

FOUND VIOLATING ANY PROVISION OF SECTIONS 39-1-56, 39-1-57, 39-1-58, 39-1-59, 39-1-59.1 AND 39-1-59.2 OF THIS CODE.

Section 2. This ordinance is hereby declared necessary for the preservation of the peace, health, safety and welfare of the people of the City of Detroit and is hereby given immediate effect.

Approved As To Form:

THOMAS H. GALLAGHER,
Acting Corporation Counsel.

Read twice by title, ordered printed and laid on the table.

Department of Police

May 15, 1968.

Honorable Common Council:

Gentlemen—The old Compiled Ordinances of the City of Detroit, 1954 contained an ordinance which prohibited minors from loitering about railroad property. It reads as follows:

Chapter 377, Section 7. No person under the age of twenty-one years shall loiter about the premises of any railroad company or about or among any steam railway cars, or shall get on or off, under or between such cars, while either standing or in motion, within the limits of the city of Detroit, except in the ordinary transaction of business, or at the respective depots of the railroad companies in said city.

The new Municipal Code which was compiled in 1964 does not contain this ordinance. It was probably omitted inadvertently.

At present there is an increase in complaints from railroad companies of children loitering on or about railroad property and jumping unto and off moving trains. The most effective action which could be taken by the department against children who persist in this dangerous play would be to issue ordinance violation notices. This would require the appearance of the child and his parents in Juvenile Court.

For this reason it is requested that your Honorable Body direct the Corporation Council to prepare an ordinance to replace the one omitted from the new code. To be more widely applicable, the new ordinance should not be restricted to minors.

Respectfully submitted,

RAY GIRARDIN,
Commissioner.

Corporation Counsel

August 5, 1968.

Honorable Common Council:

Gentlemen—We are forwarding to you an ordinance prohibiting loitering on railroad property. This ordinance was recommended by the Detroit Police Department.

Respectfully submitted,

JOHN F. HATHAWAY,
Asst. Corporation Counsel.

By Councilman Van Antwerp:

AN ORDINANCE to amend Chapter 49,

Article 1 of the Code of the City of Detroit by adding a new section to be known as Section 49-1-6, to prohibit loitering on railroad premises. IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That Chapter 49, Article 1 of the Code of the City of Detroit be amended by adding a new section to be known as Section 49-1-6, to read as follows:

SEC. 49-1-6. NO PERSON SHALL LOITER ON THE PREMISES OF ANY RAILROAD COMPANY OR ABOUT ANY RAILWAY CARS, NOR SHALL ANY PERSON GET ON, UNDER OR BETWEEN SUCH CARS, EXCEPT IN THE ORDINARY TRANSACTION OF BUSINESS.

Section 2. This ordinance is necessary for the preservation of the peace, health, safety and welfare of the people of the City of Detroit and is hereby given immediate effect.

Approved as to form:

THOMAS H. GALLAGHER,
Acting Corporation Counsel.

Read twice by title, ordered printed and laid on the table.

Department of Public Works

August 8, 1968.

Honorable Common Council:

Re: Petition No. 4831

Board of Education of the City of Detroit

Assignment No. MO (1)

Street and Alley Vacations and Dedication of New Street

Gentlemen—The above petition requested vacation of Avondale Avenue, 60 feet wide, between Conner and Kitchener Avenues; Portions of Navahoe and Algonquin avenues, north of Avondale; and portions of north-south public alleys, 18 feet wide, north of Avondale between Conner and Kitchener Avenues.

The requested vacation was recommended by City Plan Commission with the recommendation that sufficient land be dedicated for a new street, north of the to be vacated Avondale between Conner and Kitchener Avenues.

The petition was then referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

The petitioner has issued the following I.P.O.'s and a check which have been credited to the departments and accounts named, for the purposes indicated:

Department of Water Fund, I.P.O. No. 83429, \$3,200, for abandoning existing services, making connections, and inspecting new installations of 12-inch main in connection with the vacation of certain streets and alleys on the Stark School Site.

