

Page 2603 in vacated Alexandrine Avenue, 100 feet wide, between John R and Brush Streets,

Be and the same is hereby vacated as an underground public utility easement subject to the following:

1) A temporary underground utility easement is retained in the westerly 220 feet of vacated Alexandrine Avenue, 100 feet wide, for maintenance of their facilities located therein. This easement is for the duration of construction of new water facilities and until acceptable transitional arrangements are made between the above mentioned department and the petitioner;

2) An easement is retained for the Sewer Design Section of the Detroit Metropolitan Water Services in the northerly 25 feet of the westerly 160 feet of vacated Alexandrine Avenue, 100 feet wide, 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;

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 18, 1969

Honorable Common Council:

Re: Petition No. 8987 of 300 Whitmore Co., Conversion to Easement of a portion of Whitmore Road at Merton Road.

Gentlemen —The Above petition requests the conversion of a portion of Whitmore Road, 60 feet wide, at the intersection with Merton Road 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 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-22383. \$1,102.00. For the original cost of paving Merton Road at the intersection of Whitmore Road to be vacated.

The petitioner has also requested that the paved return at the entrance to Whitmore Road remain in its present status. The petitioner has agreed by submitting plan (filed with this petition file) which indicates his desire to redesign the opening into Whitmore Road, to be vacated. He wishes to have this work done by private contract. This department has no objections as long as the work is done under City permit and inspection and by Department of Public Works specification, at no expense to the City.

The Department of Streets and Traffic approved the proposed plans.

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 Rogell:

Resolved, That all that part of Whitmore Road, 60 feet wide, between Second Avenue and Merton Road lying easterly of the westerly line of lot 344 extended southerly to the southerly line of Whitmore Road, lying easterly of the curved easterly property line of lot 353 (said curve has a radius of 25 feet) southerly of and abutting the southerly line of lots 344 to 349, lying northerly of and abutting the northerly line of Merton Road, 60 feet wide, all inclusive of the



Merrill-Palmer Subdivision, being a subdivision of part of Section 11, T.15.S., R.11.E., Detroit, Wayne County, Michigan as recorded in Liber 45, Pages 54 and 55, Plats, Wayne County records.

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 in said vacated public alley 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 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,

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 the pavement adjustments at the intersection of Whitmore Road and Merton Road be done according to the plan submitted by the petitioner (filed with this petition file), under City permit and inspection and according to

Department of Public Works specification, the entire cost of which is to be borne by the petitioner, or his assigns.

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 18, 1969

Honorable Common Council

Gentlemen — This is to certify that all work required of Hartwell Construction Co., Inc., the Contractor in the performance of these alley paving 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 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 except items specifically listed as unpaid. The Surety has given written consent to final payment notwithstanding such unpaid items.

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-7199W, alley between Charest, Gallagher, Carpenter, Halleck; Adjusted Contract Price \$3,881.25.

Contract PW-7253F, alley between Pelkey, Schoenherr, Seven Mile, Lappin; Adjusted Contract Price \$5,378.50.

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

By Councilman Tindal:

Whereas, from the foregoing communication, it appears that all work required to be performed by the Contractor 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 for whom the work was performed; therefore be it

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