

petitioner or assigns (by way of illustration but not limitation), such as storage of excessive weights of materials or construction not in accordance with second requirement, 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

September 16, 1968

Honorable Common Council:

Gentlemen — On June 11, 1946, J.C.C. 1427, Your Honorable Body granted approval to the Ternstedt Division General Motors Corporation, to maintain one spur track across Livernois between Fort and West Jefferson, North of and connecting the Wabash C & O Joint Railroad.

This track has been removed from public property, and we, therefore, ask that this petition be rescinded, and further ask that you direct the City Controller's Office to release the bond on file, in accordance with established procedure.

Respectfully submitted,

ROBERT P. ROSELLE

Commissioner

By Councilman Miriani:

Resolved, That resolution adopted June 11, 1946 (JCC p. 1427), granting petition of Ternstedt Mfg. Div., General Motors Corp. (1885), to maintain a spur track across Livernois between Fort and W. Jefferson, north of and connecting the Wabash C & O Joint Railroad, be and the same is hereby amended for the purpose of only rescinding therefrom the aforesaid grant, and the City Controller is hereby directed to release the related bond on file in accordance with established procedure.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—7.

Nays—None.

Department of Public Works

September 12, 1968

Honorable Common Council:

Re: Petition No. 6662, Olympia Stadium - Division of Norris Grain Vacation and Conversion to Easement of Hooker Avenue and Alleys in the area.

Gentlemen —The above petition requests the conversion of Hooker Avenue, 50 feet wide, and certain alleys in the area bounded by Hooker, Lawton and Wreford Avenues into easements for public utilities, and the vacation of the east-west alley in the same block.

The requested vacation and conversion into easement for public utilities were recommended by the City Plan Commission, with the recommendation that sufficient land be dedicated for a new alley outlet into Lawton Avenue. 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 Fund 600 (0000) (6232) 001 Receipt No. C-17601 \$20.

For the estimated cost of abandoning a water service to Lot 48 in the petitioner's area.

Fire Department Fund 990-9406 Receipt No. A-13297 \$1,800.00.

For the estimated cost of relocating a hydrant on Hooker near Lawton.

Department of Public Works-Fund 990-9443-001 Receipt No. A-13296 \$500.00.

For the estimated cost of paving a new alley return at the entrance to the newly dedicated alley.

Department of Public Works, Intersection Fund-143-6241 Receipt No. A-13295 \$359.00.

For the original cost of paving Lawton Avenue at the intersection of Hooker Avenue to be vacated.

The petitioner has also requested that the paved return at the entrance to Hooker Avenue at Lawton Avenue remain in its present status as the petitioner plans to utilize same, and has 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.

The petitioner has requested the paving of the alley return at the entrance to the alley to be dedicated be done under private contract, all costs of such to be borne by the petitioner. The petitioner has also deposited the monies necessary to have this work done by the City. He wishes said deposits to be refunded if he has the work performed privately. The Department of Public Works has no objection to the petitioner's request provided the work is done under City specifications and inspection. Upon completion of the work in a manner satisfactory to the City Engineer, the monies deposited will be refunded.

A warranty deed has been received from the petitioner, deeding to the City of Detroit, land for the new alley outlet into Lawton Avenue.

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.

The adoption of the attached resolution is recommended.

Respectfully submitted,
ROBERT P. ROSELLE,
Commissioner.

By Councilman Ravitz:

Resolved, That all that part of the north-south public alley, 20 feet wide, in the block bounded by Grand River, Lawton, Hooker, and Wreford Avenues, lying westerly of and abutting the westerly line of Lot 45 and lying easterly of and abutting the easterly line of the westerly 10 feet of Lot 46, inclusive of Hubbard and Dingwall's subdivision of Lots 16 and 17 and Fractional part of Lot 4 of the subdivision of the Hall and Ingersoll Farm; (Being the northeast part of Fractional Section 2), T.2.S.; R.11.E.; City of Detroit, Wayne County, Michigan, as recorded in Liber 11, Page 14, Plats, Wayne County records,

Be and the same is hereby vacated as a public alley to become a part and parcel of the abutting property; and be it further

Resolved, That all that part of Hooker Avenue, 50 feet wide, between Grand River Avenue and Lawton Avenue as platted in Elfbrink's Subdivision of Lots 14 and 15 of Hall and Ingersoll's Subdivision of Fractional Section 2, T.2.S.; R.11.E., City of Detroit, Wayne County, Michigan, as recorded in Liber 11, Page 98, Plats, Wayne County records, lying northerly of and abutting the northerly line of Lots 19 to 22, lying southerly of and abutting the southerly line of Lot 47, lying southerly of and abutting the southerly line of the north-south public alley, 18 feet wide, between Lots 46 and 47 all inclusive of the above mentioned subdivision; also,

All that part of the north-south public alley, 18 feet wide, northerly of Hooker Avenue and first west of Lawton Avenue, lying westerly of and abutting the westerly line of Lot 47, lying easterly of and abutting the easterly line of the southerly 30 feet of Lot 46, all inclusive of the above mentioned subdivision; also,

