

Miriani, Ravitz, Rogell, Van Antwerp and President Carey—7.
Nays—None.

Department of Public Works

January 16, 1968.

Honorable Common Council:

Re: Petition No. 3416—Currier Lumber Company; Street Conversion to Easement—Brimson Avenue between Cliff Avenue and the Grand Trunk Railroad; Alley Vacation—L-shaped Alley South of Brimson Avenue between Cliff Avenue and Grand Trunk Railroad

Gentlemen—The above petition requests the conversion of the 70-foot wide east-west Brimson Avenue from Cliff Avenue to the Grand Trunk Railroad into an easement for public utilities and also requests the vacation of the L-shaped public alley 15 feet wide south of Brimson Avenue from Cliff Avenue to the Grand Trunk Railroad.

The requested vacation and conversion into easement for public utilities were 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 departments and accounts named, for the purposes indicated: Fire Department Fund 990-9406; Receipt No. A-23875; \$450.00 for the purchase of one (1) fire hydrant located on Brimson Avenue, 475 feet east of Cliff Avenue; Department of Public Works' Street Maintenance Division Fund 143-6241; Receipt No. A-23876; \$422.57 for the original cost paving Cliff Avenue at the intersection of Brimson Avenue to be converted to easement.

The petitioner has also requested that the paved return at the entrance to Brimson Avenue, east of Cliff Avenue, 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 objection to the proposed vacation or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

All City departments and privately-owned utility companies reported that they will be unaffected by the vacation and 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 resolution is recommended.

Respectfully submitted,

ROBERT E. TOOHEY,

Commissioner.

By Councilman Ravitz:

Resolved, that all that part of the L-shaped alley lying south of Brimson Avenue between Cliff Avenue and the Grand Trunk Railroad as platted in the Harrah's North Detroit Subdivision of Lots 2, 3, 4, 29, 30, 31, 32, 38, 39, 40, 60, 61, and 62 and part of Lots 5, 28, 41, and 59 of P. W. Norris & W. A. Ennis Addition to the Village of Norris, Section 9, Town 1 South, Range 12 East Hamtramck Township, Wayne County, Michigan as recorded in Liber 37, Page 48, Plats, Wayne County Records, lying east of and adjoining the east line of Lot 292, and also adjoining Lots 292 to 320 both inclusive, 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 be it further

Resolved, that all that part of Brimson Avenue, 70 feet wide, between Cliff Avenue and the Grand Trunk Railroad as platted in the Map and Plat of P. W. Norris and W. A. Ennis Addition to the Village of Norris as recorded in Liber 3, Page 95, Plats, Wayne County Records, lying south of adjoining the south line of Lot 37 of the above-mentioned subdivision; also

All that part of Brimson Avenue, 70 feet wide, between Cliff Avenue and the Grand Trunk Railroad as platted in the Harrah's North Detroit Subdivision of Lots 2, 3, 4, 29, 30, 31, 32, 38, 39, 40, 60, 61, and 62 and part of Lots 5, 28, 41 and 59 of P. W. Norris and W. A. Ennis Addition to the Village of Norris, Section 9, Town 1 South, Range 12 East, Hamtramck Township, Wayne County, Michigan as recorded in Liber 37, Page 48, Plats, Wayne County Records, lying adjoining to Lots 279 to 307 both 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, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public street and 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 street and alley 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, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—7.
Nays—None.

Department of Public Works
January 10, 1968
Honorable Common Council:
Re: Agreement No. 67-1916, For the Resurfacing of Oakwood Boulevard from Schaefer to Denmark, State Project No.: MBT 82071-015.

Gentlemen—On December 13, 1966 (J.C.C. pages 3365 through 67), your Honorable Body concurred in the transfer of jurisdiction from the State trunkline system to the City street system of Oakwood Boulevard from Schaefer Highway to Denmark Avenue. As part of the resolution of approval of State trunkline abandonment, the Michigan Department of State Highways agreed to perform certain work to place this section of Oakwood Boulevard in satisfactory operating condition. At that time the City also agreed to pay the entire cost of placing concrete curb and gutter where not now present on one section of Oakwood Boulevard which will also serve to widen this section from 50 feet to 54 feet. This construction of curb and gutter being a betterment, is not eligible for State participation. At this time we are submitting for your consideration copy of a proposed agreement between the State Highway Commission and the City of Detroit which provides for the following work:

- A. The full width resurfacing with bituminous concrete, pavement patching and intermittent replacing of curbs on Oakwood Boulevard from Schaefer Highway to Denmark Avenue; and
- B. The construction of 1,065 lineal feet of concrete curbs and gutters along Oakwood Boulevard from Wabash Railroad tracks northeasterly to Dix Road, which will also accomplish the widening of the pavement from 50 feet to 54 feet.

The cost of performing part "A" of this work is estimated by the Department of State Highways to be \$161,000. There is no Federal aid on this project. The City's share of the cost of this project, in accordance with State law, is 12½ percent of the total, or \$20,125. The estimated cost of part "B" of this work is \$6,100, to be paid entirely by the City.

The total estimated cost to the City is \$26,225. This sum is subject to adjustment after completion of the work and final auditing of the bills. Sufficient funds are available for the City's share of this cost in account number 976-9910-902.

The agreement has been examined and approved by the Corporation Counsel's Office as to form.

Because of the importance of maintaining streets in good condition for the safety of the public and for the efficient movement of traffic, approval of this agreement and authority for the Commissioner of Public Works to execute it in behalf of the City of Detroit is recommended.

Respectfully submitted,
ROBERT E. TOOHEY
Commissioner

Approved:
DAN A. DeMARE
Deputy Controller

By Councilman Rogell:
Resolved, That in accordance with the above communication, the Agreement between the City of Detroit and the Michigan State Highway Commission, which provides for

- A. The full width resurfacing with bituminous concrete pavement, patching and intermittent replacing of curbs on Oakwood Boulevard from Schaefer Highway to Denmark Avenue; and
- B. The construction of 1,065 lineal feet of concrete curbs and gutters along Oakwood Boulevard from Wabash Railroad tracks northeasterly to Dix Road, 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 the 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