Department of Water Supply (Sewer Design Division), I.P.O. No. 83345, for inspection fee for sewer construction.

Fire Department Fund, I.P.O. No.

83346, for relocation of two fire hydrants.

Public Lighting Commission Fund, I.P.O. No. 85996, for rerouting primary and street lighting facilities.

Public Lighting Commission (Communication Bureau), I.P.O. No. 85997, for rerouting overhead fire alarm circuits.

Street Maintenance Division Fund, I.P.O. No. 83347, for the adjustment of asphalt pavement at the east side of Conner and the west side of Kitchener on Avondale.

Department of Streets and Traffic, I.P.O. No. 83348, for the removal, relocation and installation of traffic signs.

The petitioner has also made the following deposit with the City Treasurer, which has been credited to the Department of Public Works Fund No. 990-9443-006, Receipt No. C-6436, for \$70,000 for the estimated cost of paving newly deeded and relocated Avondale Avenue. The accompanying resolution approves of the arrangements and conditions for relocating Avondale Avenue as outlined in this communication.

An easement is reserved in the vacating resolution for the Department of Water Supply for the maintenance of its installations located in the public right-of-ways to be vacated.

A quit Claim Deed has been received from the petitioner, deeding to the City of Detroit, land for the new 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.

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-ways 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 P. ROSELLE,
Commissioner.

By Councilman Hood:

RESOLVED, That all that part of Avondale Avenue, 60 feet wide, between Algonquin and Kitchener Avenues, more particularly described as lying southerly of and abutting the south lot line of Lot 415 of the A. M. Campau Realty Co., Subdivision of Part of the Lafferty Farm, P.C. 322, lying southerly of Jefferson Avenue, Detroit, Wayne County, Michigan as recorded in Liber 32, Page 87 Plats, Wayne County Records, also lying southerly of and abutting

the northerly 238.96 feet of Private Claim 322 lying west of and abutting the west line of Kitchener Avenue, and lying southerly of and abutting the north-south 18 feet wide public alley lying between Kitchener and Algonquin Avenues; Also

All the westerly 30 feet of Navahoe Avenue, 50 feet wide, lying east of and abutting the east lot line of Lots 464 to 468, both inclusive; lying east of and abutting the southerly 10 feet of Lot 469, all of the A. M. Campau Realty Co., Subdivision of Part of the Lafferty Farm, P.C. 322, lying southerly of Jefferson Avenue, Detroit, Wayne County, Michigan as recorded in Liber 32, Page 87, Plats, Wayne County Records; also

All that part of the north-south public alley, 18 feet wide, north of Avondale, between Algonquin and Kitchener Avenues, lying east of and abutting the east lot line of Lots 412 to 415, both inclusive, and lying east of and abutting the southerly 28.21 feet of Lot 411, all of the above mentioned subdivision:

Be and the same are hereby vacated as public streets and alley to become a part and parcel of the adjoining property, and be it further

RESOLVED, That all that part of the north-south public alley, 18 feet wide, north of Avondale, between Navahoe and Algonquin Avenues, lying westerly of and abutting the west lot line of Lots 416 to 430, both inclusive, lying westerly of and abutting the southerly 6.30 feet of Lot 421, lying easterly of and abutting the east lot line of Lots 459 to 463, lying easterly of and abutting the southerly 7.65 feet of Lot 458, all of the A. M. Campau Realty Co., Subdivision of part of the Lafferty Farm, P.C. 322, lying southerly of Jefferson Avenue, Detroit, Wayne County, Michigan as recorded in Liber 32, Page 87 Plats, Wayne County records; also

All that part of the north-south public alley, 18 feet wide, north of Avondale, between Conner and Navahoe Avenues, lying westerly of and abutting the west lot line of Lots 464 to 468, both inclusive, lying westerly of and abutting the southerly 10 feet of Lot 469, lying easterly of and abutting the east lot line of Lots 510 to 515, both inclusive, lying easterly of and abutting the southerly 5 feet of Lot 509, all of the above mentioned subdivision:

Be and the same are hereby vacated as public alleys to become a part and parcel of the adjoining property.

