

May 16

Approved:

W. I. STECHER  
Deputy Controller

By Councilman Hood:

Resolved, That the Controller be and he is hereby authorized and directed to transfer the sum of \$462.80 from Account 118-1005-111, Salaries, to Account 118-1002-493, Traveling Expense and honor vouchers when presented in accordance with the foregoing communication.

Adopted as follows:

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

Nays — None.

### Department of Public Works

May 9, 1972

Honorable Common Council:

Re: Petition No. 2491 (1971) Detroit Housing Commission, Street and Alley Vacations, Ash-Humboldt Rehabilitation Project.

Gentlemen — We wish to advise that in carrying out the development plan for the area known as the Ash-Humboldt Rehabilitation Project, which is being undertaken by the City pursuant to Act 344 of the Public Acts of 1945, as amended, the Detroit Housing Commission has requested that certain alleys be vacated and certain streets be converted to underground easements.

The Detroit Edison Company and the Michigan Bell Telephone Company have reported that they have lines and poles that will have to be removed and rerouted.

The Detroit Edison Company listed \$4,681.00 as their costs of relocation.

Michigan Bell Telephone Company listed \$3,995.03 as their costs of relocation.

Your Honorable Body may make provisions for the relocation of said lines and poles to streets and alleys near those to be vacated.

The Corporation Counsel contends that any costs incurred in the relocation of equipment from the streets and alleys to be vacated are not chargeable against the City. The case involving the liability of the City is now pending.

The Detroit Housing Commission has issued the following Inter-Departmental Purchase Order and Voucher:

S-19255 — \$5,200.00 — Public Lighting Commission — for the estimated cost to relocate street lighting facilities.

Voucher — \$516.00 — For the original cost of paving the streets at the intersections with the streets and alleys to be vacated.

The removal of the paved streets and alleys and construction of new curb and sidewalk will be performed by private contract under Department

of Public Works Order Number PW-6512.

The Fire Department replied that they have four hydrants that will be affected by the conversion of Humboldt to a sub-surface easement. The petitioner has answered that the cost of relocating the hydrants will be borne by them (Housing Commission) when the relocation is completed in conjunction with the development plans. Proper provisions are included in the vacating resolution for the relocations.

All other City departments and privately owned utility companies reported that they will be unaffected by the vacations and conversion to sub-surface easements of said rights of way 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 Browne:

WHEREAS, the City of Detroit is undertaking the rehabilitation of the area known as the Ash-Humboldt Rehabilitation Project, pursuant to Act 344 of the Public Acts of 1945, as amended, and

WHEREAS, in order to carry out the development plan for this project it is necessary for the City of Detroit to vacate certain streets and alleys in the area; therefore be it

RESOLVED, That all that part of the north-south public alley, 20 feet wide, in the block bounded by Lawton, Humboldt, Butternut, and Ash abutting lots 32 to 44 as platted in J. W. Johnston's Subdivision of east part of Private Claim 729, north of Chicago Road, as recorded in Liber 1, Page 188, Plats, Wayne County records, and abutting lots 30 to 39, as platted in Bradish and Hubbard's Subdivision of part of the Loranger Farm being section of Private Claim 474 and the westerly 1/9 of Private Claim 338, north of Michigan, Detroit, Michigan, as recorded in Liber 1, Page 133, Plats, Wayne County records; also

All that part of the north-south public alley, 20 feet wide, in the block bounded by Lawton, Humboldt, Ash, and Myrtle, being a part of the following subdivisions:

Bradish and Hubbard's Subdivision of part of Loranger Farm being section of Private Claim 474 and the westerly 1/9 of Private Claim 338 north of Michigan Avenue, Detroit, Michigan, Liber 1, Page 133.

J. W. Johnston's Subdivision of east part of Private Claim 729 north of Chicago Road, Liber 1, Page 188.

Johnston's Subdivision of Private



Claim No. 727 and 729 being the central part of Private Claim 729, north of the Chicago Road, Lots 1, 2, 3, and 4 of the subdivision of the rear concession of Private Claim 729 and lots 1, 2, 3, and 4 of the subdivision of the rear concession of Private Claim 727, Liber 1, Page 139.

Otto Petzke's Subdivision of Lots 45 and 46 of Johnston's Subdivision of the east part of Private Claim 729, north of Chicago Road, Liber 9, Page 30.

and as shown on Department of Public Works drawing No. X-2491 dated September 23, 1971;

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

FIRST, said owners hereby grant to and for the use of the Detroit Public Lighting Commission an easement or right-of-way over the northerly 40 feet of the said vacated alley in the block bounded by Lawton, Humboldt, Ash, and Myrtle hereinabove described for the purpose of maintaining, installing, repairing, removing, or replacing utilities such as electric light conduits or poles or things usually placed or installed in a public 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 Detroit Public Lighting Commission,

THIRD, that if at any time in the future the owners of any lots abutting on said vacated 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 further

