

hard, Hood, Levin, Tindal, Van Antwerp, Wierzbicki, and President Ravitz — 8.

Nays — None.

*RECONSIDERATION (No. 3), per motions before adjournment.

Department of Public Works
February 2, 1971

Honorable Common Council:

Re: Contract: PW-4937.

For: Repair of Concrete Sidewalks, Driveways, and Curbs - District 97B.

Adjusted Contract Price: \$58,500.26.

Contractor: J. J. Barney, Inc.

Gentlemen — This is to certify that all work required of the Contractor in the performance of this Contract 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 above as the Adjusted Contract Price.

The Contractor has submitted an affidavit that all payrolls, material bills, and all other indebtedness incurred by him in connection with the work have been paid.

It is therefore recommended that the total value of the work, as above stated, less the total amounts previously paid on all progress payments, be paid to the Contractor with the understanding that such payment is made by the City and accepted by the Contractor under the Contract provisions covering final payment.

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 Contractor under the Contract therein named has been fully completed; and

Whereas, the completed work has been found acceptable under the terms and conditions of said Contract by the department for whom the work was performed; therefore be it

RESOLVED, That the said Contract be and is hereby accepted.

Adopted as follows:

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

Nays — None.

*RECONSIDERATION (No. 4), per motions before adjournment.

Department of Public Works
February 15, 1971

Honorable Common Council:

Re: Petitions No. 3098 and 6565,
Wayne State University; Fourth

Ave. between Warren and Hudson (Conversion to Easement)

Merrick Avenue between Lodge Freeway and Fourth (Vacation)

Ferry Avenue between Lodge Freeway and Third (Vacation)

Gentlemen—The above petitions request the conversion to easement for public utilities of Fourth Avenue between Warren Avenue and the southerly line of the limited access right of way of the Lodge and Ford Freeways; Putnam Avenue between the Lodge Freeway and Anthony Wayne Drive; and the vacation of Merrick Avenue between the Lodge Freeway and Fourth Avenue; and the vacation of Ferry Avenue between the Lodge Freeway and Anthony Wayne Drive.

The requested vacations and conversion into easement for public utilities were 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 deposits with the City Treasurer, which have been credited to the departments and accounts named, for the purposes indicated:

Detroit Metro Water Department (Sewer Maintenance Division) Fund 500 (0000) (6229) 001; Receipt No. C-34064, \$2,500.00; For the estimated cost to install a catch basin at Merrick and the Lodge Freeway East Service Drive.

Public Lighting Commission Fund 990-9423, Receipt No. C-34065, \$4,500.00; For the estimated cost to relocate lighting facilities.

DPW - Intersection Fund 143-6241; Receipt No. C-42361, \$1,439.00; For the original cost of paving the streets at the intersection of the streets and alleys to be vacated.

The petitioner has also requested that the paved returns at the entrances to the streets and alleys to be vacated be removed by private contract. The Department of Public Works has no objection as long as the work is done under City permit and according to Department of Public Works Inspection and specification.

An easement is reserved in the vacating resolution for the Public Lighting Commission for the maintenance of its installations located in a portion of Ferry Avenue to be vacated.

The petitioner has by letter filed with this petition file agreed to reimburse the Detroit Edison Company and the Detroit Fire Department for relocation of their facilities.

All other City departments and privately - owned utility companies reported that they will be unaffected by the vacation and conversion to an easement of said street and alleys or

that they have reached satisfactory agreements with the petitioner regarding their installation therein.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
ALFRED BERARDUCCI,
Commissioner

By Councilman Wierzbicki:

Resolved, That all that part of Merrick Avenue, 70 feet wide, between the easterly line of the limited access right of way of the John C. Lodge Freeway and the westerly line of Fourth Avenue, 50 feet wide, and Merrick Avenue appears in the following subdivisions:

"Pepper's and Harmon's Subdivision of Outlot 18, Forsythe Farm" recorded March 30, 1882, Liber 6, Page 56, Plats, Wayne County records;

"Plat of the Subdivision of the Crane Farm being Rear Concession of Private Claim 247 known as the Jones Farm" recorded April 4, 1860, as recorded in Liber 1, Page 117, Plats, Wayne County records;

"McGovern's Subdivision of the south 228.12 feet of Outlot 32 of Cranes Subdivision of the Rear Concession of Private Claim 247 known as the Jones Farm" recorded October, 1888, as recorded in Liber 12, Page 20, Plats, Wayne County records;

