

expense, any part of said structure or installation which encroaches into or upon a street, alley or other public property, and further provided, that the permittee hereby waives any right to claim damages or compensation from the City of Detroit, or from any official agent thereof, due to the trespass or damage resulting from removing any such encroachment upon a street, alley, or other public property.

Adopted as follows:

Ycas—Councilmen Beck, Brickley, Connor, Hood, Miriani, Ravitz, Van Antwerp and President Carey—8.  
Nays—None.

**Department of Public Works**  
November 7, 1966.

Honorable Common Council:

Gentlemen—Petition No. 427 of the Board of Education requests the vacation of Lemay Avenue south of Goethe Avenue. The requested vacation was approved by the City Plan Commission and then referred to this department for investigation and report. This has been completed and the petition returned herewith.

As per our directive, the petitioner issued a purchase order No. 41682, in the amount of \$530.40, in favor of the Department of Public Works, Street Design Bureau, said amount being the original cost of paving the south one-half of Goethe Avenue at the intersection of Lemay Avenue to be vacated.

An easement is reserved in the vacating resolution for the Department of Water Supply for the maintenance of its water main located in Lemay Avenue.

The petitioner has requested that the paved street return at the entrance to the street to be vacated remain in its present status as the petitioner plans to utilize same.

All other City departments and private utility companies reported that they will be unaffected by the vacation of said street 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,  
**ROBERT E. TOOHEY,**  
Commissioner.

By Councilman Hood:

Resolved, That all that part of Lemay Avenue, south of Goethe Avenue, which was deeded to the City of Detroit on August 5, 1947, J.C.C. page 2074, being in fact all that part of Lots 36 and 37 of Bolton's Subdivision of Part of Lots B & C Lemay Estate, P.C. 724, Grosse Pointe (now City of Detroit), Wayne County, Michigan, as recorded in Liber 15, Page 62 of Plats Wayne County Records; and all that part of Lots B and C of the plat of Part of the Estate of Richard Lemay,

being a Subdivision of Lots 7 to 10 inclusive of the Subdivision of P.C. 26 and Lots 7 to 12 inclusive of the Subdivision of P.C. 688, and of Lots 2 to 11 inclusive of the Subdivision of P.C. 724, all in the Township of Grosse Pointe (now City of Detroit), Wayne County, Michigan, as recorded in Liber 239, Page 557 of Deeds Wayne County Records, all of the above being more particularly described as follows: Beginning at the intersection of the easterly line of Lemay Avenue, 50 feet wide as platted, and the southerly line of Goethe Avenue, 60 feet wide as now established; thence easterly along the southerly line of Goethe Avenue, 60 feet wide, 30.00 feet to a point; thence southerly along a line 30 feet easterly of and parallel to the east line of Lemay Avenue, 50 feet wide 55.50 feet to a point in Outlot B; thence westerly along a line 55.50 feet southerly of and parallel to the south line of Goethe Avenue, 60 feet wide, 30.00 feet to a point in the east line of Lemay Avenue, 50 feet wide, thence northerly along the east line of Lemay Avenue, 50 feet wide, 55.50 feet to the point of beginning.

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

1) Provided, An easement or right-of-way is hereby reserved for the Department of Water Supply over the entire width of Lemay Avenue for the purpose of maintaining, repairing, removing or replacing the water main located in said street and free and easy access shall be provided to the mains at all times.

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 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; and further

Resolved, That the City Controller is hereby authorized and directed to issue a Quit Claim Deed to the Board of Education to the above-mentioned street and that the Corporation Counsel is directed to prepare said deed; and further

Resolved, That all that part of Lemay Avenue south of Goethe Avenue, as platted in Bolton's Subdivision of Part of Lots B & C, Lemay Estate, P.C. 724 of City of Detroit, Wayne

County, Michigan as recorded in Liber 15, Page 62 of Plats Wayne County Records, also all that part of Lemay Avenue south of Goethe Avenue which was opened through condemnation proceedings on August 1, 1922, being a part of Lot C of the Plat of Part of Estate of Richard Lemay, being a Subdivision of Lots 7 to 10 inclusive, of the Subdivision of P.C. 26 and Lots 7 to 12 inclusive of the Subdivision of P.C. 688 and of Lots 2 to 11 inclusive, of the Subdivision of P.C. 724, all in the Township of Grosse Pointe (now City of Detroit) Wayne County, Michigan, as recorded in Liber 239, Page 557 of Deeds Wayne County Records; all of the above being more particularly described as follows: Beginning at the intersection of the south line of Goethe Avenue, 60 feet wide as now established, with the easterly line of Lemay Avenue, 50 feet wide as originally platted, thence southerly along the easterly line of Lemay Avenue, 55.50 feet to a point; thence westerly along a line 55.50 feet southerly of and parallel the south line of Goethe Avenue to a point in the west line of Lemay Avenue, 50 feet wide; thence northerly along the westerly line of Lemay Avenue, 50 feet wide 55.50 feet to a point in the southerly line of Goethe Avenue 60 feet wide; thence easterly along the southerly line of Goethe Avenue to the point of beginning.

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

1) Provided, An easement or right-of-way is hereby reserved for the Department of Water Supply over the entire width of Lemay Avenue for the purpose of maintaining, repairing, removing or replacing the water main located in said street and free and easy access shall be provided to the main at all times.

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 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; and further

Resolved, That at any time in the future the removal of the paved street return at the entrance to the street to be vacated becomes necessary, the entire cost of such removal

shall be paid by the Board of Education, its executors, heirs, administrators, or assigns.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Hood, Miriani, Ravitz, Van Antwerp and President Carey—8.

Nays—None.

#### Department of Public Works

November 14, 1966.

Honorable Common Council:

Gentlemen — The Department of Public Works recommends the forced construction of a sidewalk at the following described location:

Lot 109; W.S. Forrer between W. Davison and Dead End, side on W. Davison only. Approx. 120 Lin. Ft.

There is approximately 120 lineal feet of concrete sidewalk to be constructed; the approximate cost of this new local improvement would be \$468.00, the cost and expense to be assessed against such lots or parcels of real estate to be benefitted by such local improvement in proportion to the probable benefit to be derived therefrom.

As this is an original sidewalk and can only be ordered constructed by a formal resolution as a forced account under the provisions of Chapter 264, as amended May 3, 1949, of the Compiled Ordinances, we recommend the adoption of the attached resolution.

Respectfully submitted,

ROBERT E. TOOHEY,

Commissioner.

By Councilman Miriani:

The Common Council of the City of Detroit deems it necessary to construct or reconstruct cement or concrete sidewalks, crosswalks or driveways upon the description of the property heretofore described in the aforesaid communication, therefore;

Resolved: That the Department of Public Works be and is hereby instructed to serve notices upon the owners or agents of the property heretofore described, to construct or reconstruct cement or concrete sidewalks, crosswalks or driveways, and in default thereof by them The Department of Public Works proceed to construct or reconstruct such sidewalks, crosswalks and driveways.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Hood, Miriani, Ravitz, Van Antwerp and President Carey—8.

Nays—None.

#### Department of Public Works

November 9, 1966.

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