

premises, if found necessary to repair said sewers, alter, service or install same; and further

(4) 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 Metro Water Department and the Department of Buildings and Safety Engineering; and further

(5) 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

(6) 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 Browne, Eberhard, Hood, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki, and President Ravitz—9.

Nays—None.

Department of Public Works

November 17, 1970

Honorable Common Council:

Re: Petition No. 717, Louis Hardware Company, Alley Bounded by Oakland, Cameron, McNichols and Dakota, Conversion to Easement.

Gentlemen—The above petition requests the conversion of a portion of the north-south public alley, 18 feet wide, in the block bounded by Oakland, Cameron, McNichols and Dakota into an easement for public utilities. The requested conversion into easement for public utilities was recommended by the City Plan Commission with the recommendation that sufficient land be dedicated for a new alley outlet into Oakland Avenue. 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:

Department of Public Works, Permit Division, Receipt No. GR-18051, \$1,600.00. For the estimated cost to pave a new alley return at the newly dedicated alley.

The petitioner is presently purchasing the land abutting the westerly line of the to be vacated alley from the City of Detroit and will issue a deed for the new alley upon completion of the transaction.

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 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 Levin:

Resolved, That all that part of the north-south public alley, 18 feet wide, in the block bounded by Oakland, Cameron, McNichols and Dakota Avenues abutting the easterly line of Lots 256 and 257, and abutting the westerly line of Lots 162 and 163 as platted in the St. Barbara Subdivision of Part of the South ½ of Section 12, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 28, Page 84, 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 of 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 issue to the City of Detroit a Quit Claim deed for land to be used for alley purposes being described as: The southerly 20 feet of the easterly 30 feet of Lot 255, of the St. Barbara Subdivision of part of the South $\frac{1}{2}$ of Section 12, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, Liber 28, Page 84, Plats, Wayne County Records, and further

Resolved, That the City Controller is hereby authorized and directed to issue a Quit Claim Deed to the above-described vacated alley and the Corporation Counsel is directed to prepare said deed.

Adopted as follows:

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

Nays—None.

Department of Public Works

November 18, 1970

Honorable Common Council:

Gentlemen—This is to certify that all work required of the Contractors in the performance of these 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 Contractors have submitted affidavits that all payrolls, material bills, and all other indebtedness incurred by them in connection with the work have been paid.

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.

Alley paving in block bounded by: Contract PW-7288W, Wetherby, Livernols, Sparta, Floyd; Contractor, J. C. Sachs Company, Inc., Adj. Contract Price \$30,408.65.

Contract PW-7290F, Winthrop, Greenfield, West Chicago, Orangelawn, Contractor J. C. Sachs Company, Inc., Adj. Contract Price \$18,441.41.

R. C. MONAHAN,
Engineer of Inspection
R. R. HICKS,
Acting City Engineer
ALFRED BERARDUCCI,
Commissioner

By Councilman Wierzbicki:

Whereas, From the foregoing communication, it appears that all work required to be performed by the Contractors 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 of Public Works; therefore be it

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

Adopted as follows:

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

Nays—None.

Purchases and Supplies

December 1, 1970

Honorable Common Council:

Gentlemen—The Department of Purchases and Supplies has advertised for bids in accord with specifications and recommends that contracts be entered into with firms or persons as is detailed in the following communications:

FILE NO. 4405

One bid was received as a result of two solicitations for furnishing the Public Lighting Commission with Fire Alarm Equipment. Items and prices as are on file in the office of the City Clerk.

To: Gamewell, A Gulf & Western Systems Co. of Newton, Mass. (Sole Bid)—

Payment To: P.O. Box 4132, Church Street Station, New York, N.Y.

8 Items.

This purchase totals \$5,534.05.

Prices are firm and F.O.B. delivered.

Terms: Net—30 days.

FILE NO. 4456

Two bids were received as a result of six solicitations, as per tabulation, for furnishing the Fire Department with Radios, Mobile, Two-Way.

To: General Electric Co. of Dearborn, Michigan (Lowest Acceptable Bid)—

Payment To: Communications Products Dept., P.O. Box 1661, Church St. Station, New York, N.Y.