"Plat of G.W. Reed's Subdivision of Lot 19 of the Connor Subdivision of the Forsyth Farm" recorded in Liber 7, Page 25, Plats, Wayne County records;

and as shown on Department of Public Works drawing Number X-6565 as revised on June 1, 1969; also all that part of Ferry Avenue, 60 feet wide, between the easterly line of the limited access right of way of the John C. Lodge Freeway and the westerly line of Fourth Avenue, 50 feet wide, said portion of Ferry Avenue appears in the following subdivisions:

"Plat of Albert Cranes Section of the Crane Farm being Blocks 25, 33, 35, 37, 38, 39, 40, 42, 43, and 45 of the Crane Farm" as recorded in Liber 1, Page 151, Plats, Wayne County Records;

"Plat of the Subdivision of the Crane Farm being Rear Concession of Private Claim 247 known as Jones Farm" recorded April 4, 1860, as recorded in Liber 1, Page 117, Plats, Wayne County records;

Be and the same are hereby vacated as public streets to become a part and parcel of the abutting property; and be it further

Resolved, That all that part of Ferry Avenue, 60 feet wide, between the easterly line of Fourth Avenue, 50 feet wide, and Anthony Wayne Drive, variable widths, lying westerly of a line drawn at right angles to the

southerly line of Ferry Avenue from a point in said southerly line and 19 feet easterly of the westerly line of lot 172 of the Plat of Albert Crane's Section of the Crane Farm being blocks 25, 33, 35, 37, 38, 39, 40, 42, 43, and 45 of the Crane Farm as recorded in Liber 1, Page 117, Plats, Wayne County records, and as shown on Department of Public Works drawing number X-6565 as revised on June 1, 1969;

Be and the same is hereby vacated as a public street to become a part of parcel of the abutting property subject to the following:

First, said owners hereby grant to and for the use of the Public Lighting Commission an easement or right of way over a 16.9 foot wide portion of the full width of said street abutting the 16.9 foot wide alley which is between lots 171 and 172 of the above subdivision hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing their utilities such as electric light conduits or poles or things usually placed or installed in a public street in the City of Detroit, with the right to ingress and egress at any time 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 street shall request the removal and-or relocation of any existing facilities in said easement, such owners, upon whose property the facilities 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 all that part of Putnam Avenue, 70 feet wide, between the easterly line of the limited access right of way of the John C. Lodge Freeway and the westerly line of Fourth Avenue, 50 feet wide, said

portion of Putnam Avenue appearing in the following subdivisions:

"Peppers, Hill, Varney and Thatcher's Subdivision of Outlot 17, Forsythe Farm" recorded July 27, 1881, Liber 6, Page 12, Plats, Wayne County records;

"Plat of the Subdivision of the Crane Farm being Rear Concession of Private Claim 247 known as Jones Farm" Liber 1, Page 117, Plats, Wayne County records;

"Plat of the rear of the Forsythe Farm as subdivided by the Commissioners of the estate of the late James Connor, Probate File Number 2643;

and as shown on Department of Public Works drawing Number X-6565 as revised on June 1, 1969; also

All that part of Putnam Avenue, 70 feet wide, between the easterly line of Fourth Avenue, 50 feet wide, and the westerly line of Anthony Wayne Drive (formerly Third Avenue) as widened to 151 feet as shown in "Fletcher's Subdivision of Blocks 26, 27, and 30, Crane Farm, recorded October 5, 1870, Liber 1, Page 278, Plats, Wayne County records and as shown on Department of Public Works drawing Number X-6565 as revised on June 1, 1969; also

All that part of Fourth Avenue, 50 feet wide, between the northerly line of Warren Avenue as widened to 146 feet and the southerly line of Kirby Avenue, 60 feet wide, as shown in the following subdivisions:

"Fletcher's Subdivision of blocks 26, 27, and 30 Crane Farm" Liber 1, Page 278, Plats, Wayne County records;

"Plat of the subdivision of part of block 31, Crane Farm" recorded June 17, 1886, in Liber 9, Page 83, Plats, Wayne County records;

"Plat of the subdivision of the Crane Farm being Rear Concession of Private Claim 247" Liber 1, Page 117, Plats, Wayne County Records;

"Plat of Albert Crane's Section of the Crane Farm being blocks 25, 33, 35, 37, 38, 39, 40, 42, 43, and 45 of the Crane Farm, Liber 1, Page 151, Plats, Wayne County records;

"McGovern's Subdivision of the South 228.18 feet of Outlot 32 of Cranes Subdivision of the Rear Concession of Private Claim 247" Liber 12, Page 20, Plats, Wayne County records;

and as shown on Department of Public Works drawing Number X-6565 as revised June 1, 1969; also

All that part of Fourth Avenue, 50 feet wide, between the northerly line of Kirby Avenue, 60 feet wide, and the northerly line of the easterly service drive of the limited access right of way of the John C. Lodge and Edsel Ford Freeways Interchange shown in the following subdivisions:

