

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
 LOUIS KLEI,
 City Engineer
 CLARENCE C. RUSSELL,
 Commissioner

By Councilman Rogell:

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, Rogell, Van Antwerp, Wierzbicki, and President Pro Tem Levin — 6.
 Nays—None.

Department of Public Works

September 23, 1971

Honorable Common Council:

Re: Petition No. 1730; Top Hat, Inc.; Conversion to Easement of a portion of the east-west and north south alleys in the block bounded by the Ford Freeway, Gratiot, Belvidere, and McClellan.

Gentlemen — The above petition requests the conversion of a portion of the east-west and north-south alleys in the above described block 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:

Public Lighting Commission Fund 990-9423. Receipt No. A-12062, \$320.00.

For the estimated costs to relocate communications facilities from the alleys to be vacated.

The petitioner has requested permission to drain the portion of alley remaining open into a catch basin located in the proposed vacation.

Proper provisions are contained in the vacating resolution.

All other involved City Departments and privately-owned utility companies reported that they have no objections to the conversions of public right-of-ways into easements provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

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

Respectfully submitted,
 CLARENCE C. RUSSELL,
 Commissioner

By Councilman Rogell:

Resolved, That all that part of the north-south public alley, 18 feet wide, in the block bounded by the Ford Freeway, Gratiot, Belvidere, and McClellan, abutting the westerly line of lots 1 to 4 and the southerly 9.43 feet of Lot 5 and abutting the easterly line of Lot 69 all inclusive of the Subdivision of a part of Private Claims 10 and 152, north of Gratiot Avenue, Hamtramck, Wayne County, Michigan, as recorded in Liber 15, Page 39, Plats, Wayne County records, also

All that part of the east-west public alley, 16 feet wide, in the block bounded by the Ford Freeway, Gratiot, Belvidere, and McClellan, lying easterly of and abutting the easterly line extended northerly of the 20 foot wide north-south alley that abuts the westerly line of Lot 51, and abutting the northerly line of Lot 51 of Christy's Subdivision of a part of Private Claim 10, north of Gratiot Avenue, City of Detroit, Wayne County, Michigan, as recorded in Liber 16, Page 86, Plats, Wayne County records; and lying southerly of and abutting the southerly line of the easterly portion of Lot 69 that lies easterly of the easterly line extended northerly of the 20 foot wide north-south alley of the above mentioned subdivision; and abutting the 18 foot wide north-south alley abutting the easterly line of said Lot 69 of the Subdivision of a part of Private Claims 10 and 152 recorded in Liber 15, Page 39, Plats, Wayne County records,

Be and the same are hereby vacated as public alleys and are hereby converted into public easements of the full width of the alleys, which easements 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 alleys and by their heirs, executors, administrators and assigns forever to wit:

FIRST, said owners hereby grant to and for the use of the public, easements or right-of-ways in said vacated public alleys hereinabove described for the purposes of maintain-

ing, 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 public alleys in the City of Detroit, with the right to ingress and egress at any time to and over said easements 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 easements, 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 alleys shall request the removal and-or relocation of any existing poles or other utilities in said easements, 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 catch basin located in the vacated portion of the above described east-west alley remain in use to drain the remaining portion of said alley. If at any time in the future it becomes necessary to install drainage in the open portion of alley, the cost of such construction shall be borne by the petitioner, his administrators, or his assigns.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Rogell, Van Antwerp, Wierzbicki, and President Pro Tem Levin — 6.

Nays — None.

Department of Public Works

Honorable Common Council:

Re: Spot Demolition Program.

Gentlemen — A dispute has developed between the City and the demolition contractors on an interpretation of the contract specifications with respect to Detroit Metro Water Department charges for shutoff of existing water services in connection with the Spot Demolition Program.

The contracts executed under the

second demolition grant contain the following wording with respect to shutting off and capping existing utilities. In the body of the detailed specifications, the following statement appears:

"(b) Notifying in writing all publicly and privately owned utilities owning wires, pipes, sewers, etc., running through or to the property of the starting time of demolition operations.

Arranging for the removal or capping of such utilities that must be abandoned or temporarily moved, and paying all costs if any are connected with such work."

In a bulletin, the subject is further amplified with a paragraph stating:

"The Detailed Specifications for Demolition provide that the Contractor shall arrange and pay for the removal or capping of all utilities. As a prerequisite to payment, the Contractor shall submit to the City Engineer a receipt from the Detroit Metro Water Department for all expenses incurred in cutting and capping water services to each location demolished."

It was the intent in the specifications to make it clear that there would be charges by the Detroit Metro Water Department, and the contractors would be responsible for payment.

The contractors, however, stated that the language was not clear to them for the following reasons:

They claim the \$50.00 water shutoff charge is not in their bid. To support this statement, they stated that for the past 15 years they never paid such a charge on private work or City contract work. They also stated that even though the contract language was changed this year, they demolished numerous buildings under our contract and were not charged a fee by the Water Department. This was due to a misunderstanding by the Water Department and a communication delay.

In addition, they cite the fact that even if they had been aware of a Water Board charge, there is no sure way of figuring the cost.

1. None of the buildings to be demolished are known.
2. No one knows how many buildings will be involved in each contract.

3. The Water Board does not charge for each building. The Water Board will only advise if a charge is to be made after an address is given them.

The City does not dispute these claims.

The contractors feel so strongly about this matter that in two instances they are refusing to return their signed contracts to our Office. In the case of two other contracts, the