

entire crossing charging the City for only the widened portions.

2. The Railroad will move the crossbuck signs at its own expense.

3. The City will pave the crossing for an estimated cost of \$192.00 for which the City will be relieved from future maintenance on the widened portions of the crossing.

In accordance with the law city will still be responsible for the cost of maintenance of the devil's strip (the portion of the crossing between the tracks).

The estimated cost of the project is \$1,560.00. The City's portion is \$810.00 which includes the cost of widening and a lump sum charge for the relief of maintenance responsibility mentioned in Item 3 above.

We have examined the terms of the agreement and the estimated cost to the City and find them to be fair and equitable. The Corporation Counsel has reviewed the agreement and has approved it as to form.

We are requesting that your Honorable Body approve the agreement for the reconstruction and widening of the Steel Street railroad grade crossing that the Commissioner of the Department of Public Works be authorized to enter into an agreement with the Chesapeake and Ohio Railroad for this reconstruction and widening in accordance with the following resolution.

Respectfully submitted,
ROBERT E. TOOHEY
Commissioner

Approved:

DAN A. DeMARE
Deputy Controller
B. W. KLEIN
Controller

By Councilman Rogell:

Resolved, That in accordance with the above communication, the Agreement between the Chesapeake and Ohio Railroad and the City of Detroit which provides for the widening of the Steel Street Railroad Grade Crossing, be and the same is hereby approved; and be it further

Resolved, That the Commissioner of the Department of Public Works is hereby authorized and directed to execute the aforesaid Agreement in behalf of the City of Detroit, and be it further

Resolved, That the Controller be and he is hereby authorized and directed to honor vouchers when presented in accordance with the foregoing communication subject to agreement confirmation.

Adopted as follows:

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

Nays—None.

Department of Public Works
September 12, 1967
Honorable Common Council:

Re: Detroit Housing Commission (2991) Street and Alley Vacations
Gentlemen—We wish to advise that in carrying out the development plan for the rehabilitation of the area known as the Eight Mile-Wyoming Rehabilitation Project, Michigan R-19, which is being undertaken by the City pursuant to Act 344 of the Public Acts of 1945, as amended, the Detroit Housing Commission has requested the vacation of certain streets and alleys and has proposed the allocation of new streets and public utility easements within the limits of the project.

The Detroit Edison Company has reported that it has lines and poles in the alleys and streets to be vacated and has submitted an estimate of \$2,553.00 as its cost of removing and rerouting its installations.

The Michigan Consolidated Gas Company has reported that it has gas mains in the streets and alleys to be vacated and has submitted an estimate of \$19,593.00 as its cost of removing and rerouting its installations.

Your Honorable Body may make provisions for the relocation of the mains, lines, and poles of the Detroit Edison Company, the Michigan Consolidated Gas Company, and the Michigan Bell Telephone Company in the streets located near the streets and alleys to be vacated.

The Corporation Counsel contends that these relocating costs are not chargeable against the City. The case involving the liability of the City for these costs is still pending.

All City departments and other private utility companies reported that they will be unaffected by the vacation of said streets and alleys.

In view of the foregoing, it will be necessary to adopt a resolution vacating the aforementioned streets and alleys and directing the Detroit Edison Company, the Michigan Consolidated Gas Company, and the Michigan Bell Telephone Company to remove their installations therefrom.

Respectfully submitted,
ROBERT E. TOOHEY,
Commissioner.

Approved:

THOMAS H. GALLAGHER,
Acting Corporation Counsel.

By Councilman Rogell:

RESOLVED:

WHEREAS, The City is undertaking the rehabilitation of the area known as the Eight Mile-Wyoming Rehabilitation Project, Michigan R-19, pursuant to Act 344 of the Public Acts of 1945, as amended, and,

WHEREAS, In order to carry out the development plan for this project it is necessary for the City of Detroit to vacate the following streets and alleys;

All that portion of Northlawn Avenue, 75 feet wide, north of Outer Drive, 150 feet wide, adjoining lots 66

to 68 and the south 33.7 feet of Lot 69 and adjoining lots 119 to 121 and the south 33.7 feet of lot 118 all inclusive, of Roth's Outer Drive Subdivision of the Westerly 30 acres of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 4, Town 1, South, Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 46, Page 32, Plats, Wayne County records; also,

