

been found acceptable under the terms and conditions of said Contracts by the Department of Public Works; therefore be it

RESOLVED, That the said Contracts be and are hereby accepted.

Adopted as follows:

Yeas—Councilmen Beck, Hood, Ravitz, Rogell, Van Antwerp and President Carey—6.

Nays—None.

Department of Public Works
December 14, 1967

Honorable Common Council:

Re: Contract: PW-7113F; For: Alley Paving, Block bounded by Buckingham, Haverhill, E. Warren, Frankfort, Adj. Contract Price: \$3,120.50; Contractor: Angelo Iafra Construction 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 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
ALFRED BERARDUCCI
City Engineer
ROBERT E. TOOHEY
Commissioner

By Councilman Ravitz:

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, Hood, Ravitz, Rogell, Van Antwerp and President Carey—6.

Nays—None.

Department of Public Works
December 6, 1967

Honorable Common Council:

Re: Petition No. 336 and No. 672;
Street Vacations and Conversions

to Easements; Orangelawn, Ashton, and Rosemont.

Gentlemen—The above petitions request the vacation of Orangelawn Avenue from Weaver to Ashton and an eight-foot wide strip on the west side of Ashton from Weaver to Orangelawn, and also request the conversion to easement of Rosemont Avenue from Weaver to 65 feet east of Weaver, and the conversion to easement of the easterly 52 feet of Ashton Avenue from Weaver to Orangelawn.

The requested vacations and conversions to easement for public utilities were approved by the City Plan Commission.

The petitions were then referred to us for investigation and report. Our report, accompanied by the original petitions, is as follows: The petitioner has made the following deposits with the City Treasurer, which have been credited to the departments and accounts named, for the purposes indicated: Public Lighting Commission Fund 990-9423, Receipt No. A24044, \$1,450.00, for estimated cost to relocate street lighting overhead wires from the area to be vacated; Department of Public Works (Street Maintenance Division) Fund 143-6241, Receipt No. A24043, \$3,989.01, for the original cost of paving the north one-half of Weaver Avenue at the intersection of Rosemont, Orangelawn, and Ashton to be vacated.

The petitioner has requested that the removal of the paved street returns, construction of new curb and walk, backfilling where necessary at the entrance of Rosemont north of Weaver; the removal of the concrete pavement at the future deadend of Rosemont north of Weaver, construction of new curb, installation of catch basins and necessary sewer lines, and the removal of the north half of the pavement in portion of Rosemont, which becomes Department of Parks and Recreation property, backfill, place top soil and sod area in Rosemont from which the pavement has been removed, be done by private contract, with all costs of such improvements being borne by the petitioner. The Department of Public Works has no objections to the petitioner's request provided the work is done under City permit in accordance with City specifications and inspection.

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be located in the public right-of-way to be vacated.

All other involved City departments and privately-owned utility companies reported that they have no objection to the proposed vacation or that they have reached satisfactory agreements with the petitioner

regarding their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
ROBERT E. TOOHEY
Commissioner

By Councilman Rogell:

Resolved, that all that part of Orangelawn Avenue, 60 feet wide, between Weaver Avenue and Ashton Avenue as platted in the Emerson Park Subdivision of part of the Northeast $\frac{1}{4}$ of Section 35, Town 1. South, Range 10, East, Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 45, Plats, Wayne County records, lying south of and adjoining the southerly line of lot 288, and lying north of and adjoining the northerly line of lot 290 inclusive, of the above-mentioned subdivision; also,

All that part of the westerly 8 feet of Ashton Avenue, 60 feet wide, between Weaver Avenue and Orangelawn Avenue, lying east of and adjoining the easterly line of lot 289, and lying east of and adjoining the easterly line of Weaver Avenue inclusive, of the above-mentioned subdivision.

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

RESOLVED, that all that part of Orangelawn Avenue, 60 feet wide, east of Weaver Avenue, as platted in the Emerson Park Subdivision of part of the Northeast $\frac{1}{4}$ of Section 35, Town 1. South, Range 10, East, Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 45, Plats Wayne County records, lying west of and adjoining the westerly line of lot 290 and lying south of and adjoining the southerly line of lot 291, and lying south of and adjoining the southerly line of the vacated public alley abutting lot 291 inclusive, of the above-mentioned subdivision.