Provided that manholes are constructed by the Petitioner in the above mentioned alleys in accordance with approved building plans; and be it further

RESOLVED, That the southerly 20 feet of the northerly 22 feet of Avondale Avenue, 60 feet wide, between the east line of Conner Avenue, and

the east line of Navahoe Avenue, lying southerly of and abutting the south lot lines of Lots 464 and 515, lying southerly of and abutting the 18 feet wide, public alley lying between Lots 464 and 515, and lying southerly of and abutting the westerly 30 feet of Navahoe Avenue, 50 feet wide, all of the A. M. Campau Realty Co., Subdivision of part of the Lafferty Farm, P.C. 322, lying southerly of Jefferson Avenue, Detroit, Wayne County, Michigan as recorded in Liber 32, Page 87, Plats, Wayne County Records; also

All the easterly 20 feet of Navahoe Avenue, 50 feet wide, lying westerly of and abutting the west lot line of Lots 459 to 463, both inclusive, lying westerly of and abutting the southerly 10 feet of Lot 458, all of the above mentioned subdivision; also

All the northerly 22 feet of Avondale Avenue, 50 feet wide, at the intersection of Navahoe Avenue, 50 feet wide, lying southerly of and abutting the easterly 20 feet of Navahoe Avenue, all of the above mentioned subdivision.

Be and the same are hereby vacated as public streets to become a part and parcel of the adjoining property subject to the following provisions:

Provided:

1. An easement, the full width of the existing street rights-of-way is reserved in said Navahoe and Algonquin for the Department of Water Supply, for the purpose of installing, maintaining, repairing, removing or replacing any water mains, fire hydrants and appurtenances, with the right of ingress or egress at any time to, and over said easement for the purpose above set forth.

Free and easy access to the water main, fire hydrants and appurtenances within the easement, is required for Department of Water Supply equipment including the use of backhoes, bull dozers, cranes or pipe trucks and other heavy construction equipment as necessary for alteration or repair of the main and facilities. No fences or obstructions which would prohibit said free and easy access shall be permitted upon or over said easement.

Provided:

2. Said owners of the adjoining property for their heirs and assigns agree that no building or structure of any nature whatsoever, including porches, patios, balconies et cetera shall be built upon or over said easement. Said owners further agree that there shall be no change in grade of said easement without prior written approval from the Department of Water Supply and that there shall be no storage of materials in said easement.

Provided:

3. That if at any time in the future, the owners of any lots abutting

on said vacated street shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation. It is further provided that if water mains, and appurtenances in said easement shall break or be damaged as a result of any action on the part of the petitioner, or assigns, then in such event the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged mains and shall also be liable for all claims for damages resulting from this action; and be it further

RESOLVED, That all that part of Avondale, 60 feet wide, between the east line of Conner Avenue and the east line of Algonquin Avenue, more particularly described as lying southerly of and abutting the south lot line of Lots 416, 463, 464, and 515, of the A. M. Campau Realty Co., Subdivision of part of the Lafferty Farm, P.C. 322, lying southerly of Jefferson Avenue, Detroit, Wayne County, Michigan as recorded in Liber 32, Page 87 Plats, Wayne County Records; lying southerly of and abutting Algonquin Avenue, 60 feet wide, lying southerly of and abutting Navahoe Avenue, 50 feet wide, lying southerly of and abutting the north-south 18 feet wide, public alley lying between Algonquin and Navahoe Avenues, and lying southerly of and abutting the north-south 18 feet wide public alley lying between Navahoe and Conner Avenues; also.