All that portion of Northlawn Avenue, 75 feet wide, north of Outer Drive, being a strip 12 feet wide lying east of and adjoining the easterly line of lots 72 to 76 and the north 21.3 feet of Lot 71 and the south 10 feet of St. Martins Avenue, 50 feet wide, inclusive, all of the above mentioned subdivision; also,

All that portion of Northlawn Avenue, 75 feet wide, north of St. Martins Avenue, 50 feet wide, being a strip 12 feet wide lying east of the easterly line of lots 77 to 84 and the south 28 feet of lot 85 and the north 22 feet of St. Martins Avenue, 50 feet wide inclusive, of the above mentioned subdivision; also,

All that portion of Northlawn Avenue, 75 feet wide, south of Pembroke Avenue, 66 feet wide, adjoining lots 88, 89, 98 and 99 and the north 30 feet of lots 87 and 100 and the south 17 feet of lots 90 and 97 inclusive, of the above mentioned subdivision; also,

All that portion of Northlawn Avenue, 75 feet wide, south of Pembroke Avenue, 66 feet wide, adjoining lots 91 to 93 and lots 94 to 96 and the north 7 feet of lots 90 and 97 inclusive, of the above mentioned subdivision; also,

All of St. Martins Avenue, 50 feet wide, west of Cherrylawn Avenue, 75 feet wide, adjoining lots 14 and 15 and the east 3 feet of the 18 foot easement at the rear of lots 14 and 15 inclusive, of the above mentioned subdivision; also,

That portion, 22 feet wide, of St. Martins Avenue, 50 feet wide, between Cherrylawn Avenue and Northlawn Avenue, lying south of and adjoining the southerly line of lot 48 and adjoining the westerly 3 feet of the alley abutting the easterly line of lot 48 all inclusive, of the above mentioned subdivision; also,

That portion, 22 feet wide, of St. Martins Avenue, 50 feet wide, between Cherrylawn Avenue and Northlawn Avenue, lying south of and adjoining the southerly line of lot 77 and adjoining the easterly 3 feet of the alley abutting the westerly line of lot 77 all inclusive, of the above mentioned subdivision; also,

That portion, 10 feet wide, of St. Martins Avenue, 50 feet wide, between Cherrylawn Avenue and Northlawn Avenue, lying north of and adjoining the northerly line of lot 49 and adjoining the westerly 3 feet of the alley abutting the easterly line of lot 49, all inclusive, of the above mentioned subdivision; also,

That portion, 10 feet wide, of St. Martins Avenue, 50 feet wide, between Cherrylawn Avenue and Northlawn Avenue, lying north of and adjoining lot 76 and adjoining the easterly 3 feet of the alley abutting the westerly line of lot 76 all inclusive, of the above mentioned subdivision; also,

All that portion, 10 feet wide, of St. Martins Avenue, 50 feet wide, between Northlawn Avenue and Roselawn Avenue, lying north of and adjoining the northerly line of lot 111 inclusive, of the above mentioned subdivision; also,

All that portion, 10 feet wide, of St. Martins Avenue, 50 feet wide, between Northlawn Avenue and Roselawn Avenue, lying north of and adjoining the northerly line of lot 138 inclusive, of the above mentioned subdivision; also,

All that portion, 22 feet wide, of St. Martins, 50 feet wide, between Northlawn Avenue and Roselawn Avenue lying south of and adjoining the southerly line of lot 110, inclusive of the above mentioned subdivision; also,

All that portion, 22 feet wide, of St. Martins, 50 feet wide, between Northlawn Avenue, and Roselawn Avenue lying south of and adjoining the southerly line of lot 139, inclusive of the above mentioned subdivision; also,

All that part of Cherrylawn Avenue, 75 feet wide, north of the public alley north of Outer Drive as platted in Roth's Outer Drive Subdivision as recorded in Liber 46, Page 32, Plats, Wayne County Records, more particularly described as: beginning at the Southeast corner of lot 4 of the above mentioned subdivision, thence easterly 75 feet to the Southwest corner of lot 59 of the above mentioned subdivision, thence northerly along the easterly line of Cherrylawn 143 feet to a point, thence along a curve, concave to the north, radius 55.00 feet, Central Angle 89d-18m-30s, chord length 77.31 feet, a distance along the arc of 85.73 feet to a point on the west line of Cherrylawn, thence southerly along the westerly line of Cherrylawn to the point of beginning; also,

All that part of Roselawn Avenue, 75 feet wide, south of Pembroke Avenue, 66 feet wide adjoining lots 153 to 155 and lots 156 to 158 and the north 7 feet of lots 152 and 159 inclusive of the above mentioned subdivision; also,

