

The Contractor has submitted an affidavit that all payrolls, material bills, and all other indebtedness incurred by him in connection with the work have been paid.

It is therefore recommended that the total value of work, as above stated, less the total amounts previously paid on all progress payments, be paid to the Contractor with the understanding that such payment is made by the City and accepted by the Contractor under the Contract provisions covering final payment.

R. C. MONAHAN
Engineer of Inspection
ALFRED BERARDUCCI
City Engineer
ROBERT P. ROSELLE
Commissioner

By Councilman Beck:

Whereas, from the foregoing communication, it appears that all work required to be performed by the Contractor under the Contract therein named has been fully completed; and

Whereas, the completed work has been found acceptable under the terms and conditions of said contract by the department for whom the work was performed; therefore be it

Resolved, That the said Contract be and is hereby accepted.

Adopted as follows:

Yeas — Councilmen Beck, Miriani, Ravitz, Rogell and President Carey—5.
Nays—None.

Department of Public Works

October 4, 1968

Honorable Common Council:

RE: Petition No. 5727 The Detroit

Board of Education Vacation-
Conversion to Easement of

Indiandale and Ellen Avenues and
certain alleys in the area.

Gentlemen — The above petition requests the vacation of Indiandale Avenue between Twelfth Street and Fourteenth Street; the vacation of Ellen Avenue between Buena Vista Avenue and Indiandale Avenue; the vacation of certain alleys in the project area, and the conversion to easement for public utilities of the public alley north of Buena Vista Avenue and first east of Fourteenth Avenue.

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:

Department of Water Supply, I.P.O.

No. 11261, \$6,004.00. For estimated cost of vacating existing 6-inch water main and the construction of a new 6-inch water main.

Department of Water Supply (Sewer Maintenance Division), I.P.O. No. 11263, \$600.00. For the abandonment of two catch basins located on Waverly east of Fourteenth Avenue.

Fire Department Fund, I.P.O. No. 11262, \$1,950.00. For The relocation or abandonment of three fire hydrants.

Public Lighting Commission, I.P.O. No. 11260, \$20,000.00. For the relocation or removal of primary and street lighting equipment in the area and the removal and relocation of underground fire alarm cable.

Department of Public Works, Street Maintenance Division, I.P.O. No. 11265, \$8,800.00. For the removal of paved street returns, construction of new curbs, and sidewalks and backfill where necessary in the area.

Department of Public Works, Street Intersection Fund, I.P.O. No. 11264, \$4,046.00. For the original cost of paving the intersection at the streets and alleys to be vacated.

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 installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
ROBERT P. ROSELLE,
Commissioner.

By Councilman Beck:

Resolved, That all that part of the east-west public alley, 18 feet wide, in the block bounded by Fourteenth Avenue, Twelfth Street, Indiandale Avenue, and Waverly Avenue as platted in Thomas Brothers' Waverly Park Subdivision of part of the northeast ¼ of ¼ Section 14, 10,000 acre tract T.1.S., R.11.E., Detroit, Wayne County, Michigan as recorded in Liber 30, Page 74, Plats, Wayne County records, lying easterly of and abutting the easterly line of Lot 99, lying westerly of and abutting the westerly line of Lot 54; lying southerly of and abutting the southerly line of Lots 54 to 61, lying northerly of and abutting the northerly line of Lots 86 to 99, lying southerly of and abutting the southerly line of north-south section of said alley lying between Lots 61 and 62, lying easterly of and abutting the easterly line of Lot 61, lying westerly of and abutting the westerly

line of Lot 62, all inclusive, of the above mentioned subdivision.

Also, all that part of the east-west public alley, 18 feet wide, in the block bounded by Ellen Avenue, Twelfth Street, Buena Vista Avenue and Indiantale Avenue, as platted in the Oakman Heights Subdivision of part of the east $\frac{1}{2}$ of $\frac{1}{4}$ Section 14, 10,000 acre tract, Greenfield Township, Detroit, Wayne County, Michigan as recorded in Liber 33, Page 5, Plats, Wayne County records, lying southerly of and abutting the southerly line of Lots 126 to 134, lying northerly of and abutting the northerly line of Lots 111 to 117, lying easterly of and abutting the easterly line of Lot 117, lying westerly of and abutting the westerly line of Lot 125, all inclusive of the above mentioned subdivision.

Also, all that part of the east-west public alley, 20 feet wide, southerly of Indiantale Avenue and westerly of Ellen Avenue as platted in Connelly's Glendale Park Subdivision being part of the northeast $\frac{1}{4}$ of $\frac{1}{4}$ Section 14, 10,000 acre tract, Greenfield Township, Wayne County, Michigan as recorded in Liber 25, Page 31, Plats, Wayne County records, lying easterly of the easterly line of the north-south public alley, 20 feet wide, extended northerly to the northerly line of said east-west alley, lying northerly of and abutting the northerly line of Lot 24, lying southerly of and abutting the southerly line of Lots 19 to 23, inclusive of the above mentioned subdivision.