All that part of Algonquin Avenue, 60 feet wide, lying westerly of and abutting the west lot line of lots 412 and 415, both inclusive, lying westerly of and abutting the southerly 33.64 feet of Lot 411, lying easterly of and abutting the east lot line of Lots 416 to 420, both inclusive, lying easterly of and abutting the southerly 1.28 feet of Lot 421, all of the above mentioned subdivision;

Be and the same are hereby vacated as public streets 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 be it further

RESOLVED, That the Quit Claim Deed of the Board of Education of the City of Detroit deeding land to the City of Detroit for street purposes being

A parcel of land in the City of Detroit, Wayne County, Michigan, being described as the south 5.0 feet of Lot 507, all of Lot 508, and the north 25.0 feet of Lot 509 all as platted in the A. M. Campau Realty Company, Subdivision of part of the Lafferty Farm, P.C. 322, lying southerly of Jefferson Avenue as recorded in Liber 32, Page 87, Wayne County Records on September 22, 1915. Containing 0.135 acres, more or less. Also

A parcel of land in the City of Detroit, Wayne County, Michigan, being described as all of Lot 470 and the north 25.0 feet of Lot 469, both as platted in the above mentioned subdivision Containing 0.138 acres, more or less. Also

A parcel of land in the City of Detroit, Wayne County, Michigan being all of Lot 457 and part of Lot 458 of the above mentioned subdivision, and being more particularly described as follows: Beginning at the northwest corner of said Lot 457, thence S 29d 04m E, 60 feet to a point on the west line of said Lot 458; thence N. 60d 50m E., 6.0 feet; thence along a curve to the right 94.04 feet to a point on the east line of said Lot 458, said curve having a delta angle of 2d 51m 58s, a radius of 1880 feet, a tangent distance of 47.03 feet, and a chord distance of 94.04 feet which bears N. 62d 15m 59s E.; thence N. 29d 04m W., 62.35 feet to the northeast corner of said lot 457; thence S. 60d 50m W., 100 feet to the place of beginning. Containing 0.139 acres, more or less. Also.

A parcel of land in the City of Detroit, Wayne County, Michigan, being described as all of Lot 422 and that part of Lot 421 lying north of a line which intersects its west line 28.70 feet from its northwest corner and

intersects its east line 33.72 feet from its northeast corner; both lots being platted in the above mentioned subdivision. Containing 0.155 acres, more or less. Also

A parcel of land in the City of Detroit, Wayne County, Michigan being described as all of Lots 409 and 410, and that part of Lot 411 lying north of a line which intersects its west line 1.36 feet from the northwest corner and intersects its east line 6.79 feet from its northeast corner; all lots being platted in the above mentioned subdivision. Containing 0.173 acres, more or less. Also

A parcel of land in the City of Detroit, Wayne County, Michigan being part of Private Claim 322 and the south 5.0 feet of Lot 150 of the St. Clair Park Subdivision of part of P.C. 315 and 322, south of Jefferson Avenue as recorded in Liber 27, Page 90, Wayne County Records, on January 15, 1912 and being more particularly described as follows: Being at a point, said point being distant N 29d 04m W, 5.0 feet from the southwest corner of said lot 150; thence S 29d 04m E, 77.71 feet ; thence along a curve to the left 82.53 feet; said curve having a delta angle of 2d 21m 52s, a radius of 2000 feet, a tangent distance of 41.27 feet, and having a chord distance of 82.53 feet which bears N 62d 19m 58s E; thence N 28d 57m 38s W, 60.0 feet; thence N 61d 09m 02s E, 17.0 feet; thence N 28d 56m W, 19.96 feet; thence S 60d 50m W, 99.66 feet to the place of beginning. Containing 0.157 acres, more or less.

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; and be it further

RESOLVED, That the same be hereby set aside for street purposes and shall be known as Avondale Avenue; and

WHEREAS, Avondale Avenue from Conner to Kitchener Avenues is to be paved in a relocated right-of-way and pavement in the original location is to be removed between Conner and Kitchener Avenues, as outlined in the foregoing communication; and

WHEREAS, The City Engineer is preparing to let a contract for the paving of this portion of Avondale Avenue; and

WHEREAS, The Board of Education of the City of Detroit has agreed to pay all costs for the relocation of this portion of Avondale Avenue and has deposited the sum of \$70,000.00 with the City for this purpose.

Be it further Resolved Therefore, That the Common Council approves the construction of Avondale Avenue in a relocated right-of-way and directs the City Engineer to proceed with the paving thereof.

