

sewer in the alley in the block bounded by the Lodge Freeway, Ilene and Pilgrim by private contract. Be it further

Resolved, That the entire work is to be performed in accordance with plans and specifications approved by Detroit Metro Water Department and constructed under the supervision of the inspection section of the Detroit Metro Water Department. Be it further

Resolved, That the entire cost of the change including inspection, survey and engineering shall be borne by the Petitioner. Be it further

Resolved, That the Petitioner shall deposit with the Detroit Metro Water Department in advance of engineering, inspection, and survey such amounts as that department deems necessary to cover the cost of these services. Be it further

Resolved, That the Petitioner furnish the Detroit Metro Water Department a synthetic reproduction of the sewer drawings prepared by him. Be it further

Resolved, That upon completion of the sewer relocation the sewer shall be City property and remain as part of the City Sewer System, and be it further

Resolved, That if at anytime in the future it becomes necessary to remove the paved returns at the entrance to the alley the entire cost of such removal shall be borne by the petitioner, his assigns or administrators.

Adopted as follows:

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

Nays—None.

Department of Public Works

May 12, 1970

Honorable Common Council:

RE: Petition No. 7914

Boron Oil Company

Alleys Bounded by Stoepel, Livernois, Grand River and Barr Avenues — Vacation

Gentlemen — The above petition requests the vacation of the north-south and east-west public alleys 15 and 20 feet wide in the block bounded by Stoepel, Livernois, Grand River and Barr Avenues. Subsequently, the petitioner has requested that his petition be changed from the vacation of the above mentioned east-west public right-of-way to a request for the conversion of same to an easement for public utilities.

The requested vacations were 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 also requested that the paved returns at the

entrance to the alleys to be vacated remain in their present status as the petitioner plans to utilize same, and has agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

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-way 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.

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

Respectfully submitted,

ALFRED BERARDUCCI

Commissioner

By Councilman Hood:

Resolved, That all that part of the north-south public alley, 15 feet wide, first westerly of Livernois Avenue between Grand River and Barr Avenues as platted in Frank E. Vignoe's Subdivision of Outlots 7, 8, 9, and the east 1/2 of Outlot 10 of Russell's Subdivision on east 1/2 of N.E. 1/4 of Section 33, Greenfield Township, T. 1 S., R. 11 E., Wayne County, Michigan, also Lot 24 of McKay and Warren's Subdivision of Outlots 4, 5, 6 and the west 1/2 of Outlot 10, of Russell's Subdivision adjoining on the west of this, as recorded in Liber 31, Page 20, Plats, Wayne County Records and shown on Department of Public Works Drawing No. X-7914 dated, July 23, 1969.

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 Metro 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 or 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 all that part of the east-west public alley, 20 feet wide, northerly of Grand River Avenue between Stoepel Avenue and Livernois Avenue as platted in Frank E. Vignoe's Subdivision as recorded in liber 31, Page 20, Plats, Wayne County Records and as shown on Department of Public Works Drawing No. X-7914 dated, July 23, 1969,

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 thier 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 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 weights of 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 if at any time in the future it becomes necessary to remove the paved returns at the entrance to the vacated alleys, the cost of such removal shall be borne by the petitioner, his assigns, heirs or administrators.

Adopted as follows:

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

Nays—None.

Department of Public Works

May 11, 1970

Honorable Common Council:
Re: Contract PW-5780. Widening and Resurfacing Carbon Avenue. From Forman Avenue to Dearborn Avenue. Award of Contract.

Gentlemen—In response to published advertisements, eight bids were received on May 5, 1970 for the above-captioned Contract. A tabulation of the bids received is attached.

The low bid is regular in all respects and in accordance with the Contract requirements. It is therefore recommended that the Contract be awarded to Maraldo Asphalt Paving, Inc. in the amount of \$41,914.95. It is estimated that \$52,500 will be required to cover the costs of the Contract as well as advertising, inspection, utilities, and minor contingencies.

Funds are available in Account 195-9213-947.

Respectfully submitted,
ALFRED BERADUCCI,
Commissioner

Approved:

R. P. ROSELLE,
Controller

By Councilman Rogell:

Resolved, That the Commissioner of Public Works be and he is hereby authorized and directed to enter into contract with Maraldo Asphalt Paving, Inc. for the Widening and Resurfacing of Carbon Avenue, from Forman Avenue to Dearborn Avenue, Contract PW-5780, in the amount of \$41,914.95; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to honor vouchers when presented, the vouchers to include the costs of advertising, field inspection, utilities, and minor