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

1) PROVIDED, that by reason of the vacation of the above property, the City of Detroit does not waive any rights to the sewers located or to be located therein, and, at all times, shall have the right to enter upon the premises, if found necessary to repair said sewers, alter, service or install same; and further

2) PROVIDED, that no building shall be constructed over said sewers without the prior approval of such building construction by the Sewer Design Section of the Department of Water Supply and the Department of Buildings and Safety Engineering; and further

3) PROVIDED, in the event that the sewer located or to be 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

4) PROVIDED, that if the sewer located or to be 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 accordance with Provision 2, mentioned above), then in such event, the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged sewer; and be it further

RESOLVED, that all that part of Rosemont Avenue, 60 feet wide, east of Weaver Avenue as platted in the Emerson Park Subdivision of part of the northeast $\frac{1}{4}$ of Section 35, Town 1, South, Range 10, East, Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 45, Plats, Wayne County records lying south of and adjoining the southerly line of the westerly 65 feet of lot 361 and lying north of and adjoining the northerly line of the westerly 65 feet of lot 296 inclusive, of the above-mentioned subdivision; also,

All that part of the easterly 52 feet of Ashton Avenue, 60 feet wide, between Weaver Avenue and Orangelawn Avenue lying west of and adjoining the westerly line of lots 203 to 207 inclusive, of the above-mentioned subdivision;

Be and the same are hereby vacated as public streets and are 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 lots abutting on said streets and by 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 public streets hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, gas lines or mains, sewers, telephone, electric light conduits or 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 purpose above set forth.

SECOND, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including but not limited to concrete slabs or driveways, retaining or partition walls (except necessary line fence) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval by the Department of Public Works.

THIRD, that if at any time in the

future the owners of any lots abutting on said vacated streets shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners upon whose property the poles or other utilities are located shall pay all costs incident to such removal and/or relocation, unless such charges are waived by the utility owners.

PROVIDED FURTHER, that if any utility located or to be 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 or excessive weights of materials or construction not in accordance with Section 2, mentioned above, then in such event the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and be it further

RESOLVED, that the petitioner shall remove the paved street return, construct new curb and walk, backfilling where necessary at entrance of Rosemont north of Weaver; and shall remove the concrete pavement at the future deadend of Rosemont north of Weaver, construct new curbs and install new catch basins and necessary sewer lines at said deadend of Rosemont north of Weaver. The petitioner shall also remove north half of pavement in portion of Rosemont north of Weaver which becomes Department of Parks and Recreation property and backfill, place top soil and sod area in Rosemont from which pavement has been removed, all by private contract under City permit and in accordance with City specifications and inspection, and that all costs for such improvements shall be borne by the petitioner, his heirs, executors, administrators, or assigns.

Adopted as follows:

Yeas—Councilmen Beck, Hood, Ravitz, Rogell, Van Antwerp and President Carey—6.

Nays—None.

Department of Public Works

November 21, 1967

Honorable Common Council:

Re: Petition No. 12507—Nathan Land Company; Vacation of alleys north of Stone Street between Wabash Railroad and Woodmere Avenue.

Gentlemen—The above petition requests the vacation of the north-south and east-west public alleys, ten and twelve feet wide, north of Stone Street between the Wabash Railroad and Woodmere Avenue. The requested vacation was approved by the City Plan Commission with the recommendation that sufficient land be dedicated for a new alley outlet into Stone Street. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

The petitioner has made the fol-

lowing deposits with the City Treasurer, which have been credited to the following departments and accounts named for the purposes indicated: Public Lighting Commission, Fund 990-9423, Receipt No. A-19433, \$425., for the estimated cost to remove two wood poles, three spans of wire, one alley light, and install one span of wire; Department of Public Works, Street Maintenance Division, Fund 143-6241, Receipt No. A-19435, \$1,600., for the estimated cost to construct a new alley return and stone and grade the newly deeded alley; Street Maintenance Division, Fund 143-6241, Receipt No. A-19434, \$287.34, for the original cost of paving the north one-half of Stone Street at the intersection of the alleys to be vacated.

A Quit Claim Deed has been received from the petitioner deeding to the City of Detroit land for the new alley outlet into Stone Street. This 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.

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be located in the public right-of-way to be vacated.

All other involved City departments and privately-owned utility companies reported that they have no objection to the proposed vacation or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

ROBERT E. TOOHEY,

Commissioner

By Councilman Rogell:

Resolved, That all that part of the east-west and north-south alleys, north of Stone Street, east of Woodmere Avenue as platted in the Wiegert and Hackstein's Subdivision of that part of lot 2, east of Dearborn Avenue, Plat of part of Private Claim 340 Detroit, Wayne County, Michigan as recorded in Liber 25, Page 6 of Plats, Wayne County Records, abutting the north, east and southeasterly lot lines of lot 48 of the above 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 property, the City of Detroit does not waive any rights to the sewers located or to be located therein, and, at all times, shall have the right to enter upon the premises, if found necessary to repair said sewers, alter, service or install same; and further

2) Provided, That no building shall be constructed over said sewers with-