

with B & R Disposal Corporation for disposal of refuse in accordance with the general terms and conditions outlined in the foregoing communications; and be it further

Resolved, That the Corporation Counsel's Office be and is hereby authorized and directed to assist the Department of Public Works in the preparation of the formal contract agreement to be negotiated with B & R Disposal Corporation; and be it further

Resolved, That the Commissioner of Public Works and the Director of the Commission on Community Relations are hereby directed to insure that before being allowed to commence work the contractor and his subcontractors develop an equal employment opportunity plan and demonstrate compliance with the Fair Employment provisions of the subject contract and particularly the affirmative action requirements thereof; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to honor vouchers when submitted in accordance with the foregoing communication and this resolution and charge them to Account No. 144-2470-369, Transfer Station Disposal Charges, subject to the contractor meeting the financial responsibility requirements of the Controller's Office and subject to contract confirmation by the Common Council.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Tindal, Van Antwerp, Wierzbicki, and President Ravitz—7.  
Nays — None.

#### Department of Public Works

November 12, 1970

Honorable Common Council:

RE: Petition No. 8268 (1969)

Ellis Steel Company  
6349 Strong Avenue  
Alley Bounded By Mt. Elliott,  
Ackley, Strong and Legrand  
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 Mt. Elliott, Ackley, Strong and Legrand Avenues into an easement for public utilities. The requested conversion into easement for public utilities was 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 deposit with the City Treasurer which has been credited to the department and account named, for the purpose indicated:

D.P.W. — Intersection Fund 143-

6241

Receipt No. B-17916, \$307.00.

For the original cost of paving the north one-half of Strong Avenue at the intersection of the alley to be vacated. The petitioner has also requested that the paved return at the entrance to the alley to be vacated remain in its 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.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions 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 Van Antwerp:

Resolved, That all that part of the north-south public alley, 20 feet wide, in the block bounded by Mt. Elliott, Ackley, Strong and Legrand Avenues lying east of and abutting the east line of Lots 252 to 254, and lying west of and abutting the west line of Lot 255 all of H. L. Baker's Subdivision of Lots 16, 17, 18, 19 and the west ½ of Lot 20 of the Subdivision of the North ½ of Section 28, and the Northeast fraction of Section 29, T. 1 S., R. 12 E., Hamtramck, Wayne County, Michigan, as recorded in Liber 9, Page 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 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 of 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.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Tindal, Van Antwerp, Wierzbicki, and President Ravitz—7.  
Nays — None.

Department of Public Works

November 16, 1970

Honorable Common Council:

Re: Petition No. 10486 (1965)

Cass Bagley Corporation

Alley Bounded by First, Cass, Bagley and Jones Vacation

Gentlemen—The above petition requests the vacation of a portion of the north-south public alley 15 feet wide in the block bounded by First, Cass, Bagley, and Jones. The requested vacation was recommended by City Plan Commission with the further recommendation that sufficient land be dedicated for a new alley outlet into First Street. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

Public Lighting Commission Fund 990-9423, Receipt No. B-23676, For the estimated cost to relocate street lighting equipment in the alley to be vacated, \$950.00.

Department of Public Works, Permit Division Receipt No. GR-17215, For the estimated cost to remove the paved alley return, construct new alley on the westerly 25 feet of Lot 18, and install new sidewalk at curb at the entrance to the alley to be vacated, \$2,050.00.

DPW - Intersection Fund 143-6241, Receipt No. B-23675. For the original

cost of paving Bagley Avenue at the intersection of the alley to be vacated, \$89.15.

Quit Claim Deeds have been received from the petitioner and the second and third mortgagees, deeding land to the City of Detroit, land for the new alley outlet into First Street. Also, the New York State Teachers' Retirement System, the first mortgagee, has placed in escrow with the Lawyers Title Insurance Corporation a Quit Claim Deed for the property, which deed will be delivered to the City upon completion of the proposed alley vacation. Proper provisions are included in the resolution concerning this transaction.

The deeds were approved as to form and execution by the Corporation Counsel and as to description by the City Engineer, and are attached along with a xerox copy of the deed in escrow for your Honorable Body's acceptance.

The reason for the long delay in completing the petition is the petitioner could not, until recently, reach agreement with the Detroit Edison Company for removal of their equipment from the alley. The costs for removal or relocation of City facilities have been updated to reflect current costs.

Proper provisions are incorporated into the vacation 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 Wierzbicki:

Resolved, That all that part of the north - south public alley, 15 feet wide, in the block bounded by First, Cass, Bagley and Jones Avenues as platted in Block 54 of the Cass Western Addition to the City of Detroit between the Chicago Road and the Grand River Road by Lewis Cass, 1851, as recorded in Liber 42, Pages 138 to 141 inclusive, Deeds, Wayne County records; lying westerly of and abutting the westerly line of the southerly 100.0 feet of Lot 10; and lying easterly of and abutting the easterly line of Lots 19 and 20 and the southerly 20 feet of Lot 18, all inclusive of the above mentioned subdivision;

Be and the same is hereby vacated