

ings at 576 Winder be and is hereby confirmed.

Adopted as follows:
Yeas—Councilmen Beck, Hood, Ravitz, Van Antwerp and President Pro Tem Miriani—5.
Nays—None.

Department of Public Works
August 10, 1967.

Honorable Common Council:
Re: Petition No. 2887—General Motors Corporation, Vacation of Alley bounded by Harbaugh-Lawndale-Cedar-Fisher Freeway Service Dr. Gentlemen—The above petition requests the vacation of the north-south public alley 20 feet wide bounded by Harbaugh, Lawndale, Cedar, and the Fisher Freeway Service Drive.

The requested vacation 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: The petitioner has requested that the paved return at the entrance to the alley south of the Fisher Freeway Service Drive, between Harbaugh and Lawndale, remain in its present status as the petitioner plans to utilize same, and had 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. 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, That all of the north-south public alley, 20 feet wide, in the block bounded by Harbaugh Avenue, Lawndale Avenue, Cedar Street, and the Fisher Freeway Service Drive, lying west of lots 9 to 11 and east of lots 24 and 25 and the south 39 feet of lot 23 all inclusive, of James F. Voy's Subdivision of part of Private Claim 340, South of Fort Street, City of Detroit, Wayne County, Michigan, as recorded in Liber 8, Page 18, Plats, Wayne County Records.

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

Resolved, That any time in the future, the removal of the paved alley return at the entrance to the alley to be vacated becomes necessary, the entire costs of said removal shall be paid by the General Motors Corporation, its heirs, executors, administrators, or assigns.

Adopted as follows:
Yeas—Councilmen Beck, Hood, Ravitz, Van Antwerp and President Pro Tem Miriani—5.
Nays—None.

Department of Public Works
August 11, 1967

Honorable Common Council:
Re: Contract PW-5723. Orleans Relief Sewer—Detroit River to Rivard. Contractor: Michigan Sewer Construction Company and Jay-Dee Contractors, Inc. Contract Change IT-3.

Gentlemen—In constructing the Orleans Relief Sewer, the contractor encountered existing sewer lines not shown on the original contract drawings. In order to keep these sewers in service, they had to be connected into the new Orleans sewer.

The Contractor has submitted a price of \$3,161.63 for this additional work. This has been checked by the City Engineer and found to be fair and reasonable. Funds are available in Account 925-9233-987.

It is therefore recommended that the work be added to the existing Contract PW-5723, in accordance with the Contract provisions for changes