Also, all that part of Indiantale Avenue, 66 feet wide, which lies east of the east line of Fourteenth Avenue and west of the west line of Twelfth Street, north of and adjoining the north line of Lots 14 through 23, inclusive, of the aforementioned Connelly's Glendale Park Subdivision, north of and adjoining the north line of Lots 118 through 134 of the aforementioned Oakman Heights Subdivision, north of and adjoining the north line of Ellen Avenue, 30 feet wide, south of and adjoining the south line of Lots 101 through 111, inclusive of the aforementioned Thomas Brothers' Waverly Park Subdivision, south of and adjoining the south line of vacated Tyler Avenue, 50 feet wide, and south of and adjoining that unplatted portion $\frac{1}{4}$ Section 14 of the 10,000 acre tract.

Also, all that part of Ellen Avenue, 30 feet wide, lying south of the south line of Indiantale Avenue, 66 feet wide, north of the north line of Buena Vista Avenue, 60 feet wide, east of and adjoining the east line of Lots 23 through 28, inclusive, of the aforementioned Connelly's Glendale Park Subdivision, east of and adjoining the east line of the 20 foot public alley which lies between said

Lots 23 and 24, west of and adjoining the west line of Lots 134 and 111 of the aforementioned Oakman Heights Subdivision, and west of and adjoining the west line of the 18 foot public alley, lying between said Lots 134 and 111.

Be and the same is hereby vacated to become part and parcel of the abutting property.

Be it also resolved that the portion of the north-south public alley, 20 feet wide, which lies in the block bounded by Indiantale Avenue, 66 feet wide, Fourteenth Avenue, 60 feet wide, and Buena Vista Avenue, 60 feet wide, and which abuts the east line of Lots 36 through 40, inclusive, abuts the west line of Lots 26 through 28, inclusive, and abuts that part of the west line of Lot 25, lying south of the intersection of said west line with the north line of Lot 40 extended easterly, all of these lots and the alley having been platted in Connelly's Glendale Park Subdivision as recorded in Liber 25, Page 31, Plats, Wayne County records.

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, 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 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 alley 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 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

incidental 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.

Be it further resolved that the portion of the north-south public alley, 20 feet wide, which lies in the block bounded by Indiantale Avenue, 66 feet wide, Fourteenth Avenue, 60 feet wide, and Buena Vista Avenue, 60 feet wide, and which abuts the east line of Lots 41 and 42 and which abuts the west line of Lot 24 and that portion of the west line of Lot 24 which lies north of the intersection of said west line with the south line of Lot 41 extended easterly. Also all of that portion of the east-west public alley, 20 feet wide, lying in the aforementioned block and which abuts the north line of lot 43, which abuts the south line of lots 14 through 18, inclusive, and which abuts that portion of the south line of Lot 19 lying west of the intersection of said south line with the west line of Lot 24 extended northerly, all of these lots and alleys having been platted in Connelly's Glendale Park Subdivision as Recorded in Liber 25, Page 31, Plats, Wayne County Records.

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

Adopted as follows:

Yeas — Councilmen Beck, Miriani, Ravitz, Roell and President Carey—5,
Nays—None.

Department of Public Works

September 23, 1968

Honorable Common Council:

Re: Contract PW-6075, Demolition of Buildings, 4230-48 Third (Front),
Rejection of Bids.

Gentlemen — In response to public advertisements, bids were received on Contract PW-6075, Demolition of Buildings at 4230-48 Third (Front), on August 27, 1968, as indicated on the attached tabulation. Zebrowski and Associates Incorporated were the low bidders in the amount of \$1,999.00.

Soon after the bids were received, Zebrowski and Associates Incorporated advised us that they made an error in their bidding. They advised that they had reversed their bids on Contract PW-6075 and Contract PW-6076, another demolition contract. This information was forwarded to us formally in a letter from them dated August 28, 1968.

It appears that this was an honest mistake on the part of the contractor. This contract, PW-6075, was for a building four times as large as that in Contract PW-6076. The quotations from the contractor resulted in his lower bid being made for the larger building, which does not seem reasonable.

We referred this matter to the Corporation Counsel's Office. Their reply states that where an honest mistake has been made, the contracting City department may allow withdrawal of the bid without penalty, but the contract must be re-advertised. A copy of the Corporation Counsel letter is attached for your information.

It is therefore recommended that all bids on Contract PW-6075 for the demolition of buildings at 4230-48 Third (Front) be rejected, and that the contract be re-advertised.

Respectfully submitted,

ROBERT P. ROSELLE

Commissioner

By Councilman Miriani:

Resolved, That the Commissioner of