

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

July 28, 1969

Honorable Common Council:

Re: Petition No. 7928, Detroit Engineering & Machine Company, alley bounded by Beaufait, Bellevue, St. Paul and Kercheval, Vacation and Conversion to Easement of Alleys.

Gentlemen—The above petition requests the conversion into easement of the north-south and the vacation of the east-west public alleys 10 and 15 feet wide in the block bounded by Beaufait, Bellevue, St. Paul and Kercheval.

The requested vacation and 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 deposits with the City Treasurer, which have been credited to the departments and accounts named, for the purposes indicated:

Public Lighting Commission Fund 990-9423. Receipt No. A-4183, \$140.00. For the estimated cost to remove street lighting equipment.

DPW Intersection Fund 143-6241. Receipt No. A-4184, \$61.00. For the original cost of paving St. Paul Avenue at the intersection of the north-south alley to be vacated.

The petitioner has also requested that the paved return at the entrance to the east-west alley 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 City departments and privately-owned utility companies reported that they will be unaffected by the vacation and conversion to an easement of said alleys 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 Wierzbicki:

Resolved, That all that part of the east-west public alley, 15 feet wide, in the block bounded by Beaufait, Bellevue, St. Paul and Kercheval Avenues, lying north of and abutting the north line of lot 62 and lying

south of and abutting the south line of lot 63 inclusive of Desnoyers' Subdivision of the northeasterly  $\frac{1}{2}$  of the southwesterly  $\frac{1}{2}$  of Private Claim 19, Detroit, Wayne County, Michigan as recorded in Liber 1, Page 221, Plats, Wayne County records;

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

Resolved, That all that part of the north-south public alley, 10 feet wide, in the block bounded by Beaufait, Bellevue, St. Paul and Kercheval Avenues as platted in Traugott and Schmidt's subdivision of lots 19 and 20 of the subdivision of the Meldrum Farm and all that part of lot 4 of the subdivision of the Beaufait Farm lying east of said lots 19 and 20, Detroit, Wayne County, Michigan, as recorded in Liber 9, Page 86, Plats, Wayne County records lying easterly of and abutting the easterly line of lots 73 to 81 and the southerly 29 feet of lot 72, inclusive of the above mentioned subdivision;

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 purpose 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 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.

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**  
July 28, 1969

Honorable Common Council:  
Re: Contract: PW-7216W(E-2).  
For: Paving of Alley in block bounded by Turner, Tuller, John Lodge, Midland.  
Adjusted Contract Price: \$5,398.-29.  
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, 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, Ravitz, Rogell, Tindal, Van Antwerp,

Wierzbicki and President Pro Tem Miriani—8.  
Nays—None.

**Department of Public Works**  
August 6, 1969

Honorable Common Council:  
Re: Petition No. 7552, Boomer Company, Alley bounded by the Grand Trunk Railroad, St. Aubin, Garfield and Forest, Conversion to Easement.

Gentlemen—The above petition requests the conversion of the east-west and north-south public alleys 15 feet wide in the block bounded by the Grand Trunk Railroad, St. Aubin, Garfield and Forest into an easement for public utilities.

The requested conversion into easement for public utilities was recommended by 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:

Public Lighting Commission Fund 990-9423. Receipt No. A-5798. \$390.00. For the estimated cost to remove street lighting equipment from the alley to be vacated.

DPW-Intersection Fund 143-6241. Receipt No. A-5797. \$128.00. For the original cost of paving Garfield Avenue at the intersection of the alley to be vacated.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions of public rights-of-way into easements 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 the north-south public alley, 15 feet wide, in the block bounded by the Grand Trunk Railroad, St. Aubin, Garfield and Forest lying between lots 14 and 15 of Potter's Subdivision of the south 250.43 feet of outlot 24, Witherell Farm, Detroit, Wayne County, Michigan as recorded in Liber 10, Page 67, Plats, Wayne County records; also

All, That part of the east-west public alley, 15 feet wide, in the block bounded by the Grand Trunk Railroad, St. Aubin, Garfield and Forest lying north of and abutting the north line of lots 14 to 16 and the north-south public alley, 15 feet wide, between lots 14 and 15; lying southerly of and abutting the southerly