

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, Hood, Miriani, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—8.  
Nays—None.

**Department of Public Works**

March 13, 1969.

Honorable Common Council:

Re: Contract: PW-7169; For: Paving Pembroke, Pinehurst to Wyoming; Adjusted Contract Price: \$48,295.03; 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 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 above as the Adjusted Contract Price.

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 the 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 Wierzbicki:

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, Hood, Miriani, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—8.  
Nays—None.

**Department of Public Works**

March 13, 1969.

Honorable Common Council:

Re: Petition No. 7911, Protesting the Proposed Paving of the North-South Residential Alley in the Block Bounded by Rutherford, Forrer, Whitlock, and West Warren.

Gentlemen—Returned herewith is Petition No. 7911 protesting the proposed paving of the North-South Residential Alley in the block bounded by Rutherford, Forrer, Whitlock, and West Warren.

The paving of this alley was initiated by a majority petition No. 4172 from the abutting property owners. However, several signers of the original petition to pave have changed their minds, and have also signed the protest petition, thereby reducing the petition to pave to a minority petition (42 percent).

Therefore, we recommend that the protest petition be approved and that your previous order to pave this alley be rescinded.

Respectfully submitted,  
ROBERT P. ROSELLE,  
Commissioner.

By Councilman Wierzbicki

Resolved, That Protest Petition No. 7911 of Mrs. William C. Ray, et al be and the same is hereby approved, and be it further

Resolved, That the resolution adopted January 23, 1968, J.C.C. Page 114, ordering the paving of certain alleys, be and the same is hereby amended by deleting therefrom the north-south alley in the block bounded by Rutherford, Forrer, Whitlock and West Warren, Petition No. 4172.

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

**Department of Public Works**

February 14, 1969.

Honorable Common Council:

Re: Petition No. 7368: Michigan Medical Service and Michigan Hospital Service Conversion to Easement for Subsurface Utilities of St. Antoine Avenue between Fort Street and Congress.

Gentlemen—The above petition requests the conversion of St. Antoine Street, 50 feet wide, between Congress Street and Fort Street into an easement for subsurface public utilities.

The requested conversion into easement for subsurface public utilities was 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 Detroit Housing Commission has indicated that this vacation is a

part of the Central Business District No. 3 project, and, therefore, the costs of vacation will be paid from project funds. Interdepartmental Purchase Orders have been issued to the following departments for the purposes indicated.

Public Lighting Commission: I.P.O. No. S-14267, \$4,500. For the estimated cost of relocating Communications facilities to accommodate the new easement.

Department of Public Works, Intersection Fund: I.P.O. No. S-14266, \$340. For the original cost of paving Congress Street and Fort Street at the intersection of St. Antoine Street.

The Housing Commission has also requested that the paved returns at the entrance to St. Antoine be removed and new curb and sidewalks be installed by private contract. The Department of Public Works has no objections as long as the work is done under Department of Public Works specification and inspection.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversion of the public right-of-way into subsurface 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 Wierzbicki:

Resolved, That all that part of St. Antoine Street, 50 feet wide, between Congress Street and Fort Street as platted in the Plat of the Antoine Beaubien Farm, Detroit, Wayne County, Michigan, as recorded in Liber 27, Page 197, Deeds, Wayne County records, lying northerly of the north line of Congress Street, 70 feet wide, and southerly of the south line of Fort Street, 50 feet wide; lying westerly of and abutting the westerly line of Lots 1 to 6 and the 20 feet wide vacated alley between Lots 3 and 4, said Lots being in the block bounded by Congress Street, Fort Street, St. Antoine Street and the Chrysler Freeway; lying easterly of and abutting the easterly line of Lots 1 to 6 and the 20 foot wide vacated alley between Lots 3 and 4, said lots being in the block bounded by Congress Street, Fort Street, St. Antoine Street, and Beaubien Street, all inclusive of the above mentioned subdivision;

Be and the same is hereby vacated as a public street and is hereby converted into a subsurface public easement of the full width of the street, which subsurface 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 subsurface 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 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 Paragraph 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 the paved street returns at the entrance to the street to be vacated, be removed, and new sidewalk and curb be constructed under private contract at the sole cost of the owners of abutting property and under the Department of Public Works specification and inspection.

Approved as to Form:

**ROBERT D. McCLEAR**  
 Acting Corporation Counsel

Adopted as follows:

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

Nays—None.

Department of Public Works  
 March 14, 1969

Honorable Common Council:  
 Re: Minority Petition No. 6984 Pro-