

Adopted as follows:
 Yeas — Councilmen Beck, Hood, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Pro Tem Miriani—8.
 Nays—None.

Department of Public Works

August, 5, 1969.

Honorable Common Council:
 Gentlemen—This is to certify that all work required of the Contractors in the performance of these Contracts has been fully completed and found acceptable under the terms and conditions thereof, and that the total value of such completed work, including all Contract Changes duly issued, is that stated below as the Adjusted Contract Price.

The Contractors have submitted affidavits that all payrolls, material bills, and all other indebtedness incurred by them in connection with the work have been paid.

It is therefore recommended that the total value of the work, as stated below be paid to the Contractors with the understanding that such payments are made by the City and accepted by the Contractors under the Contract provisions covering final payment.

Contract: PW-7215W(E-2); Title: Alley Pvg. Blk. Bdd. By: Monica, Santa Rosa, Puritan and McNichols; Contractor, J. C. Sachs Co. Inc.: Adjusted Contract Price, \$32,593.78.

Contract PW-7229W(E-2): Title: Alley Pvg. Blk. Bdd. By: Kentucky, Ohio, Puritan, Florence and Indiana, Ohio, Florence, Marygrove; Contractor, J. C. Sachs Co. Inc.: Adjusted Contract Price, \$30,147.51.

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

By Councilman Hood:

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

Whereas, the completed work has been found acceptable under the terms and conditions of said Contracts by the Department of Public Works; therefore be it

Resolved, That the said Contracts be and are hereby accepted.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Pro Tem Miriani—8.
 Nays—None.

Department of Public Works

August 5, 1969.

Honorable Common Council:
 Re: Petition No. 6233 (68): Detroit Board of Education: Vacation of

Lafayette Boulevard between Scotten and Hubbard Avenues. Gentlemen—The above petition requests the vacation of Lafayette Boulevard, 163 and 134.45 feet wide.

Subsequently, the petitioner has requested that his petition be changed from the vacation of the above mentioned public right-of-way to a request for the conversion of same to an easement for public utilities.

The requested vacation was recommended 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:

All City departments and privately-owned utility companies reported that they will be unaffected by the conversion to an easement of said street or that they have reached satisfactory agreement with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
 ROBERT P. ROSELLE,
 Commissioner.

By Councilman Ravitz:

Resolved, That all that part of Lafayette Boulevard, 168 feet wide, between Scotten Avenue and Hubbard Avenue lying southerly of and abutting the southerly line of the easterly 8.0 feet of the vacated portion of Scotten Avenue, lying southerly of and abutting the southerly line of lot 10, lots 24 to 29, the vacated north-south public alley, 15 feet wide, between lots 10 and 29, lying south of and abutting the southerly line of the westerly 22.17 feet of lot 23, all inclusive of Stoepel's Subdivision of lot 65 and lot 1 of the subdivision of lot 66, J. B. Campau Farm, Private Claim 563, Springwells (now Detroit), Wayne County, Michigan, as recorded in Liber 8, Page 73, Plats, Wayne County records;

Be and the same is hereby vacated as a public street and is hereby converted into a public easement for subsurface utilities 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 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 hereinabove described for the purpose of maintaining, installing, repairing, removing, or replacing subsurface public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or things usually placed or installed under a public

street 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 shall request the removal and/or relocation of any existing utilities in said easement, such owners, upon whose property the 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; and be it further

Resolved, That all that part of the southerly 70.45 feet of Lafayette Boulevard, 134.45 feet wide, between Scotten Avenue and Hubbard Avenue, except that part taken for the Fisher Freeway Right-of-Way, lying 64.0 feet southerly of and parallel to the southerly line of the easterly 198.0 feet of lot 54 of Daniel and Walter Scotten's Subdivision of all that part of Private Claim 77, Knaggs or Hubbard Farm (so called) lying west of Indian Avenue, south of Dix Road (so called), north of Fort Street and between lots 18 and 19 of Bela Hubbard's Subdivision of Private Claim 77, Springwells (now Detroit), Wayne County, Michigan, as recorded in Liber 1, Page 195, Plats, Wayne County records, more properly described as:

Beginning at a point, said point being in the easterly line of lot 54 extended southerly, said point also being 64.0 feet southerly of the southeasterly corner of said lot 54; thence westerly along a line 64.0 feet southerly of and parallel to the southerly line of lot 54, 198.0 feet to a point; thence southerly along a line parallel to the westerly line of lot 54, 70.45 feet to a point; thence easterly along the southerly line of Lafayette Avenue, 134.45 feet wide, 106.55 feet to a point in the northerly line of the Fisher Freeway Right-of-Way; thence

northeasterly along said northerly line of the Fisher Freeway Right-of-Way, 98.54 feet to a point in the easterly line of lot 54 extended southerly; thence northerly along said easterly line of lot 54 extended southerly 34.21 feet to the point of beginning;

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 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 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 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 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.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Pro Tem Miriani—8.

Nays—None.