

Detroit, as recorded in Liber 1, Page 31, 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 petitioners 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, Miriani, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Carey—8.
Nays—None.

Department of Public Works
November 24, 1969

Honorable Common Council:
Re: Contract PW-5760
Buildings and Grounds
Southfield Yard
Contract Change EL-3
Smith & Andrews Construction Co., Contractor

Gentlemen—In order to coordinate the work of the Contractor with that to be done by others, and to clarify some minor discrepancies in the plans, it is necessary to make certain changes in the electrical fixtures and the electrical service.

The Contractor has submitted a price of \$1,893 for this additional work which is believed to be fair and reasonable. Funds are available in Account 195-9240-914.

It is, therefore, recommended that the work be added to the existing Contract, PW-5760, in accordance with the Contract provisions for changes in the work.

Respectfully submitted,
ROBERT P. ROSELLE,
Commissioner.

Approved:

B. W. KLEIN,
Controller.

By Councilman Rogell:

Resolved, That work described above be added to the existing Contract, PW-5760, for the reasons stated in the foregoing communication; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to honor vouchers, when presented, covering the additional cost in the amount of \$1,893 and charge them to Account 195-9240-914.

Adopted as follows:

Yeas—Councilmen Beck, Miriani, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Carey—8.
Nays—None.

Department of Public Works
December 2, 1969

Honorable Common Council:
Re: Petition No. 9052, Michigan Bell Telephone Company, alley bounded by Baldwin, Van Dyke, Whipple and Ferry, Vacation.

Gentlemen — The above petition requests the vacation of the north-south and east-west public alleys 14 and 15 feet wide in the block bounded by Baldwin, Van Dyke, Whipple and Ferry.

The requested vacations were 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-21250. For the estimated cost of relocating street lighting equipment. \$1,400.00. Public Lighting Commission Fund

990-9423. Receipt No. A-21252. \$500.00. For the estimated cost of relocating communications facilities.

DPW Permit Division. Receipt No. GR 17117. \$1,600.00. For the estimated cost to remove the paved alley returns at the alleys to be vacated.

DPW Intersection Fund 143-6241. Receipt No. A-21251. \$319.00. For the original cost of paving Ferry Avenue and Whipple Avenue at the intersection of the alleys to be vacated.

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be located in the public right-of-ways to be vacated.

All other involved City departments and privately-owned utility companies reported that they have no objection to the proposed vacation or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
ROBERT P. ROSELLE
 Commissioner

By Councilman Tindal:

Resolved, That all that part of the east-west public alley, 14 feet wide, in the block bounded by Baldwin, Van Dyke, Whipple and Ferry Avenues lying southerly of and abutting the southerly line of lots 179 to 182, lying northerly of and abutting the northerly line of lots 190 to 193 all inclusive, of George W. Martz's Subdivision of the west part of Private Claim 390, north of Gratiot Avenue, Hamtramck (now Detroit), Wayne County, Michigan, as recorded in Liber 14, Page 5, Plats, Wayne County records; lying southerly of and abutting the southerly line of lots 172 to 177; lying northerly of and abutting the northerly line of lots 185 to 190 all inclusive of Potter's Subdivision of the east part of Private Claim 390, north of Gratiot Avenue, Hamtramck (now Detroit), Wayne County, Michigan, as recorded in Liber 13, Page 92, Plats, Wayne County records; also

All that part of the north-south public alley, 15 feet wide, in the block bounded by Baldwin, Van Dyke, Whipple and Ferry Avenues lying westerly of and abutting the westerly line of lots 178 to 184, lying easterly of and abutting the easterly line of lots 177 and 185, lying easterly of and abutting the easterly line of the 14 foot wide east-west alley between said lots 177 and 185 all inclusive of the above mentioned subdivision; Be and the same are hereby vacated as public alleys to become a part and

parcel of the abutting property.

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

Department of Public Works

December 3, 1969

Honorable Common Council:
 RE: Contract PW-7242W (E-2)
 Paving Alley — In block bounded by: Turner, Tuller, Puritan, McNichols
 Amount in Assessment Portion \$11,162.00
 Amount in Federal Portion \$22,324.00
 Total Amount Accepted Proposal \$33,486.00

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 between the estimated cost of the work in Assessment Portion of the accepted Proposal and that actually constructed:

increase of \$537.00, or 1.6 percent of the construction cost.

It is recommended that the Assessment Portion of the construction costs remain unchanged from the original amount in the accepted Proposal and that the adjustment of the above difference be made in the Federal Portion.

Respectfully submitted,
ROBERT P. ROSELLE
 Commissioner

By Councilman Tindal:

RESOLVED, That the Assessment Portion of the construction costs for the paving included in the above Contract remain unchanged from the original amount in the accepted Proposal, and that the adjustment of the difference described in the foregoing communication be made in the Federal Portion.

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

Department of Public Works

December 2, 1969

Honorable Common Council:
 RE: Contract PW-7231W (E-2)
 Paving Alley — In blk. bdd. by: Woodingham, Turner, Puritan, McNichols