

Resolved, That the City Controller be and he is hereby authorized and directed to honor payrolls in accordance with the above provisions. Adopted as follows:

Yeas—Councilmen Browne, Eberhard, Hood, Levin, Tindal, Van Antwerp, Wierzbicki and President Ravitz—8.  
Nays—None.

**Department of Public Works**

March 18, 1970

Honorable Common Council:

Re: Petition No. 9424, Difco Laboratories, Inc., Vacation of Henry Street at Fifth Street.

Gentlemen — The above petition requests the vacation of Henry Street, 50 feet wide at Fifth Street.

The requested vacation 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:

DPW Intersection Fund 143-6241, Receipt No. B32862. \$208.00. For the original cost of paving the west one-half of Fifth Street at the intersection of Henry Avenue to be vacated.

An easement is reserved in the vacating resolution for the Michigan Consolidated Gas Company for the maintenance of its installations located in the public right-of-way.

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.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
**ALFRED BERARDUCCI**  
Commissioner

By Councilman Tindal:

RESOLVED, That all that part of Henry Street, fifty feet wide, between the Fisher Freeway and Fifth Street as platted in Crane and Wesson's Section of the Forsyth Farm between Chicago and Grand River Roads, Detroit, Wayne County, Michigan, as recorded in Liber 44, Pages 10 and 11 Deeds, Wayne County records; and as shown in Department of Public Works Drawing Number X-9424, dated December 12, 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, An easement or right-of-way is hereby reserved for the Michigan Consolidated Gas Company in the above described street for the purpose of maintaining, repairing, removing or replacing the Michigan Consolidated Gas Company's facilities located therein; and further

2) PROVIDED, That no buildings or structures of any nature whatsoever shall be constructed over said easement unless prior approval is obtained from the Michigan Consolidated Gas Company; and further

3) 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

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 Metropolitan Water Services 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, Tindal, Van Antwerp, Wierzbicki, and President Ravitz—8.  
Nays—None.

**Department of Public Works**

March 2, 1970

Honorable Common Council:

RE: Contract PW-5779

Third Avenue Relocation—  
Antoinette to Penn Central  
Railroad

Award of Contract

Gentlemen — In response to published advertisements six bids were received on February 24, 1970 for the Relocation of Third Avenue, from Antoinette to the Penn Central