; thence along the west line of said Lot 260, N. 27d 47m 12s W., 20.81 feet to a point; thence along a line S. 29d 25m 25s W., 23.79 feet to a point in the east line of Lot 71; thence along the east line of Lot 71, S. 27d 47m 12s E., 13.14 feet to a point; thence along a line N. 46d 36m 08s E., 20.67 feet to the point of beginning.

Be and the same are hereby vacated

as a public street and alley to become a part and parcel of the adjoining property subject to the following provisions:

1. That by reason of granting of the vacation, the Department of Water Supply does not waive any rights to the water mains located therein and that free and easy access to the mains within the easements shall be provided at all times, to permit proper operation, maintenance and, if required, alteration or repair of the mains.

2. Provided, That no building or structure of any nature whatsoever shall be built upon the easement or underground without prior approval of the Department of Water Supply.

3. Provided, That if the water mains located in said easement 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 excess weights of materials, or change in grade, or any construction not in accord with Provision No. 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 mains and waives all claims for damages.

4. 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

5. Provided, That no building 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

6. 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 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

7. 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

8. 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 ex-

cessive 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 sewer, and further

Resolved, That the Quit Claim Deed of the Board of Education deeding land to the City of Detroit for street purposes, being described as follows:

"All that part of Lots 260 and 261 of Aberle's Subdivision of the easterly 30.00 feet of the westerly $\frac{1}{2}$ and that part of Lots 1, 2, 3, 4, and 5, Subdivision of the easterly $\frac{1}{2}$, all of Private Claim 725, lying between Jefferson and Mack Avenues, Grosse Pointe (now City of Detroit), Wayne County, Michigan, as recorded in Liber 18, Page 83 of Plats, Wayne County Records, more particularly described as follows: Beginning at a point on the west line of Lot 260, said point being distant, N. 27d 47m 12s W., 20.81 feet from the southwest corner of said Lot 260; thence continuing N. 27d 47m 12s W., along the westerly line of Lots 260 and 261, 39.19 feet to the northwest corner of Lot 261; thence along the northerly line of Lot 261, N. 62d 19m 00s E., 60.88 feet to a point; thence along a concave curve to the left, radius of said curve being 347.05 feet, central angle 1d 28m 30s, chord bearing S. 30d 10m 22s W., chord length 8.93 feet, a distance along the arc of 8.94 feet to a point of tangency; thence along a line S. 29d 25m 25s W.; 6341 feet to the point of beginning," be and the same is hereby accepted and the City Controller is hereby directed to record said deed in the Office of the Register of Deeds for Wayne County; and further

Resolved, That the City Controller be and he is hereby authorized and directed to issue a Quit Claim Deed to the Board of Education for the following described property:

All that part of Lots 262 and 263 of Aberle's Subdivision of the easterly 30.00 feet of the westerly $\frac{1}{2}$ and that part of Lots 1, 2, 3, 4, and 5, Subdivision of the easterly $\frac{1}{2}$, all of Private Claim 725, lying between Jefferson and Mack Avenues, Grosse Pointe (now City of Detroit), Wayne County, Michigan, as recorded in Liber 18, Page 83 of Plats, Wayne County Records, more particularly described as follows: Beginning at the southeast corner of Lot 262, thence along the southerly line of Lot 262, S. 62m 19m 00s W., 68.55 feet to a point; thence along a concave curve to the right, radius 347.05 feet, central angle 12d 31m 46s, chord bearing N. 37d 09m 44s E., chord length 75.74 feet, a distance along the arc of 75.89 feet to a point on the easterly line of Lot 263; thence along the easterly line of Lots 262 and 263, S. 27d 39m 39s E., 32.19 feet to the place of beginning.