All that part of Roselawn Avenue, 75 feet wide, south of Pembroke Avenue, as platted in Roth's Outer Drive Subdivision as recorded in Liber 46, Page 32, Plats, Wayne County records, more particularly described as: beginning at a point in the westerly line of lot 159, said point being 19 feet south of the northwest corner of lot 159, thence westerly 75 feet to a point in the easterly line of lot 152, said point being 19 feet south of the northeast corner of lot 152, thence southerly along the westerly line of Roselawn 119 feet to a point,

thence along a curve concave to the south, radius 55.00 feet, Central Angle 89d, 47m, 08s, chord length 77.64 feet, a distance along the arc 86.19 feet to a point on the east line of Roselawn, thence northerly along the easterly line of Roselawn to the point of beginning; also,

All of the north-south public alley, 18 feet wide, south of Pembroke Avenue, between Northlawn Avenue and Roselawn Avenue, adjoining lots 94 to 96 and lots 153 to 155 and the north 7 feet of lots 97 and 152 inclusive, of the above mentioned subdivision; also,

The easterly 3 feet of the north-south public alley, 18 feet wide, south of Pembroke Avenue, between Cherrylawn Avenue and Northlawn Avenue, abutting lots 91 to 93 and the north 7 feet of lot 90; and abutting lots 88 and 89 and the south 17 feet of lot 90, and the north 30 feet of lot 87, and abutting lots 77 to 84 and the south 28 feet of lot 85, and abutting lots 72 to 76 and the north 21.3 feet of lot 71, and abutting lots 66 to 68 and the south 33.7 feet of lot 69 inclusive, of the above mentioned subdivision; also,

The westerly 3 feet of the north-south public alley, 18 feet wide, south of Pembroke Avenue, between Cherrylawn Avenue and Northlawn Avenue, abutting lots 32 to 37, and the north 30 feet of lot 38, and abutting lots 41 to 48 and the south 26 feet of lot 40, and abutting lots 49 to 53 and the north 21.3 feet of lot 54, and abutting lots 57 to 59 and the south 33.7 feet of lot 56 inclusive of the above mentioned subdivision; also,

The easterly 3 feet of the north-south easement, 18 feet wide, west of Cherrylawn, abutting lots 4 to 14 and abutting lots 15 to 31 inclusive, of the above mentioned subdivision; therefore be it

Resolved, That the above described streets and alleys are hereby vacated as public streets and alleys to become a part and parcel of the adjoining property; and be it further

Resolved, That upon proper application, the Department of Public Works shall issue to the Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company, permits to relocate their pipes, poles and lines from the vacated streets and alleys to public streets most conveniently located in reference to the vacated streets and alleys and consistent with the public health, safety, conveniences, and general welfare; and be it further

Resolved, The Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company are hereby directed to remove all their pipes, poles and lines from the vacated streets and alleys without expense to the City within thirty days of receipt of a copy of this resolution;

and be it further

Resolved, That the City Clerk is hereby directed to mail to the Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company a certified copy of this resolution; and be it further

Resolved, All that part of the north-south public alley north of Outer Drive between Roselawn Avenue and Northlawn Avenue abutting lots 98 and 99 and the south 29 feet of lot 97, and abutting the north 30 feet of lot 100, and abutting lots 103 to 110 and the south 28 feet of lot 102, and abutting lots 111 to 115 and the north 21.3 feet of lot 116; and abutting lots 119 to 121 and the south 33.7 feet of lot 118, and abutting lots 128 to 130 and the south 33.7 feet of lot 131; and abutting lots 134 to 138 and the north 21.3 feet of lot 133; and abutting lots 139 to 146 and the south 28 feet of lot 147; and abutting lots 150 and 151 and the north 30 feet of lot 149; and abutting the south 29 feet of lot 152 inclusive, all of Roth's Outer Drive Subdivision of the Westerly 30 Acres of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 4, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 46, Page 32 of Plats Wayne County Records; also,

The easterly 12.00 feet of the westerly 15.00 feet of the north-south public alley, 18 feet wide, south of Pembroke Avenue between Cherrylawn Avenue and Northlawn Avenue abutting lots 32 to 37 and the north 30 feet of lot 38, and abutting lots 41 to 48 and the south 26 feet of lot 40, inclusive of the above mentioned subdivision; also,

