

cause the project to extend into the Winter of 1966-1967 when it had to be closed down because of inclement weather. Several items of work had to be performed at that time to protect what had already been completed until construction could be resumed in the Spring of 1967. In July of 1967, the civil disorders in Detroit further halted construction directly for a short period.

Because of the above delays and the extension of the contract beyond the originally scheduled completion date, many items of extra work had to be performed by the Contractor. In consideration of the circumstances and because none of the above cited delays was attributable to the Contractor, the Board of Wayne County Road Commissioners awarded the Contractor extra payment in the amount of \$20,493.69. Because of the extreme difficulty of assessing responsibility to any public agency for the costs of the delays in the project, the Wayne County Road Commission, Wayne State University, and the Department of Public Works agreed in principle to bear the extra costs equally among themselves. This amounts to \$6,831.23 for each agency. It was also agreed, subject to approval, that the City and Wayne State University will make these payments directly to the Wayne County Road Commission.

To accomplish what we believe is an equitable settlement and in order to bring this portion of the Warren Avenue widening project to a conclusion, we recommend adoption of the following resolution.

Respectfully submitted,
ROBERT P. ROSELLE,
 Commissioner.

Approved:
B. W. KLEIN,
 Controller

By Councilman Hood:

Resolved, That in accordance with the above communication, the Department of Public Works is authorized to pay \$6,831.23 from Account No. 195-9213-937 to the Board of Wayne County Road Commissioners as its share in the additional costs of construction of the Warren Avenue Widening between Trumbull and Cass Avenue.

Be it Further Resolved, That the Controller be and is hereby authorized and directed to honor vouchers when presented in accordance with this resolution.

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 14, 1969.

Honorable Common Council:
 Re: Contribution to K.D.B. Teens Activities.

Gentlemen—For the past two years the City of Detroit has appropriated funds to partially support the activities of the "Keep Detroit Beautiful Teens for a Greater Detroit." These appropriations were expended for secretarial and typing personnel, office supplies, postage, telephone, transportation and photographs of the teens' activities. The KDB Teens raise additional funds equal to the City's share through activities and contributions.

In this year's budget, there is again an appropriation of \$7,500 in the Public Works budget for the KDB Teens' activities. The permission of your Honorable Body is requested to authorize the City Controller to issue a voucher in the amount of \$7,500 to the "KDB Teens for a Greater Detroit" to finance the 1969-70 activities. A special checking account is maintained to account for all the expenditures of this project.

Respectfully submitted,
ROBERT P. ROSELLE,
 Commissioner.

Approved:
B. W. KLEIN,
 Controller

By Councilman Hood:

Resolved, That the Department of Public Works be and is hereby authorized to contribute the amount of \$7,500 from Account No. 125-2010-361, Contractual Services, to the "Keep Detroit Beautiful Teens for a Greater Detroit," and be it further

Resolved, That the Controller be and he is hereby authorized to honor vouchers when presented in accordance with the foregoing communication.

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 19, 1969

Honorable Common Council:
 Re: Petition No. 7074, Bendix Corporation, 696 Hart Ave., Detroit, Conversion to Easement of Hart Avenue, Southerly of Edlie Avenue.

Gentlemen — The above petition requests the conversion of Hart Avenue, 60 feet wide, southerly of Edlie Avenue into an easement for public utilities.

The requested conversion into easement for public utilities 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:

The petitioner has made the following deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated:

DPW—Intersection Fund 143-6241.

Receipt No. C-9877, \$367.00. For the original cost of paving Edlie Avenue at the intersection of Hart Avenue to be vacated.

The petitioner has also requested that the paved return at the entrance to Hart Avenue on the south side of Edlie 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 objections to the conversion of public right-of-way into easement provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

ROBERT P. ROSELLE

Commissioner

By Councilman Ravitz:

Resolved, That all that part of Hart Avenue, 60 feet wide, southerly of Edlie Avenue as platted in Hutton, Tigchon, and Nall Subdivision of the northerly 30.356 acres of that part of Private Claims 641, 638, 637 and 392 lying south of and adjacent to Jefferson Avenue, Village of Fairview (now Detroit) Wayne County, Michigan, as recorded in Liber 24, Page 18, Plats Wayne County records lying easterly of and abutting the easterly line of lots 154 to 160 and lying westerly of and abutting the westerly line of lots 161 to 167 all 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 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 public utilities such as water mains, sewers, gas line 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 is 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; and be it further

Resolved, That if at any time in the future it becomes necessary to remove the paved street return at the entrance to Hart Avenue to be vacated, the cost of such removal and the construction of new sidewalk and backfilling where necessary shall be borne by the petitioner, his assigns or administrators, and further

Resolved, That the City Controller is hereby authorized and directed to issue a Quit Claim Deed to the Bendix Corporation for the above described portion of Hart Avenue and that the Corporation Counsel is directed to prepare said deed.

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 20, 1969

Honorable Common Council:

Re: Contract PW-7233W(E-2), Alley Paving In Block Bounded by Ohio, Cherrylawn, Puritan, Marygrove.

Amount in Assessment Portion:

\$5,982.84.

Amount in Federal Portion: \$11,965.68.

Total Amount Accepted Proposal:

\$17,948.52.