Also, all that part of Lot 71 of Aberle's Subdivision of the easterly

30.00 feet of the westerly $\frac{1}{2}$ and that part of Lots 1, 2, 3, 4, and 5, Subdivision of the Easterly $\frac{1}{2}$, all of Private Claim 725, lying between Jefferson and Mack Avenues, Grosse Pointe (now City of Detroit), Wayne County, Michigan, as recorded in Liber 18, Page 83 of Plats, Wayne County Records, more particularly described as follows: Beginning at the intersection of the easterly line of Lot 71 and the northerly line of Charlevoix Avenue, 50 feet wide, thence along the northerly line of Charlevoix Avenue, S. 61d 54m 51s W., 20.57 feet to a point; thence along a line N. 29d 25m 25s E., 24.46 feet to a point in the easterly line of said Lot 71; thence along the easterly line of said Lot 71, S. 27d 47m 12s E., 13.14 feet to the place of beginning; and further

Resolved, That the Corporation Counsel is hereby directed to prepare said deed.

Adopted as follows:

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

Nays—None.

Department of Public Works

September 2, 1965.

Honorable Common Council:

Gentlemen—Petition No. 7362 of the General Motors Corporation, requests the vacation of Crystal Street, Lyman Street, Trombly Street, and the alleys south of Milwaukee Street, west of the Walter P. Chrysler Freeway Right-of-Way. The requested vacations were approved by the City Plan Commission and then referred to this department for investigation and report. This has been completed and the petition is returned herewith.

We wish to advise that our investigations are completed.

As per our directive, the petitioner paid into the City Treasury the sum of \$1,200.00, Receipt No. C-3971, credited to the Department of Water Supply Fund Code No. 600-6232-001, said amount being the estimated cost of abandoning two water mains from the area to be vacated. In addition, the petitioner will have to construct a six-inch pit and purchase and install a six-inch Detector Check at Milwaukee and Crystal Streets, in accordance with plans furnished by the Department of Water Supply.

The petitioner also paid into the City Treasury the sum of \$900.00, Receipt No. C-3970, credited to the Detroit Fire Department Fund Code No. 106-6223-001, said amount being the purchase price of two fire hydrants located in the portion of streets to be vacated.

The petitioner also deposited with the City Treasurer, the sum of \$830.00, Receipt No. C-3972, credited to the Public Lighting Commission Fund Code No. 990-9423-001, said amount being the estimated cost of the work involved in the removal of five spans

of street lighting wire, three street lights, and two wood poles from the area to be vacated.

The petitioner also paid into the City Treasury the sum of \$771.02, Receipt No. C-3969, credited to the Department of Public Works Fund Code No. 195-9211-001, said amount being the original cost of paving the streets at the intersection of the streets and alleys to be vacated.

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

The petitioner has requested that the paved street return at the entrance to Crystal Street, to be vacated, remain in its present status as the petitioner plans to utilize same and has agreed by letter filed with the original petition to pay all costs incidental to the removal at such time in the future as the removal becomes necessary.

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 located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

GLENN C. RICHARDS,
Commissioner.

By Councilman Rogell:

Resolved, That all that part of the east-west public alley, 18.58 feet wide, east of Crystal Street, between Lyman Street and Milwaukee Street, as platted in Frisbee and Foxen's Subdivision of Part of Fractional Sections 31 and 32, T. 1 S., R. 12 E., between Milwaukee, Campau Road, Russell and Crystal Streets, City of Detroit, Wayne County, Michigan, as recorded in Liber 8, Page 44 of Plats, Wayne County Records, lying south of and adjoining the southerly line of Lots 1 to 8, both inclusive, south of and adjoining the southerly line of the westerly 3.00 feet of Lot 9, north of and adjoining the northerly line of Lots 29 to 34 both inclusive, and lying north of and adjoining the northerly line of the westerly 26.00 feet of Lot 28, all of the above mentioned subdivision; also

All that part of the east-west public alley, 17.78 feet wide, east of Crystal Street between Trombly Street and Lyman Street (as platted in Frisbee and Foxen's Subdivision, as recorded in Liber 8, Page 44 of Plats, Wayne County Records, lying south of and adjoining the southerly line of Lots 35 to 39, both inclusive, and lying north of and adjoining the northerly line of Lots 65 to 68, both inclusive, and lying north of and adjoining the northerly line of the westerly 23.00 feet of Lot 64, all of the above mentioned subdivision; also