

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 the east-west public alley, 20 feet wide, south of Gratiot and between Parker Avenue and Maxwell Avenue as platted in Walch's Subdivision of Outlots 12, 13, 14 and 15 of the subdivision of the Van Dyke Farm, P.C.'s 100 and 679, between Gratiot and Mack, Detroit, Wayne County, Michigan, as recorded in Liber 21, Page 83, Plats, Wayne County records, lying south of and adjoining the southerly line of lots 32 to 39, and lying north of and adjoining the northerly line of lots 29 and 30 inclusive of the above-mentioned subdivision.

Be and the same is hereby vacated to become a part and parcel of the adjoining property.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Ravitz, Rogell, Van Antwerp and President Carey—6.  
Nays—None.

**Department of Public Works**  
October 25, 1967

Honorable Common Council:  
Re: Petition No. 12660—Detroit Housing Commission—Conversion to Easement of Dubois from Jay to Waterloo.

Gentlemen—The above petition requests the conversion to easement for public utilities of Dubois Street from Jay Street to Waterloo Street.

The requested conversion into public utility easement was approved by the City Plan Commission.

The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows: All City departments and privately-owned utility companies reported that they will be unaffected by the conversion to an easement of said street or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached res-

olution is recommended.  
Respectfully submitted,  
**ROBERT E. TOOHEY**  
Commissioner

By Councilman Hood:

Resolved, That all of Dubois Street, 50 feet wide, between Jay Street and Waterloo Street as platted in Dubois' Subdivision of the west half of P. C. 91, between Clinton Avenue and German Street (now Waterloo), Detroit, Wayne County, Michigan, as recorded in Liber 1, Page 163, Plats, Wayne County records, adjoining lots 4 to 12 of Block 29, and adjoining lots 2 to 10 of Block 30 all inclusive of the above-mentioned subdivision;

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the street, 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 street and alley 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 street 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 street 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 incidental 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 of 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.

Adopted as follows:

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

Nays—None.

**Department of Public Works**

October 26, 1967

Honorable Common Council:

Re: Agreement No. 67-0923, State Project No. Mb 82121-011.

Resurfacing of Grand River Avenue (I-96 BS) between Edsel Ford Frwy. and Trumbull Avenue.

Gentlemen — This is in reference to an agreement between the Michigan State Highway Commission and the City of Detroit which provides for the resurfacing of portions of Grand River Avenue (I-96 BS) from the Ford Freeway to Trumbull Avenue, and the bridges over the Fisher and John C. Lodge Freeways.

At the Common Council session of August 30, 1967, your Honorable Body approved this agreement and authorized the Commissioner of Public Works to execute this agreement in behalf of the City of Detroit. This agreement has been fully executed by both parties, and the Corporation Counsel has examined and approved this agreement as to form and execution.

At this time, we are requesting that your Honorable Body approve and confirm the fully executed agreement.

Respectfully submitted

ROBERT E. TOOHEY  
Commissioner

By Councilman Hood:

Resolved, That in accordance with the above communication, the fully executed agreement between the City of Detroit and the Michigan State Highway Commission, which provides for the resurfacing of portions of Grand River Avenue (I-96 BS) from the Ford Freeway to Trumbull Avenue and the bridges over the Fisher and John C. Lodge Freeways, be and the same is hereby approved and confirmed.

Adopted as follows:

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

Nays—None.

**Department of Public Works**

October 25, 1967.

Honorable Common Council:

Re: 1966-67 State Trunkline Maintenance Contract

Gentlemen—We submit for your consideration copy of Maintenance Contract for the fiscal year ending June 30, 1967. This Contract provides for the maintenance of certain state trunklines within the City which is done by City forces on a reimbursement basis. The Contract was prepared by the Department of State Highways and has been approved as

to form by the Corporation Counsel.

Processing this Agreement for execution was delayed for a considerable period because of long discussions between the City and the State regarding the frequency of street sweeping and flushing operations, especially in the Downtown Loop Area. As a result of the discussions the State Highway Department has agreed to reimburse the City for the entire 1966-67 fiscal year on a basis of more frequent sweeping than called for in this agreement.

The amount established by the Contract totals approximately \$751,000 for all work items and covers approximately fifty-six miles of state trunklines which the City maintains. This represents a slight increase over the 1965-66 Maintenance Contract Budget. In addition, the usual overhead allowance will be paid on the labor items resulting in a total budget of approximately \$796,000.

In view of the above and for the purpose of closing out the Contract in order to present final billings to the State, it is respectfully requested that your Honorable Body approve this Contract and authorize the Commissioner of Public Works to execute it in behalf of the City of Detroit. For your convenience, we have prepared a form of resolution which is attached herewith.

Respectfully submitted,  
ROBERT E. TOOHEY,  
Commissioner.

Approved:

DAN A. DeMARE,  
Deputy Controller.

By Councilman Ravitz:

Resolved, That the Maintenance Contract relative to State trunkline highways, between the City of Detroit and the Michigan Department of State Highways, for the Fiscal Year 1966-1967, referred to in the foregoing communication from the Department of Public Works, be and the same is hereby approved; and,

Be It Further Resolved, That the Commissioner of Public Works is hereby authorized and directed to execute same in behalf of the City of Detroit.

Adopted as follows:

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

Nays—None.

**Department of Public Works**

November 1, 1967

Honorable Common Council:

Re: Contract PW-4869F—Paving Alley—In Block Bounded by:

Fairport, Joann, Seven Mile Rd. amount in Assessment Portion, \$3,315.68.

Amount in City Intersection Portion \$923.28.

Total Amount Accepted Proposal \$4,238.96.

Gentlemen—The Assessment Roll was based on the above Assessment