

the amount of \$75.00, be a part of the assessment upon removal of the tracks from public property.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki, and President Ravitz—9.
Nays—None.

Department of Public Works

October 26, 1970

Honorable Common Council:

RE: Petition No. 1704 — Francesca Ruskin for Antonina Romano To remove old lumber without charge at 12523 Barlow, Detroit, MI 48205

Gentlemen — This is in reply to your recent communication from Mrs. Francesca Ruskin requesting removal of debris from 12523 Barlow free of charge.

Our Commercial Bureau has investigated this case and reported the following:

Mrs. Romano is a widow receiving Social Security benefits in the amount of \$108 per month. She has a land contract with the Sine Realty for the income property she is now occupying. She receives \$80 per month from tenants and her mortgage payments are \$91 per month.

Mrs. Romano received a violation notice on October 19, 1970 to tear down the garage in accordance with a violation notice from the Department of Building and Safety (copy attached). The cost of removal of the lumber is estimated at \$105.

We therefore request authority from Your Honorable Body to remove this debris free of charge.

Respectfully submitted,
ALFRED BERARDUCCI
Commissioner

By Councilman Rogell:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to remove the debris from 12523 Barlow, free of charge, in accordance with the foregoing communication.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Tindal, Wierzbicki and President Ravitz—8.
Nays—Councilman Van Antwerp—1.

Department of Public Works

October 26, 1970

Honorable Common Council:

Gentlemen — Your Honorable Body on January 24, 1967, J.C.C. Pages 155 and 156, approved Petition No. 3021 of the Michigan Bank, whereas request was made to place a metal pole supporting two lights three feet back of curb. Location is the south side of Anatole between Mack and E. Warren.

Over three years have elapsed and pole has not been installed. Upon

investigation the petitioner has informed us that plans for above encroachment have been dropped.

The Department of Public Works recommends that above Common Council approval be rescinded.

Respectfully submitted,
ALFRED BERARDUCCI
Commissioner

By Councilman Rogell:

Resolved, That resolution of January 24, 1967 (JCC p. 155-156), granting petition of Michigan Bank for a metal pole encroachment on south side of Anatole between Mack and E. Warren, be and the same is hereby rescinded in accordance with the foregoing communication.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki, and President Ravitz—9.

Nays—None.

Department of Public Works

October 23, 1970

Honorable Common Council:

RE: Petition No. 472

Luella Hannan Memorial Home and Cathedral Terrace, Inc.

Alley Bounded By Woodward, John R, Forest and Hancock

Avenues

Conversion to Easement

Gentlemen — The above petition requests the conversion of a portion of the north-south public alley, 20 feet wide, in the block bounded by Woodward, John R, Forest and Hancock Avenues 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 requested that the removal of the paved return at the entrance to the alley to be vacated, and the sidewalk construction be done under private contract. The Department of Public Works has no objection as long as the work is performed under City permit and inspection and according to Department of Public Works specification.

By letter of October 16, 1970, the petitioner has also requested that the reimbursement costs to the City in the amount of \$175.00 for the original paving of Hancock Avenue at the intersection with the alley to be vacated be waived in order to keep the costs as low as possible of the housing project being constructed on this site.

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 an easement provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

An appropriate resolution is attached for your Honorable Body's consideration.

Respectfully submitted,
ALFRED BERARDUCCI
Commissioner of Public Works
By Councilman Rogell:

RESOLVED, That all that part of the north-south public alley, 20 feet wide, in the block bounded by Woodward, John R, Forest and Hancock Avenues lying easterly of and abutting the easterly line of Lot 1 and the northerly 78.46 feet of Lot 2, and lying westerly of and abutting the westerly line of Lot 3, inclusive of Parson's Subdivision of the south half of Park Lot 36, Detroit, Wayne County, Michigan, as recorded in Liber 15, Page 14, Plats, Wayne County Record,

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, and be it further

RESOLVED, That the petitioner shall remove the paved alley return, construct new sidewalk, and backfill where necessary, at the intersection of Hancock Avenue and the vacated alley by private contract under City permits, in accordance with City specifications and inspection and that all costs for said work shall be borne by the petitioner, and be it further

RESOLVED, That the reimbursement cost to the City of Detroit in the amount of \$175.00 for the original cost of paving the southerly half of Hancock Avenue at the intersection of the above described alley is hereby waived.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki, and President Ravitz—9.

Nays—None.

Department of Public Works

October 13, 1970

Honorable Common Council:

Re: Proposed Jeffries Freeway Grade Separation Structure Carrying the Detroit Terminal Railroad over I-96 and Davison Connection near Greenlawn Control Section: X09 & X10 of 82123 G. Agreement No: 70-0768.

Gentlemen—We are forwarding herewith for your consideration, copy of a formal agreement between the Michigan State Highway Commission, Board of Wayne County Road Commissioners City of Detroit, and the Detroit Terminal Railroad Company. This agreement provides for the construction of two grade separation structures to carry the Detroit Terminal Railroad over the Jeffries Freeway and the Davison connectors near Greenlawn.

This is part of the construction involved in building the Jeffries Freeway, which construction is authorized by the terms of an agreement entered into on February 3, 1959, between the City of Detroit, the Board of Wayne County Road Commissioners, and the Department of State Highways, known as the Detroit Expressway Agreement. Funds for the construction of this structure are available by virtue of provisions of the referenced Detroit Expressways Agreement.