

out 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 Nathan Land Company to the City of Detroit for an alley outlet into Stone Street, being in fact lot 49 of Wiegert and Hackstein's Subdivision of that part of lot 2, east of Dearborn Avenue, Plat of Part of Private Claim 340 Detroit, Wayne County, Michigan, as recorded in Liber 25, Page 6 of Plats, Wayne County Records.

Be and the same is hereby accepted and the City Controller is hereby directed to record said deed in 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.

Nays—None.

#### Department of Public Works

December 14, 1967

Honorable Common Council:

Re: Petition No. 4763—Kerr Manufacturing Company, et al; Conversion to Easement of Alley bounded by McGraw, Marquette, Vermont, 12th Street

Gentlemen—The above petition requests the conversion of the east-west and north-south public alley, 15 and 20 feet wide, first west of 12th Street between McGraw and Marquette into an easement for public utilities. The requested conversion into easement for public utilities 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 made the following deposits with the City Treasurer, which have been credited to the de-

partments and accounts named, for the purposes indicated: Public Lighting Commission, Fund 990-9423, Receipt No. A-25575, \$110.00, for the moving of a light mast arm and associated equipment; Department of Public Works, Street Maintenance Division, Fund 143-6241, Receipt No. A-25576, \$77.00, for the original cost of paving McGraw at the intersection of the north-south 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 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.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversion of public right-of-way into easement provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

ROBERT E. TOOHEY,

Commissioner

By Councilman Van Antwerp:

RESOLVED, that all that part of the north-south public alley, 15 feet wide, first west of 12th Street, between McGraw and Marquette, lying west of and adjoining the westerly line of lots 1 to 9, lying east of and adjoining the easterly line of lots 61 and 62, lying east of and adjoining the easterly line of the vacated east-west public alley, 20 feet wide, adjoining lots 61 and 62, lying east of and adjoining the easterly line of the vacated east-west public alley, 20 feet wide, said vacated alley lying north of and adjoining the northerly line of lot 62, inclusive of Sibley Place Subdivision of that part of the Thompson Farm north of the Grand Trunk Railroad and west of 12th Street, Detroit, Wayne County, Michigan, as recorded in Liber 11, Page 66, Wayne County records; also

All that part of the north-south public alley, 15 feet wide, first west of 12th Street between McGraw and Marquette lying east of and adjoining the easterly line of the westerly 34.20 feet of lots 55, 56 and 57; and lying east of and adjoining the easterly line of the westerly 34.20 feet of the southerly 12.00 feet of lot 54, inclusive of Corliss and Andrus Boulevard Park Subdivision of part of fractional Section 1. T. 2. S., R. 11. E., and fractional section 36, T. 1. S., R. 11. E., as recorded in Liber 23, Page 57, Plats, Wayne County records; also

All that part of the east-west public alley, 20 feet wide, first south of

Marquette Avenue, between Vermont and 12th Street, lying north of and adjoining the northerly line of the southerly 12.00 feet of the westerly 34.20 feet of lot 54, and lying north of and adjoining the northerly line of the north-south public alley, 15 feet wide, abutting the easterly line of the westerly 34.20 feet of lot 54 inclusive of the above-mentioned subdivision.

Be and the same are hereby vacated as public alleys and are hereby converted into a public easement of the full width of the alleys, 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 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 an easement or right-of-way over said vacated public alleys 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 alley 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 alleys 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.

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

December 5, 1967

Honorable Common Council:

Re: Amending the Incinerator Ash Contract.

Gentlemen—On February 22, 1967, J.C.C. P. 365, your Honorable Body authorized the Commissioner of the Department of Public Works to enter into a contract with Wayne Disposal Inc., for incinerator ash disposal. This contract was for three years, with an option on the part of the City to renew for an additional three years.

It now appears that the designated land fill may become inadequate prior to the expiration of the contract. The contractor is willing to furnish additional sites satisfactory to the City of Detroit; and we feel that this would be in the best interest of the City.

It is therefore recommended that your Honorable Body authorize amending the subject contract to allow the contractor to furnish alternate sites for disposal of incinerator ash, provided that such alternate sites are acceptable to the City of Detroit.

Respectfully submitted,

ROBERT E. TOOHEY,

Commissioner—D.P.W.

Approved:

DAN A. DeMARE,

Deputy Controller

By Councilman Van Antwerp:

Resolved, That the Commissioner of Public Works is hereby authorized to amend Controller's Contract No. 38183 for the disposal of Incinerator Ashes with the Wayne Disposal, Incorporated, in accordance with the foregoing communication; and be it further

Resolved, That each alternate proposed site be reviewed and approved by the Controller prior to acceptance by the City.

Adopted as follows:

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

Nays—None.

#### Department of Public Works

December 14, 1967

Honorable Common Council:

Gentlemen—During the past three years, we were confronted with the problem of disposing of excess Christmas trees by private vendors. Your Honorable Body granted our request to charge \$5.00 per load for the disposal of these trees in our Brush Burning Plants for one year periods effective December 24, 1966, and December 24, 1965.

Due to the accelerated program of removing diseased elm trees by the Department of Parks and Recreation, our burners are utilized to full