"Plat of the subdivision of the Crane Farm being Rear Concession of Private Claim 247" Liber 1, Page 117,

Plats, Wayne County records;

"Plat of Albert Cranes Section of the Crane Farm being blocks 25, 33, 35, 37, 38, 39, 40, 42, 43, and 45 of the Crane Farm" Liber 1, Page 151, Plats, Wayne County records;

and as shown on Department of Public Works drawing Number X-6565 as revised on June 1, 1969; also

All that part of the north - south public alley 7.5 and 15 feet wide in block bounded by the Lodge Freeway, Kirby, Ferry, and Fourth Avenues as shown in the following subdivisions:

"Plat of the Subdivision of the Crane Farm being Rear Concession of Private Claim 247" Liber 1, Page 117, Plats, Wayne County records;

"H. Baxter's Subdivision of lot 21- and the northerly 15 feet of lot 20 of the subdivision of the Forsythe Farm"; Liber 6, Page 65, Plats, Wayne County records,

and as shown on Department of Public Works drawing Number X-6565 as revised on June 1, 1969; also

All that part of the east - west public alley, 15 feet wide, in the block bounded by the Lodge Freeway, Kirby, Ferry and Fourth Avenues as shown in H. Baxter's Subdivision of lot 21 and the northerly 15 feet of lot 20 of the subdivision of the Forsythe Farm, Liber 6, Page 65, Plats, Wayne County records;

Be and the same is hereby vacated as a public street and alley and is hereby converted into a public easement of the full width of the street and 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 street and 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 street and 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 street and 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 street and 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 will pay for all costs incurred by the Detroit Fire Department in the removal of the hydrants in the area.

Adopted as follows:

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

Nays — None.

*RECONSIDERATION (No. 5), per motions before adjournment.

Board of Water Commissioners

February 11, 1971

Honorable Common Council:

Subject: Confirmation of Contract No. PC-239A, FWQA Project No. WPC-MICH-1387 Oakland-Macomb Interceptor System, Connecting Interceptors and Control Facilities

Gentlemen—On February 2, 1971, your Honorable Body approved the award of the subject contract to the low bidder, Joseph C. Wolf, Inc., at a contract price of \$484,700.00.

The documents have now been executed by the Contractor and for this Board. They have been approved as to form and execution by the Office of the Corporation Counsel.

May we have your final approval on the completed contract.

In order to meet construction deadlines established by State and Federal grant agencies, it is imperative that this work be started as soon as possible. Therefore, we respectfully request waiver of the reconsideration period.

Respectfully submitted,
G. REMUS,
General Manager.

By Councilman Hood:

Resolved, That contract with Joseph C. Wolf, Inc., referred to in the foregoing communication, be and the same is hereby approved and confirmed.

Adopted as follows:

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

Nays — None.

*RECONSIDERATION (No. 6), per motions before adjournment.

From the Clerk

February 16, 1971

Honorable Common Council:

Gentlemen—This is to inform your Honorable Body that an official bond has been filed in my office. It having been approved by the Corporation Counsel, resolution approving same is attached.

Respectfully submitted,
GEORGE C. EDWARDS,
City Clerk.

By Councilman Hood:

Resolved, That the official bond of John J. Huzar, Secretary of Department of Purchases and Supplies, be and the same is hereby accepted and approved.

Adopted as follows:

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

Nays — None.

From the Clerk

February 16, 1971

That on February 10th, and February 12th, 1971, he presented that portion of the proceedings of February 9th, 1971, as is required by the Charter to be so presented, to His Honor the Mayor, for approval; that the "reconsidered" portion of the proceedings was approved on February 10th, 1971, and the balance on February 16th, 1971.

Also, That he was served with the following papers issued out of Wayne Circuit Court, and same were referred to the Corporation Counsel:

Summons, and Complaint, John Mehalco, pl., vs. City of Detroit, Water Board Department, def.

Summons, Complaint and Demand for Jury Trial, Francine Sabo, et al. pl., vs. City of Detroit, def.

Summons, Complaint and Demand for Jury Trial, Mildred Lanskey, pl., vs. City of Detroit, Dept. of Street Railways.

Summons, Complaint and Demand for Jury Trial, James C. Williams, et al., pl., vs. City of Detroit, et al. def.

Also, That he was served with the following papers issued out of United States District Court for the Eastern District of Michigan Southern Division, and same were referred to the Corporation Counsel: United States of America, pl., vs. City of Detroit, et al. def. (Summons, and Complaint)

Placed on file.

From the Clerk

February 16, 1971