The easterly 12.00 feet of the westerly 15.00 feet of the north-south public alley, 18 feet wide, south of St. Martins Avenue between Cherrylawn Avenue and Northlawn Avenue abutting lots 49 to 53 and the north 21.3 feet of lot 54 inclusive, of the above mentioned subdivision; also,

The easterly 12.00 feet of the westerly 15.00 feet of the north-south public alley, 18 feet wide, north of Outer Drive, between Cherrylawn Avenue and Northlawn Avenue abutting lots 57 to 59 and the south 33.7 feet of lot 56 inclusive, of the above mentioned subdivision; also,

The easterly 3 feet of the north-south public alley, 18 feet wide, south of Pembroke Avenue, adjoining the south 12 feet of the north 19 feet of lot 90 inclusive, of the above mentioned subdivision; also,

The westerly 15 feet of St. Martins Avenue, 50 feet wide, west of Cherrylawn Avenue, abutting the east line of lot 7 inclusive, of the Sherwood Heights Subdivision of part of the Southwest $\frac{1}{4}$ of Section 4, T. 1. S., R. 11. E., City of Detroit, Wayne County, Michigan as recorded in Liber 74, Pages 44 and 45, Plats, Wayne County Records; also,

The northerly 18 feet of the southerly 28 feet of St. Martins Avenue, 50 feet wide, between Cherrylawn Avenue and Northlawn Avenue, adjoining lot 49 and the west 3 feet of the 18 foot public alley abutting lot 49; and adjoining lot 76 and the east 3 feet of the 18 foot public alley, abutting lot 76 and adjoining the west 12 feet of Northlawn Avenue, 75 feet wide, inclusive, of Roth's Outer Drive Subdivision of the Westerly 30 acres of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 4, Town 1, South, Range 11, East, City of Detroit, Wayne County, Michigan, as recorded in Liber 46, Page 32, Plats, Wayne County records; also,

All of St. Martins Avenue, 50 feet wide, between Cherrylawn Avenue and Northlawn Avenue, abutting the west 12 feet of the east 15 feet of the 18 foot public alley abutting the west lines of lots 76 and 77 inclusive, of the above mentioned subdivision; also,

The northerly 18 feet of the southerly 28 feet of St. Martins Avenue, 50 feet wide, between Northlawn Avenue and Roselawn Avenue adjoining lots 111 and 138 and adjoining the east 13 feet of Northlawn Avenue inclusive of the above mentioned subdivision; also,

All of St. Martins Avenue, 50 feet wide, between Northlawn Avenue and Roselawn Avenue adjoining the public alley, 18 feet wide, abutting the easterly line of lots 110 and 111 and the westerly line of lots 138 and 139 inclusive, of the above mentioned subdivision; also,

All of Roselawn Avenue, 75 feet wide, south of Pembroke Avenue, adjoining the south 12 feet of the north 19 feet of lots 152 and 159 inclusive, of the above mentioned subdivision; also,

All of Northlawn Avenue, 75 feet wide, south of Pembroke Avenue, adjoining the south 12 feet of the north 19 feet of lots 90 and 97, inclusive of the above mentioned subdivision.

Be and the same are hereby vacated as public streets and alleys and are hereby converted into public easements of the full width of the streets and alleys, which easements 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 alleys and by their heirs, executors, administrators and assigns forever to wit:

First, said owners hereby grant to and for the use of the public, easements or right-of-way over said vacated public streets and alleys hereinabove described for the purpose of installing, maintaining, repairing, removing, or replacing any sewer conduit, gas mains or lines, water mains, telephone, electric light or

other poles or things usually placed or installed in public streets and alleys 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 (except necessary line fence) shall be built or placed upon said easements, 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 and 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; and be it further

Resolved, that all that portion of Northlawn Avenue, 75 feet wide, north of Outer Drive, being a 13 foot wide strip, lying west of and adjoining the westerly line of lots 103 to 110 and the southerly 28 feet of lot 102, and adjoining St. Martins Avenue, 50 feet wide; and adjoining lots 111 to 115 and the northerly 21.3 feet of lot 116 inclusive, of Roth's Outer Drive Subdivision of the Westerly 30 acres of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 4, Town 1, South, Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 46, Page 32, Plats, Wayne County records.

Be and the same is hereby vacated as a public street to become a part and parcel of the adjoining properties, subject to the following conditions:

1) An easement or right-of-way is hereby reserved for the Department of Water Supply over the westerly 10 feet of the above mentioned portion of Northlawn Avenue.

