

Second, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever (except necessary line fence) shall be built or placed upon said easement 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 alley 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.

Adopted as follows:

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

Nays—None.

Department of Public Works

September 26, 1967.

Honorable Common Council:

Re: Contract PW-5712, Automatic Conveyor System, West Side Asphalt Plant, Rejection of Bids.

Gentlemen—On September 7, 1967, only one bid was received for the Automatic Conveyor System — West Side Asphalt Plant, Contract PW-5712. This bid was submitted by Don Cartage Company in the amount of \$372,359 which was substantially above the City Engineer's estimate.

It is therefore the recommendation of the City Engineer that the bid be rejected and the job re-advertised.

May we have your formal approval to reject this bid.

Respectfully submitted,

ROBERT E. TOOHEY

Commissioner

By Councilman Hood:

Resolved, That the one bid on Don Cartage Company in the amount of \$372,359 for the Automatic Conveyor System — West Side Asphalt Plant, Contract PW-5712, is hereby rejected; and be it further

Resolved, That the City Engineer be and he is hereby authorized and directed to re-advertise for bids.

Adopted as follows:

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

Nays—None.

Department of Public Works

September 20, 1967

Honorable Common Council:

Re: Petition No. 11326 — B. & E. Machine Products Company, et al, Vacation of Alley bounded by Lovett, Torrey, 28th Street and Michigan.

Gentlemen — The above petition requests the vacation of a portion of the east-west public alley, 20 feet wide, north of Michigan Avenue between Lovett and 28th Street.

The requested vacation was approved by the City Plan Commission

with the recommendation that sufficient land be dedicated for a new alley north of Michigan Avenue between Lovett and 28th Street.

The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows: Quit Claim Deeds have been received from the petitioner, deeding to the City of Detroit land for the new alley. The petitioner has previously recorded with the Register of Deeds one of the above-mentioned Deeds. The Deeds were approved as to form and execution by the Corporation Counsel and as to description by the City Engineer, and are 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 Ravitz:

Resolved, All that part of the east-west public alley, south of Torrey Avenue, and west of Lovett Avenue as platted in Scotten and Lovett's Subdivision of that part of P. C. 583, north of Michigan Avenue lying between the center of Michigan and Torrey Avenues and the center of Lovett Avenue and the west line of said P.C. 583, T. 2. S., R. 11 E., Detroit, Wayne County, Michigan as recorded in Liber 9, Page 6, Plats, Wayne County records, lying north of and adjoining the northerly line of lots 7 and 8, and lying south of and adjoining a line described as follows: Beginning at a point in the westerly line of lot 8 extended northerly, said point being 9.48 feet northerly of the northwest corner of lot 8; thence N. 83d 51m 44s E., 16.71 feet to a point; thence N. 61d 48m 42s E. along a line, said line being the extension of southerly line of the 20 foot public alley deeded to the City March 7, 1944, J.C.C. 727, said line is also the north line of lot 9 extended westerly, to a point of intersection with the easterly line of lot 7 extended northerly; thence S. 28d, 11m 18s E. along the extension of the easterly line of lot 7 to the northeast corner of lot 7; also.

All that part of the east-west public alley south of Torrey Avenue and east of 28th Street as platted in Plat of Peoples' Subdivision of part of Private Claim 583, Springwells, Wayne County, Michigan, Town 2 South, Range 11 East, recorded in Liber 4, Page 28, Plats, Wayne County records,

lying north of and adjoining lot 2 of the above mentioned subdivision, more particularly described as follows: Beginning at a point, said point being the northwest corner of lot 2 of the above mentioned subdivision, thence northerly along the west line of lot 2 extended, 3.14 feet to a point; thence S. 83d 51m 44s E., 5.53 feet to a point; thence S. 61d 34m 06s W., 4.58 feet to the point of beginning.

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

Resolved, That all that part of the north-south and east-west public alleys, 20 feet wide, south of Torrey Avenue between 28th Street and Lovett Avenue as platted in the Plat of Peoples' Subdivision of part of Private Claim 583, Springwells, Wayne County, Michigan, Town 2 South, Range 11 East, recorded in Liber 4, Page 28, Plats, Wayne County records and as platted in Scotten and Lovett's Subdivision of that Private Claim 583 north of Michigan Avenue lying between the center of Michigan and Torrey Avenues and the center of Lovett Avenue and the west line of said Private Claim 583, Town 2 South, Range 11 East, Detroit, Wayne County, Michigan, as recorded in Liber 9, Page 6, Plats, Wayne County records, lying south of and adjoining lot 4 and part of lot 3 inclusive of Plat of Peoples' Subdivision and lying south of and abutting the 20 foot vacated alley adjoining lots 11 and 12 inclusive of Scotten and Lovett's Subdivision and lying north of a line described as follows: Beginning at a point on the west line of lot 10 said point being 12 feet south of the northwest corner of lot 10, also said point being on the northerly line of public alley, 20 feet wide, which was dedicated to the City on March 7, 1944, J.C.C. 727; thence along a line N. 83d 51m 44s W., 79.39 feet to a point in the southerly line of lot 3 of Peoples' Subdivision; said point being N. 89d 32m 00s E., 5.0 feet along the north line of a 20 foot public alley dedicated to the City on July 22, 1941, J.C.C. 2178-9 from the intersection of said north alley line with the westerly line of lot 3.

Be and the same are hereby vacated as public alleys to become 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 in the portion of the east-west alley described above 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 the quit claim deeds of B. & E. Machine Products Company and Local Union No. 22, U.A.W. Building Corporation, deeding land to the City of Detroit for alley purposes being described as:

All that part of lots 1 and 2 as platted in the Plat of Peoples' Subdivision of part of Private Claim 583, Springwells, Wayne County, Michigan, Town 2 South, Range 11 East, recorded in Liber 4, Page 28, Plats, Wayne County Records, 20 feet wide, lying north of and parallel to a line described as follows: Beginning at a point in the northerly line of lot 2 of the above mentioned subdivision, said point being 4.58 feet east of the northwest corner of said lot 2; thence S. 83d 51m 44s E., 53.67 to a point in the easterly line of lot 1 of the above mentioned subdivision, said point being 31.25 feet south of the north-east corner of lot 1 of the above mentioned subdivision; also

All that part of lot 1 as platted in Hammond and Rich's Subdivision of part of P.C. 47 and 583 north of Michigan Avenue and Hammond's Subdivision of lot 51 of P.C. 30, Town 2 South, Range 11 East, Detroit, Wayne County, Michigan as recorded in Liber 6, Page 67, Plats, Wayne County records, lying north of a line described as follows: Beginning at the northwest corner of lot 1 of the above mentioned subdivision; thence S. 83d 51m 44s E., 7.02 feet to a point on the easterly line of lot 1 of the above mentioned subdivision.

Be and the same are hereby accepted and the City Controller is hereby directed to record said deeds with the office of the Register of Deeds for Wayne County.

Adopted as follows:

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