RESOLVED, that upon proper application, the Department of Public

Works shall issue to the Detroit Edison Company and the Detroit Bell Telephone Company and the Michigan Bell Telephone Company permits to relocate their pipes, poles and lines from the vacated alleys and streets most conveniently located in reference to the vacated alleys and streets consistent with the public health, safety, convenience, and general welfare; and be it further

RESOLVED, that the Detroit Edison Company and the Michigan Bell Telephone Company are hereby directed to remove all their pipes, poles and lines from the vacated alleys without expense to the City within thirty days of receipt of a copy of this resolution; and be it further

RESOLVED, that all that part of Humboldt Street, 60 feet wide, between the south line of Butternut Street, 50 feet wide, and the south line of Myrtle Street, 50 feet wide, having been platted in the following subdivision:

Bradish and Hubbard's Subdivision of part of Loranger Farm being section of Private Claim 474 and the westerly 1/9 of Private Claim 338, north of Michigan Avenue, Detroit, Michigan, Liber 1, Page 133, and as shown on Department of Public Works drawing No. X-2491, dated September 23, 1971; also

All that part of Butternut Street, 50 feet wide, lying easterly of the westerly line of the north-south alley, 20 feet wide, easterly of Lawton Avenue, and lying westerly of the westerly line of the north-south alley, 20 feet wide, westerly of Eighteenth Street; said Butternut Street having been platted as part of the following subdivisions:

J. W. Johnston's Subdivision of east part of Private Claim 729 north of Chicago Road, Liber 1, Page 188.

Bradish and Hubbard's Subdivision of part of Loranger Farm being section of Private Claim 474 and the westerly 1/9 of Private Claim 338, north of Michigan Avenue, Detroit, Michigan, Liber 1, Page 133.

and as shown on Department of Public Works drawing No. X-2491, dated September 23, 1971; also

All that part of Ash Street, 50 feet wide, between Lawton Avenue and the westerly line of the north-south alley, 20 feet wide, westerly of Eighteenth Street, said Ash Street having been platted as part of the following subdivisions:

Bradish and Hubbard's Subdivision of part of Loranger Farm being section of Private Claim 474 and the westerly 1/9 of Private Claim 338, north of Michigan Avenue, Detroit, Michigan, Liber 1, Page 133.

J. W. Johnston's Subdivision of east part of Private Claim 729, north of Chicago Road, Liber 1, Page 188.

Otto Petzke's Subdivision of Lots 45 and 46 of Johnston's Subdivision of



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the east part of Private Claim 729, north of Chicago Road, Liber 9, Page 30, and as shown on Department of Public Works drawing No. X-2491, dated September 23, 1971.

Be and the same are hereby vacated as public streets and are hereby converted into public easements for subsurface utilities of the full width of the streets, 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 streets 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 rights-of-way in said vacated public streets hereinabove described for the purposes of installing, repairing, maintaining, replacing subsurface 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 public streets in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purpose 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 streets shall request the removal and/or relocation of any existing utilities in said easement, such owners, upon whose property the 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 Detroit Edison Company and the Michigan Bell Telephone Company are hereby directed to remove all their overhead lines and poles from the vacated streets without expense to the City within thirty (30) days after receipt

of a copy of this resolution; and be it further

RESOLVED, That the four fire hydrants of the Detroit Fire Department, located in Humboldt Avenue may remain in place until such time as relocation is necessary. When such relocation is necessary, the entire cost of said relocation shall be borne by the petitioner, his assigns, executors, or administrators, and be it further

RESOLVED, That the City Clerk is hereby directed to mail to the Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas 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.

### Department of Public Works

May 4, 1972.

Honorable Common Council:

Re: Pavement Resurfacing Group RS-72-1; Award of Contracts.

Gentlemen — In response to published advertisements, seven bids were received on April 4, 1972 for Contract PW-5346 in Resurfacing Group RS 72-1, Resurfacing Hayes-Harper to Seven Mile Road. A tabulation of the bids received is attached.

The low bid is regular in all respects and in accordance with the Contract requirements. It is therefore recommended that the Contract be awarded to The Cooke Contracting Co., in the amount of \$201,007.30.

It is estimated that \$227,000 will be required to cover the cost of advertising, inspection, and minor contingencies, as well as the Contract costs. Funds are available in the 974 Account.

Respectfully submitted,  
CLARENCE C. RUSSELL,  
Commissioner.

Approved:

W. I. STECHER

Deputy Controller

By Councilman Eberhard:

Resolved, That the Commissioner of Public Works be and he is hereby authorized and directed to enter into contract with The Cooke Contracting Co. for Contract PW-5346, Pavement Resurfacing — Hayes, Harper to Seven Mile Road, in the amount of \$201,007.30; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to honor vouchers when presented, such vouchers to cover the cost of advertising, inspection, field engineering, and minor contingencies, as well as the Contract costs, and charge them to Account No. 974-9910-912, Resurfacing Hayes-Harper to Seven Mile Road.