

interfere with street improvements on Jefferson Avenue and Sixth Street, and be it further

Resolved, That the Controller is hereby directed and authorized to make those funds available as may be necessary for the removal of said structures.

Adopted as follows:

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

Nays — None.

Note: *RECONSIDERATION WAIVED per motions before adjournment.

Department of Public Works

December 10, 1971

Honorable Common Council:

Gentlemen—This is to certify that all work required of the Contractors in the performance of these Contracts 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 below as the Adjusted Contract Price.

The Contractors have submitted affidavits that all payrolls, material bills, and all other indebtedness incurred by them in connection with the work have been paid.

It is therefore recommended that the total value of the work, as stated below be paid to Hartwell Construction Company, Inc., the Contractors with the understanding that such payments are made by the City and accepted by the Contractors under the Contract provisions covering final payment.

Alley paving in block bounded by:

PW-7305W Artesian, Stahelin, Van Buren, Joy Rd. Adjusted Contract Price: \$5,766.90.

PW-7312F Patton, Fielding, Warren, Sawyer. Adjusted Contract Price: \$5,825.80.

PW-7314W Maine, Jos. Campau, Carpenter, Lawley. Adjusted Contract Price: \$23,334.65.

PW-7315W Holmur, Dexter, Tuxedo. Elmhurst. Adjusted Contract Price: \$11,562.50.

R. C. MONAHAN,
Engineer of Inspection
LOUIS W. KLEI,

City Engineer

CLARENCE C. RUSSELL,
Commissioner

By Councilman Levin:

Whereas, From the foregoing communication, it appears that all work required to be performed by the Contractors under the contracts therein named has been fully completed; and

Whereas, The completed work has been found acceptable under the terms and conditions of said contracts by the Department of Public Works; therefore be it

Resolved, That the said contracts be and are hereby accepted.

Adopted as follows:

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

Nays—None.

Note: *RECONSIDERATION WAIVED per motions before adjournment.

Department of Public Works

December 15, 1971

Honorable Common Council:

Re: Petition No. 2344, General Motors Corporation. Alleys bounded by Cedar, Harbaugh and the Fisher Freeway. Vacation.

Gentlemen—The above petition requests the vacation of the north - south and east - west public alleys, 15 feet wide, in the above block. The requested vacations 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:

An easement is reserved in the vacating resolution for the Detroit Edison Company for the maintenance of its installations located in the public rights - of - way to be vacated.

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be located in the public rights - 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 consideration by your Honorable Body.

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner

By Councilman Van Antwerp:

Resolved, That all that part of the east - west public alley, 15 feet wide, in the block bounded by Cedar Street, Harbaugh Avenue and the Fisher Freeway abutting the northerly line of lots 4 and 5 and abutting the easterly line of the Fisher Freeway Right of Way inclusive of J. L. Ripelle's Subdivision of part of Private Claim 340 in Springwells, T. 2. S., R. 11. E., Wayne County, Michigan, as recorded in Liber 13, Page 43, Plats, Wayne County records; also

All that part of the north - south public alley, 15 feet wide, in the block bounded by Cedar Street, Harbaugh Avenue and the Fisher Freeway abutting the westerly line of Lots 1 to 4, inclusive of the above mentioned subdivision;

Be and the same are hereby vacated

as public alleys and are hereby converted into easements for the Detroit Edison Company 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 Detroit Edison Company easements or rights - of - way over said vacated public alleys hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing utilities such as 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 Detroit Edison Company.

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 further

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

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

Department and the Department of Buildings and Safety Engineering; and further

Provided, In the event that the sewer located or to be located in said property shall break, causing damage to a 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

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; and be it further

Resolved, That the City Clerk is hereby authorized and directed to mail to the Detroit Edison Company, a certified copy of this resolution.

Adopted as follows:

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

Nays — None.

Note: *RECONSIDERATION WAIVED per motions before adjournment.

Department of Public Works

December 2, 1971

Honorable Common Council:

Re: Supplemental Appropriations in Motor Transportation Office Supplies & Expense Account.

Gentlemen — The appropriation of \$1,250 in the Office Supplies & Expense Account in our Motor Transportation Division (115-2721-302) is depleted and additional funds are needed to provide for needed office supplies to the end of the fiscal year. The extensive use of the new 3M photo-copying machine for various new forms and reports as recommended by management consultants — involves a rental of \$480 per year plus another \$600 for copy paper — or almost the total appropriated amount. In addition, funds are needed for the usual office supplies such as postage, storage boxes, staples, paper clips, typewriter supplies, pens, etc.

It is therefore requested that your Honorable Body authorize the transfer of \$1,000 as per attached resolution.

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner

Approved:
W. I. STECHER
Deputy Controller