All that part of the public alley, 19.34 feet wide, north of Grand River Avenue, between Wreford and Hooker Avenues, the westerly 9.67 feet, measured at right angles as platted in Hubbard and Dingwall's Subdivision of Lots 16 and 17 and fractional part of Lot 4 of the subdivision of the Hall and Ingersoll Farm, being the northeast part of Fractional Section 2, T.2.S., R.11.E., City of Detroit, Wayne County, Michigan, is recorded in Liber 11, Page 14, Plats, Wayne County records; the easterly 9.67 feet, measured at right angles, platted in Elfbrink's Subdivision of Lots 14 and 15 of Hall and Ingersoll's Subdivision of Fractional Section 2, T.2.S., R.11.E., City of Detroit, Wayne County, Michigan, as recorded in Liber 11,

Page 98, Plats, Wayne County records, lying northerly of the vacation of a portion of said alley as vacated on March 8, 1966, J.C.C. Pages 474 to 476 and lying southerly of a line formed by the extension of the northerly line of Lot 46 of Elfbrink's Subdivision westerly to the easterly line of Lot 40 of Hubbard and Dingwall's Subdivision, lying easterly of and abutting the easterly line of Lots 40 to 45, lying easterly of and abutting the easterly line of the public alley between Lots 45 and 46 inclusive of Hubbard and Dingwall's Subdivision; and lying westerly of and abutting the westerly line of Lots 41 to 46 inclusive of Elfbrink's Subdivision,

Be and the same is hereby vacated as a public street and alley and is hereby converted into a public easement of the full width of the street and 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 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 in said vacated public street and 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 owner's 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 incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

FOURTH, 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; and be it further

Resolved, That at any time in the future the removal of the paved street return at the entrance to the above vacated street becomes necessary, the entire cost of such removal and the construction of new curbs and walks shall be borne by the Olympia Stadium Division of Norris Grain Company, its heirs, successors, or assigns in accordance with City specifications and under City inspection; and be it further

Resolved, That the Warranty Deed of Olympia Stadium Division of Norris Grain Company deeding land to the City of Detroit for alley purposes being described as the southerly 20 feet of Lot 48 of Elfbrink's Subdivision of Lots 14 and 15 of Hall and Ingersoll's Subdivision of Fractional Section 2, T.2.S., R.11.E., City of Detroit, Wayne County, Michigan, as recorded in Liber 11, Page 98, 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, and be it further

Resolved, That in the event the alley return at the entrance to the newly deeded alley is paved by private contract, the monies deposited with the City for such paving (Department of Public Works Fund No. 990-9443-001; Receipt No. A-13296-\$500.00) shall be refunded to the petitioner.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—7.

Nays—None.

Department of Public Works

August 16, 1968

Honorable Common Council:

RE: Contract PW-5759, Paving Lafayette, New St. Aubin to Relocated McDougall, Elmwood Park Rehabilitation Project No. 1, Mich. R-40; No. 2, Mich. R-62; and No. 3, Mich. R-123, Tony Angelo Construction Company, Contract Change ST-1.

Gentlemen — Since award of this Contract, it has become necessary to construct concrete driveways to fit in with the developer's plans and to rearrange the island openings as requested by the Department of Streets and Traffic because of new driveway construction.

The net cost of the additional work is \$2,066.08 based on unit prices quoted on the Contractor's original proposal. This price has been checked

by the City Engineer and is considered to be fair and reasonable. It is therefore recommended that this work be added to the existing Contract, PW-5759, in accordance with the Contract provisions for changes in the work. Funds are available in Account 455-9361-901 and 455-9365-901 to cover the additional cost.

Respectfully submitted,
ROBERT P. ROSELLE,
Commissioner.

Recommended:

ROBERT D. KNOX,
Director-Secretary,
Housing Commission

Approved:

DAN A. DEMARE
Deputy Controller

By Councilman Rogell:

Resolved, That the additional work described in the foregoing communication be and is hereby approved as an extra to Contract PW-5759, Paving Lafayette, New St. Aubin to Relocated McDougall, Elmwood Park Rehabilitation Project No. 1, Mich. R-40; No. 2, Mich. R-62; and No. 3, Mich. R-123, in the estimated amount of \$2,066.08 for the reasons stated in the foregoing communication and be it further

Resolved, That the Controller be and is hereby authorized and directed to honor vouchers when presented covering this additional work and charge them to Accounts 455-9361-901 and 455-9365-901.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—7.

Nays—None.

Department of Public Works

September 18, 1968

Honorable Common Council:

Re: Petition No. 6909, Earl Culver. Encroachment W. Side of Vaughan, No. of Fenkell.

Gentlemen — Your committee of the whole referred to this office for investigation and report of the above petition. The Department of Public Works has made a field investigation of this and a summary of our findings as follows:

Earl Culver's lot is 115 feet deep including a six foot easement at the rear. The petitioner wishes to erect a frame garage which will encroach 3 feet into the six foot easement. The existing garage immediately to the rear of the petitioner's proposed site leaves an unobstructed six feet between the structures.

We find that the above request for permission to maintain a garage which encroaches into a public easement complies with the policy adopted by your Honorable Body on February 23, 1965, J.C.C. Pages 348 and 349, and an appropriate resolution granting the same is