

ment of Public Works at the owners' expense, and further

Provided, That this resolution is revocable at the will, whim or caprice of the Common Council, and the grantees by the acceptance of this permission waive any right to claim damages or compensation for any driveways or structures constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges not expressly stated herein.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki and President Ravitz—9.

Nays—None.

Department of Public Works

February 1, 1971.

Honorable Common Council:

Re: Contract: PW-6162. For: Demolition of Buildings—242-46 Watson. Adjusted Contract Price: \$3,180.00. Contractor: Ace Construction Equipment Co.

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, 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 Tindal:

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, Rogell, Tindal,

Van Antwerp, Wierzbicki, and President Ravitz—9.

Nays—None.

Department of Public Works

January 26, 1971

Honorable Common Council:

RE: Petition No. 7647

The Detroit Board of Education

Vacation and Conversion to Easement of Monterey Avenue Between Petoskey and Holmur and the East-West Alley in the Block Bounded by Petoskey, Holmur, Duane and Monterey Avenues

Gentlemen — The above petition requests the conversion of Monterey Avenue, 50 feet wide, into an subsurface easement for public utilities and the vacation of the east-west alley in the block bounded by Petoskey, Holmur, Duane and Monterey Avenues. The requested vacation and conversion into easement for public utilities was recommended by 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 issued the following purchase orders to the City Treasurer which have been credited to the departments and accounts named, for the purposes indicated:

Department of Water Supply, Purchase Order No. 38828, for the estimated cost of abandoning water services in the street to be vacated, \$800.00.

Fire Department. Purchase Order No. 38829, for the estimated cost of relocating one hydrant and abandoning one hydrant, \$1,800.00.

Public Lighting Commission, Purchase Order Nos. 38830 and 38831, for the estimated cost to relocate Public Lighting facilities, \$950.00 and \$700.00.

DPW-Intersection Fund, Purchase Order No. 38832, for the original cost of paving the streets at the intersection of the street and alley to be vacated, \$1,669.00.

The petitioner has also requested that the paved returns at the entrance to Monterey Avenue and the alley to be vacated remain in their 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.

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be located in the alley to be vacated.

All other involved city departments and privately-owned utility

companies reported that they have no objection to the proposed vacation and conversion to subsurface easement 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,
ALFRED BERADUCCI,
Commissioner

By Councilman Tindal:

Resolved, That all that part of the east-west public alley, 14 feet wide, in the block bounded by Petoskey, Holmur, Duane and Monterey Avenues abutting on the south by Lots 78 to 93 and on the north by Lots 139 to 154 of Lewis and Crofoot's Subdivision No. 5 on the north part of the east $\frac{1}{2}$ of $\frac{1}{4}$ Section 29 in the 10,000 Acre Tract, Greenfield, T. 1 S., R. 11 E., Detroit, Wayne County, Michigan, as recorded in Liber 27, Page 70, Plats, Wayne County Records,

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

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 Metrop 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 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 all that part of Monterey Avenue, 50 feet wide,

between Petoskey and Holmur Avenues, abutting on the south by Lots 139 to 154 and on the north by Lots 155 to 170, all inclusive of Lewis and Crofoot's Subdivision No. 5 as recorded in Liber 27, Page 70, Plats, Wayne County Records,

Be and the same is hereby vacated as a public street and is hereby converted into a subsurface public easement of the full width of the street 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 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 in said vacated public street hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing subsurface public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or things usually placed or installed under a public street 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 or 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 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 if at any time in the future it becomes necessary to remove the paved street and alley returns it shall be done under City permit and inspection and the entire cost shall be borne by the petitioner.