

July 5

Price for removal of demolished garage without charge at 14358 Pierson.

—A member of our Gentlemen Commercial Bureau interviewed Mrs. Price on June 19, 1972 concerning the removal of the lumber from the demolished garage from her back yard.

Mrs. Price is an ADC mother with two small children and cannot afford the appr. \$175.00 cost of removal of the dangerous debris where the neighbors children are playing.

It is recommended that the Department of Public Works be authorized to remove this debris free of charge.

Respectfully submitted,
CLARENCE C. RUSSELL
Commissioner

By Councilman Eberhard:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to remove discarded debris without charge from 14358 Pierson, in accordance with the foregoing communication.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Wierzbicki, and President Ravitz—7.
Nays—None.

Department of Public Works

June 19, 1972

Honorable Common Council:

Re: Highway Planning; Jeffries Freeway; Relocation of C&O Oak Yard Track Facilities; Agreement No. 71-1106; X03 and S25 of 82122 L.

Gentlemen —This is in reference to an agreement between the Michigan State Highway Commission, the Board of Wayne County Road Commissioners, the City of Detroit and the Chesapeake & Ohio Railway Company, which provides for relocation and alteration of track facilities in connection with the construction of a highway underpass structure carrying the freeway under the railroad southeast of Evergreen Road.

At the Common Council session of May 2, 1972, your Honorable Body approved this agreement and authorized the Commissioner of Public Works to execute this agreement in behalf of the City of Detroit. This agreement has been fully-executed by both parties, and the Corporation Counsel has examined and approved this agreement as to form and execution.

At this time, we are requesting that your Honorable Body approve and confirm the fully-executed agreement.

Respectfully submitted,
CLARENCE C. RUSSELL
Commissioner

By Councilman Eberhard:

Resolved, That in accordance with the above communication, the fully-executed agreement between the City of Detroit and the Michigan State Highway Commission, the Board of Wayne County Road Commissioners, and the Chesapeake & Ohio Railway Company, which provides for relocation and alteration of track facilities in connection with the construction of a highway underpass structure carrying the freeway under the railroad southeast of Evergreen Road, be and the same is hereby approved and confirmed.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Wierzbicki, and President Ravitz—7.
Nays—None.

Department of Public Works

June 19, 1972

Honorable Common Council:

Re: Petition No. 3637; Beryl Kudialis, etal; Conversion to Easement of a portion of the east-west and north-south alleys in the block bounded by Hoyt, Anvil, Pinewood, and Liberal Avenues.

Gentlemen —The above petition requests the conversion of a portion of the alleys in the above described block into an easement for public utilities.

The requested conversion into easement for public utilities was approved 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:

All City departments and privately-owned utility companies reported that they will be unaffected by the Conversion to an easement of said 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,
CLARENCE C. RUSSELL
Commissioner

By Councilman Hood:

Resolved, That all that part of the east - west public alley, 16 feet wide, in the block bounded by Hoyt, Anvil, Pinewood, and Liberal Avenues abutting the northerly line of lots 83 and 84 of the Carol Park Subdivision of a part of the south ½ of the southwest ¼ of Section 1, T.1.S., R.12. E., Gratiot Township, Wayne County, Michigan, as recorded in Liber 43, Page 23, Plats, Wayne County records; and abutting the southerly line of lot 43 and the 16 foot wide north - south alley abutting the easterly line of said lot 43 of Crescent Park, a subdivision of part of the north ½ of the south ½ of Section 1, T.1.S., R.12.E., Gratiot Township, Wayne County, Michigan,

as recorded in Liber 45, Page 27, Plats, Wayne County records; also

All that part of the north - south public alley, 16 feet wide, in the block bounded by Hoyt, Anvil, Pinewood, and Liberal, abutting the easterly line of lots 43 to 46, and abutting the westerly line of lot 42 all inclusive of the last mentioned subdivision;

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 rights - of - way in said vacated public alleys hereinabove described for the purposes 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 alley 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.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Wierzbicki, and President Ravitz—7.

Nays—None.

Department of Public Works
Honorable Common Council: June 7, 1972.

Re: Protective Screening of Pedestrian Overpasses; Agreement of Pedestrian Gentlemen — On February 17, 1970, (J.C.C. p. 321), your Honorable Body confirmed the agreement between the Michigan State Highway Commission and the City of Detroit, which provides for the installation of protective screening on 68 pedestrian bridges crossing the Walter P. Chrysler, Edsel Ford, John C. Lodge, Fisher, Jefferies, and C. Lodge, Freeways, and including Southfield crossing Telegraph Road. one bridge

The estimated total cost to the City for this work under the above agreement was \$138,243.22 out of a total cost \$561,936.00. This amount was paid to the State with the agreement providing that the final costs would be adjusted upon completion of the work. The work has now been completed and, because the contractor's bids were lower than estimated, the total cost of the project was \$530,974.31 and the City's share thereof \$123,731.90. For this reason a refund check in the amount of \$14,511.32 was sent to the City by the State and deposited in account No. 195-9210-923 on April 11, 1972, representing the difference between the City's estimated share and the actual share.

The funds returned by the State are Motor Vehicle Highway Funds which, by the provisions of Act 51, Public Acts of 1951, as amended, must be expended only for highway purposes. It is our recommendation, therefore, that this refund be transferred to our Traffic Control improvement account which is used to pay the City's statutory share of traffic safety improvements on the State Trunkline System in Detroit. There is a continuing program of such improvements and many of them come up for construction on very short notice because of some safety problem and therefore the City portion is unfunded. We are currently aware of projects which are scheduled to be done in the near future in which the City share is estimated to be in excess of \$5,000.

Approval for City participation in these projects will be requested from your Honorable Body at the appropriate time. In the meantime, we recommend adoption of the following resolution which authorizes the Controller to transfer the refund to the Traffic Control Improvement account.

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner.

Approved:
W. I. STECHER
Deputy Controller