Adopted as follows:

Yeas — Councilmen Hood, Ravitz, Rogell, Van Antwerp and President Pro Tem Miriani—5.

Nays—None.

Note: *RECONSIDERATION WAIVED per motions before adjournment.

Department of Public Works

July 16, 1968

Honorable Common Council:

Re: Professional Services Contract

Design of Civic Center Plaza and Underground Garage

Smith, Hinchman & Grylls Associates, Inc., Contractor

Gentlemen — On March 14, 1967, your Honorable Body authorized the Professional Contractor to prepare Construction Documents for the above-referenced project. The completed Construction Documents have been received and reviewed by the various involved City departments. Certain departmental requirements have changed since approving the Preliminary Design Documents which has resulted in the necessity to have the professional contractor revise the completed Construction Documents.

Changes involve: Relocating a garage ventilation exhaust plenum from the center of the east-west pedestrian walkway near the Veterans Memorial Building to a less obstructing location; recircuiting the garage lights so that alternate fixtures may be lit, effecting an economy in operation; revising the primary electrical distribution system and duct system to meet Public Lighting changed service requirements.

The professional contractor has submitted a proposal for architectural engineering services to make these changes for \$4,200, which is fair and reasonable for the work involved. The Civic Center Commission concurs in the necessity and desirability of having this extra work performed, and are agreeable to this additional fees for which funds are available.

It is therefore respectfully recommended that authorization be granted to add this work to the Professional Services Contract in accordance with the provisions for such changes in the Contract.

Respectfully submitted,
ROBERT P. ROSELLE,
Commissioner.

Recommended:

W. L. FINNIN,
Director,
Civic Center Commission

Approved:

B. W. KLEIN,
Controller.

By Councilman Ravitz:

Resolved, That the work described above be added to the existing Professional Services Contract for the reasons stated in the foregoing communication; and be it further

Resolved, That the Controller be

and he is hereby authorized and directed to honor vouchers when presented covering the additional cost in the amount of \$4,200 and charge them to Account 195-9540-936.

Adopted as follows:

Yeas — Councilmen Hood, Ravitz, Rogell, Van Antwerp and President Pro Tem Miriani—5.

Nays—None.

Note: *RECONSIDERATION WAIVED per motions before adjournment.

Department of Public Works

August 2, 1968

Honorable Common Council:

Re: Minority Petitions Protesting the Proposed Paving of Residential Alleys.

Gentlemen—Returned herewith are the following minority protest petitions:

Petition No. 6580, Alley NS, Bounded By: Indiana, Wisconsin, Puritan, Florence.

Petition No. 6742, Alley NS, Bounded By: Santa Rosa, Stoepel, Florence, Grove.

Petition No. 6983, Alley NS, Bounded By: Turner, Tuller, Pilgrim, Puritan.

Petition No. 6982, Alley NS, Bounded By: Prairie, Monica, Grove, Mc-Nichols.

Petition No. 6985, Alley NS, Bounded By: Santa Rosa, Stoepel, John C. Lodge Freeway, Midland.

The paving of these alleys was initiated by majority petitions from the abutting property owners which are still majority petitions.

Inasmuch as the Protest Petitions do not represent a majority of the abutting properties, we recommend that the minority Protest Petitions be denied.

Respectfully submitted,
ROBERT P. ROSELLE,
Commissioner.

By Councilman Ravitz:

Resolved, That minority Protest Petitions Nos. 6580, 6742, 6982, 6983, and 6985 be and the same are hereby denied.

Adopted as follows:

Yeas — Councilmen Hood, Ravitz, Rogell, Van Antwerp and President Pro Tem Miriani—5.

Nays—None.

Note: *RECONSIDERATION WAIVED per motions before adjournment.

Department of Public Works

August 7, 1968.

Honorable Common Council:

Re: Contract: PW-4774F.

For: Paving Foley — Schaefer to Ward.

Adjusted Contract Price:
\$49,623.15.

Contractor: J. C. Sachs Co. Inc.

Gentlemen — This is to certify that all work required of the Contractor in the performance of this Contract has