

both inclusive, being more particularly described as follows: Beginning at the southwest corner of Lot 153; thence easterly along the southerly line of Lots 153 to 157, both inclusive, to the southeast corner of Lot 157; thence southerly along the easterly line of Lot 157, extended, to a point on the center line of the public alley, 18 feet wide; thence easterly along the center line of said public alley to the intersection of the easterly line of Lot 296 extended northerly; thence southerly along the extended easterly line of Lot 296 to the northeast corner of said lot 296; thence westerly along the north line of Lot 296 to the northwest corner of Lot 296; thence northerly to the point of beginning. (Elmer L. Brewer, et al, Petition No. 1294).

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, 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 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 alley hereinabove described for the purposes of installing, maintaining, repairing, removing, or replacing any sewer conduit, water main, telephone, electric light or other poles or things usually placed or installed in a public alley in the City of Detroit, with the right of 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 (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 alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—7.

Nays—None.

Department of Public Works

May 9, 1967.

Honorable Common Council:

Re: Petition No. 1569, Marathon Lnen Service, Inc. Alley Vacation and Dedication.

Gentlemen—The above petition

requests the vacation of the north-south public alley, 18 feet wide, and a portion of the east-west public alley, 16.78 feet wide, south of Theodore Street, west of Moran Street.

The requested vacation was approved by the City Plan Commission with the recommendation that sufficient land be dedicated for a new alley outlet into Theodore 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 following deposit with the City Treasurer, which has been credited to the department and account named, for the purposes indicated.

Street Maintenance Division Fund 143-6241—\$132.00—For the original cost of paving the south one-half of Theodore Street at the intersection of the alley to be vacated.

The petitioner has also requested that the paved return, at the entrance to the alley 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 of same whenever the discontinuance of use makes such removal necessary.

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

The petitioner has requested that the installation of drainage, and the paving of the newly deeded alley, be done under private contract with all costs being borne by the petitioner. This office has no objection to the petitioner's request, provided that the work is done under City permits and inspection in accordance with City specifications.

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 Hood:

Resolved, That all that part of the north-south public alley, 18 feet wide, south of Theodore Street, west of Moran Street, as platted in Mary Dolan's Warren Avenue Subdivision

of Part of Outlot 29, M. Moran Farm, and alley vacated, City of Detroit, Wayne County, Michigan, as recorded in Liber 2, Page 59 of Plats, Wayne County Records, lying east of and adjoining the easterly line of Lot 34, west of and adjoining the westerly line of Lots 1, 2, and 3, and lying west of and adjoining the westerly line of the northerly 21.61 feet of Lot 4, all of the above-mentioned subdivision.

Be and the same is hereby vacated as a public alley to become a part and parcel of the adjoining property; and further

Resolved, That at any time in the future the removal of the paved alley return at the entrance to the vacated alley becomes necessary, the entire cost of such removal, shall be paid by the Marathon Linen Service, Inc., its heirs, executors, administrators, or assigns; and further

Resolved, That all that part of the east-west public alley 16.78 feet wide, west of Moran Street, south of Theodore Street, as platted in Mary Dolan's Warren Avenue Subdivision of Part of Outlot 29, M. Moran Farm, and alley vacated, City of Detroit, Wayne County, Michigan, as recorded, in Liber 22, Page 59 of Plats, Wayne County Records, lying south of and adjoining the southerly line of Lot 34, south of and adjoining the southerly line of the public alley adjoining Lot 34, north of and adjoining the northerly line of Lot 9, and lying north of and adjoining the northerly line of the vacated alley adjoining Lot 9, all of the above-mentioned 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 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 further

Resolved, That the Warranty Deed of the Marathon Linen Service, Inc. deeding land to the City of Detroit for an alley outlet into Theodore Street, being in fact the west 20.00 feet of Lot 33 of Mary Dolan's Warren Avenue Subdivision of Part of Outlot 29, M. Moran Farm, and alley vacated, City of Detroit, Wayne County, Michigan, as recorded in Liber 22, Page 59 of Plats, Wayne County Records.

Be and the same is hereby accepted, and the City Controller is hereby directed to record said deeds in the Office of the Register of Deeds for Wayne County; and further

Resolved, That the petitioner shall install the necessary drainage and pave the newly deeded alley and alley return by private contract under City permits, in accordance with City specifications and inspection, and that all costs for said work shall be borne by the Marathon Linen Service, Inc., its heirs, successors, or assigns.

Adopted as follows:

Yeas—Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—7.

Nays—None.

Department of Public Works

May 11, 1967.

Honorable Common Council:

Re: Contract: PW-4592R.

For: Paving Stimson Cass to Woodward

Adjusted Contract Price: \$192,-069.94.

Contractor: Ministrelli Construction Co., Inc.

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