

Therefore, Be it resolved that the paving is hereby approved and the City Engineer is directed to proceed with the paving thereof.

Adopted as follows:

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

Nays—None.

Note: \* RE CONSIDERATION WAIVED per motions before adjournment.

**Department of Public Works**

December 16, 1969

Honorable Common Council:

Re: Alley Vacation: West Side Industrial Project No. 2, Detroit Housing Commission — Petition No. 8853.

Gentlemen — We wish to advise that in carrying out the development plan for the area known as West Side Industrial Project No. 2, Michigan R-97, which is being undertaken by the City pursuant to Act 344 of the Public Acts of 1945, as amended, the Detroit Housing Commission has requested the vacation of a certain alley.

The Detroit Edison Company has reported that it has lines and poles in the alley to be vacated and has submitted an estimate of \$1,796.00 as its cost of removing and rerouting its installations.

The Michigan Bell Telephone Company has reported that their facilities will be affected by the vacation.

Your Honorable Body may make provisions for the relocation of the lines and poles of the Detroit Edison Company and the Michigan Bell Telephone Company to the streets located near the alley to be vacated.

The Corporation Counsel contends that these relocating costs are not chargeable against the City. The case involving the liability of the City for these costs is still pending.

The Detroit Housing Commission has issued the following interdepartmental purchase orders covering the estimated expenses of the respective departments in the vacation of the alley:

DPW Intersection Fund IPO No. 17444, \$60.00.

Public Lighting Commission IPO No. 17445, \$450.00.

The petitioner wishes to have the paved alley return removed, new sidewalks and curb constructed by private contract. This department has no objection as long as the work is done under City permit and inspection and according to Department of Public Works specifications, at no expense to the City.

Proper provisions are incorporated into the vacating resolution protecting the City's interest in

sewers located or to be located in the alley to be vacated.

All other City departments and private utility company reported that they will be unaffected by the vacation of said alley.

In view of the foregoing it will be necessary to adopt a resolution vacating the aforementioned alley and directing the Detroit Edison Company and the Michigan Bell Telephone Company to remove their installations therefrom.

Respectfully submitted,

ROBERT P. ROSELLE

Commissioner

By Councilman Van Antwerp:

Whereas, The City of Detroit is undertaking the rehabilitation of the area known as West Side Industrial Project No. 2, Michigan R-97, pursuant to Act 344 of the Public Acts of 1945, as amended, and

Whereas, In order to carry out the development plan for this project it is necessary for the City of Detroit to vacate a certain alley in the area, therefore be it

Resolved, That all that part of the north-south public alley, 20 feet wide, in the block bounded by Sixteenth, Fifteenth, Lafayette and Howard lying easterly of and abutting the easterly line of lots 2 to 8 inclusive of Block 14, lying westerly of and abutting the westerly line of lots 2 to 8 inclusive of Block 15, all inclusive of the plat of the Front Subdivision of the Lafontaine Farm, Private Claim 44, between the Detroit River and the Chicago Road, Detroit, Wayne County, Michigan as recorded in Liber 59, Pages 154 and 155, Deeds, Wayne County records;

Be and the same is hereby vacated to become a part and parcel of the abutting property, subject to the following provisions:

1) Provided, That by reason of the vacation of the above property, the City of Detroit does not waive any rights to the sewers located or to be located therein, and at all times, shall have the right to enter upon the premises, if found necessary to repair said sewers, alter, service or install same; and further

2) Provided, That no building shall be constructed over said sewers without the prior approval of such building construction by the Sewer Design Section of the Detroit Metropolitan Water Services and the Department of Buildings and Safety Engineering; and further

3) Provided, In the event that the sewer located or to be located in said property shall break, causing damage to any construction, property or materials above, the petitioners and their assigns, by acceptance of the permit for construction over said sewer, waive all claims for damages; and further

4) Provided, That if the sewer

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 any construction not in accordance with Provision 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 sewer; and be it further

Resolved, That upon proper application, the Department of Public Works shall issue to the Detroit Edison Company and the Michigan Bell Telephone Company permits to relocate their lines and poles from the vacated alley to public streets most conveniently located in reference to the vacated alley and consistent with the public health, safety, convenience, and general welfare; and be it further

Resolved, That the Detroit Edison Company and the Michigan Bell Telephone Company are hereby directed to remove all their lines and poles from the vacated alley without expense to the City within thirty (30) days after receipt of a copy of this resolution; and be it further

Resolved, That the City Clerk is hereby directed to mail to the Detroit Edison Company and the Michigan Bell Telephone Company a certified copy of this resolution; and be it further

Resolved, That the paved alley return be removed and new sidewalk and curb be constructed by private contract under City permit and inspection and according to Department of Public Works specification, at no expense to the City.

Adopted as follows:

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

Nays—None.

Note: \* RECONSIDERATION WAIVED per motions before adjournment.

**Department of Public Works**

December 16, 1969

Honorable Common Council:

RE: Supplemental Appropriations for Municipal Court Building

Gentlemen — The current budget provided sufficient appropriations to maintain the Municipal Court Building through October 31, 1969. Additional appropriations of \$28,700 were approved by your Honorable Body on October 28, 1969, J.C.C. p. 2691 to keep the building in operation until December 15, 1969. However, completion of transfer of the Courts to the new Frank Murphy Hall of Justice will be delayed until January 4, 1970 and in addition a minimum

staff must be retained after January 4, 1970, to safeguard the building, provide minimum heating requirements, and allow access by court personnel to their files which will be still in storage vaults in the old building until moved at a later date.

Therefore, additional appropriations are requested as per attached resolution.

Respectfully submitted,  
ROBERT P. ROSELLE  
Commissioner

Recommend: \$18,980.00.

Approved:  
B. W. KLEIN  
Controller

By Councilman Van Antwerp:

WHEREAS, The above request is considered necessary to assure the preservation of peace, health, safety and welfare of the people of the City of Detroit; therefore be it

RESOLVED, That in accordance with the foregoing communication, the Controller be and is hereby authorized and directed to transfer the sum of \$18,980 from Account No. 167-8070-611, General Fund Contingencies, to the following accounts:  
169-0710-111 — Supervision Salaries \$855

169-0740-113 — Municipal Court Memo Salaries, \$18,125.

And honor vouchers and payrolls when presented for operation of the Municipal Court Building until January 4, 1970.

Adopted as follows:

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

Nays—None.

Note: \* RECONSIDERATION WAIVED per motions before adjournment.

**Department of Public Works**

December 17, 1969

Honorable Common Council:

Re: Contract PW-7241W(E-2).

Paving: Alley—In block bounded by Woodingham, Turner, Midland, Pilgrim.

Amount in Assessment Portion: \$2,523.40

Amount in Federal Portion: \$5,046.80

Total Amount Accepted Proposal: \$7,570.20

Gentlemen—The Assessment Roll was based on the above Assessment portion.

Under the provisions of the resolution authorizing the award of the Contract, any deductions from or additions to the Assessment Portion exceeding \$100.00 or one percent of the original Contract amount must be approved by the Common Council before the adjustment of such difference is applied to the Federal Portion.

Based on final field measurements, the following difference resulted be-