2) That by reason of the acceptance of the easement, the Department of Water Supply does not waive any rights to the water mains located therein and that free and easy access to the mains within the easement shall be provided at all times, to permit proper operation, maintenance and if required, alteration or repair to the main.

3) Provided that no building or structure of any nature whatsoever shall be built upon the easement or underground without prior approval of the Department of Water Supply and no fences shall be erected on the westerly 4 feet of said easement.

4) Provided that if the water mains located in said easement 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 excess weights of materials, or change

in grade, or any construction not in accord with Provision No. 3 mentioned above) then in such event, the petitioner or assigns shall be liable for all costs broken or damaged repair of such broken or damaged mains and waives all claims for damages; and be it further

Resolved, that all of that portion of lots 8, 9, and 10 as platted in Roth's Outer Drive Subdivision as recorded in Liber 46, Page 32, Plats, Wayne County records, more particularly described as: Beginning at a point in the easterly line of Lot 10, said point being 30.67 feet south of the northeast corner of Lot 10, thence along a curve concave to the east, radius 55.00 feet, central angle 62d 34m 12s, chord length 57.12 feet, a distance along the arc 60.06 feet to a point in the easterly line of Lot 8, said point being 17.21 feet north of the southeast corner of lot 8, thence northerly along the easterly line of lots 8, 9 and 10 to the point of beginning; also,

The north 1.3 feet of lot 56, all of lot 55, the south 13.7 feet of lot 54, the north 1.3 feet of lot 69, all of lot 70, the south 13.7 feet of lot 71, the north 1.3 feet of lot 118, all of lot 117, the south 13.7 feet of lot 116, the north 1.3 feet of lot 131, all of lot 132, the south 13.7 feet of lot 133 inclusive of Roth's Outer Drive Subdivision as recorded in Liber 46. Page 32, Plats, Wayne County records.

Be and the same are hereby allocated for street purposes to be known as St. Martins Avenue South; and be it further

Resolved, That all that portion of lots 163 and 164 as platted in Roth's Outer Drive Subdivision as recorded in Liber 46, Page 32, Plats, Wayne County records, more particularly described as: Beginning at a point in the westerly line of lot 164, said point being 2.98 feet north of the southwest corner of lot 164, thence along a curve concave to the west, radius 55.00 feet, central angle 60d 15m 54s, chord length 55.22 feet, a distance along the arc 57.85 feet to a point in the westerly line of lot 163, said point being 13.80 feet south of the northwest corner of lot 163, thence south along the westerly line of lots 163 and 164 to the point of beginning; also,

The north 8 feet of lot 147, all of lot 148, the south 6 feet of lot 149, the north 8 feet of lot 102, all of lot 101, the south 6 feet of lot 100, the north 8 feet of lot 85, all of lot 86, the south 6 feet of lot 87, the north 9 feet of lot 40, all of lot 39, the south 6 feet of lot 38 inclusive, of Roth's Outer Drive Subdivision as recorded in Liber 46, Page 32, Plats, Wayne County records.

Be and the same are hereby allocated for street purposes to be known as St. Martins Avenue North; and be it further

Resolved, that the south 12 feet of

the north 19 feet of lot 159, the south 12 feet of the north 19 feet of lot 152, the south 12 feet of the north 19 feet of lot 97, the south 12 feet of the north 19 feet of lot 90 inclusive, of Roth's Outer Drive Subdivision as recorded in Liber 46, Page 32, Plats, Wayne County records.

Be and the same are hereby allocated for public utility easements, which easements 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 easements and by their heirs, executors, administrators and assigns forever to wit:

First, said owners hereby grant to and for the use of the public, easements or right-of-way over said easements hereinabove described for the purposes of installing, maintaining repairing, removing, or replacing any sewer conduit, gas mains or lines, water mains, telephone, electric light or other poles or things usually placed or installed in public easements 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 (except necessary line fence) shall be built or placed upon said easements, 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 easements 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; and be it further

Resolved, that the City Clerk is hereby directed to mail to the Detroit Edison Company, the Michigan Consolidated Gas Company, and the Michigan Bell Telephone Company a certified copy of this resolution.

Adopted as follows:

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

Nays—None.

Department of Public Works
September 12, 1967.

Honorable Common Council:

Re: Contract: PW-5719A

For: Crane Replacement—
Central Incinerator Plant

Adjusted Contract Price:
\$173,350.00

Contractor: Harnischfeger
Corporation

Gentleman — This is to certify that