

By Councilman Eberhard:

Resolved, That all that part of the east-west public alley, 30 feet wide, first northerly of Jefferson between Crane and Hibbard the southerly 20 feet of which abutted the southerly line of lot 87 and was platted in William B. Wesson's Subdivision of lots 2 and 3 in Albert Crane's Subdivision of Private Claim 644 and the east 53.91 feet of Private Claim 723, north of Jefferson Avenue, Hamtramck, Wayne County, Michigan, as recorded in Liber 10, Page 96, Plats, Wayne County records; and the northerly 10 feet of which was deeded to the City on January 27, 1925 and described as the southerly 10 feet, measured at right angles to the southerly line of lot 87 of the above mentioned subdivision;

Be and the same is hereby vacated to become a part and parcel of the abutting property.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Wierzbicki, and President Ravitz — 6.

Nays — None.

Department of Public Works

October 30, 1972.

Honorable Common Council:

Re: Petition No. 5507, William J. Courneya; Conversion to Easement of the alley in the block bounded by Riad, Laing, McCormick, and Kingsville.

Gentlemen: The above petition requests the conversion of the above described alley 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:

All City departments and privately owned utility companies reported that they will be unaffected by the conversion to an easement of said alley 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 Eberhard:

Resolved, That all that part of the east-west public alley, 18 feet wide, in the block bounded by Riad, Laing, McCormick, and Kingsville abutting the rear lines of lots 818 to 831 and lots 860 to 873 inclusive of "East Park Manor No. 2", being a subdivision of part of Private Claims 123 and 617, City of Detroit and Township of Gratiot, Wayne County, Michigan, as

recorded in Liber 56, Page 73, Plats, Wayne County records.

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, 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 alley 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 alley 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 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 Department of Public Works.

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.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Wierzbicki, and President Ravitz — 6.

Nays — None.

Department of Public Works

November 8, 1972

Honorable Common Council:
Re: Petition No. 5377, Society of Arts

and Crafts, Vacation of Kirby Avenue between John R. and Brush.

Gentlemen — The above petition request the vacation of Kirby Avenue between John R and Brush. The requested vacation 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, \$800.00.

For the estimated cost to remove street lighting facilities from the street to be vacated .

The petitioner has also requested that the paved returns at the entrance to Kirby Avenue 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.

An easement is reserved in the vacating resolution for the Michigan Consolidated Gas Company, the Detroit Metro Water Department, and the Detroit Fire Department for the maintenance of their installations located in the public right of way to be vacated.

The petitioner has requested that the relocation of the fire hydrants be done by private contract. There is no objection as long as the work is done according to City specifications, and by City permit and inspection and that the entire cost is borne by the petitioner.

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 Eberhard:

Resolved, That all that part of Kirby Avenue, 80 feet wide, between John R and Brush Streets lying between and abutting the front lines of lots 1 to 6 and lots 7 to 12 of Ferry's Subdivision of Park Lot 40 and of lots 1 to 18 inclusive of the Farnsworth Subdivision of Part Lots 38 and 39, City of Detroit, Wayne County, Michigan, as recorded in Liber 18, Page 71, Plats, Wayne

County records; and lying south of and abutting the south line of lots 10 to 14, Block 27, north of and abutting the north line of lots 1 to 5, Block 26, all inclusive of the Brush Subdivision of that part of the Brush Farm lying between the north line of Farnsworth Street and the south line of Harper Avenue, City of Detroit, Wayne County, Michigan, as recorded in Liber 17, Page 28, Plats, Wayne County records,

Be and the same is hereby vacated as a public street to become a part and parcel of the abutting property, subject to the following easement for the Michigan Consolidated Gas Company, the Detroit Metro Water Department, and the Fire Department:

Over the full length of said vacated street from the east line of John R to the west line of Brush Street being the full width, 80 feet, for a distance of 200 feet easterly from the easterly line of John R as measured on the centerline of said Kirby to a line perpendicular to the centerline; thence a width of 52.33 feet centered on the centerline of Kirby, 80 feet wide, to a line perpendicular to and 123 feet, as measured on said centerline westerly from the westerly line of Brush Street; thence being the full width of Kirby, 80 feet wide, to the westerly line of Brush Street,

First, said owners hereby grant to and for the use of the above named utilities and City Departments an easement or right of way over the above described portion of vacated public street hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing utilities such as water mains, gas lines or mains, or fire hydrants, with the right to ingress and egress at any time to and over said easement for the purpose above set forth.

Second, 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 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, 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 the relocation of the

fire hydrants and construction of one new fire hydrant shall be performed by private contract, according to City specifications, inspection and permit and all costs shall be borne by the petitioner; and further

Resolved, That the removal of the paved street returns and construction of new entrances be done by private contract according to City specifications, inspection and permit and all costs shall be borne by the petitioner.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Wierzbicki, and President Ravitz — 6.
Nays — None.

Department of Public Works

October 30, 1972

Honorable Common Council:

Re: Contract PW-4955 - Repair Concrete Sidewalks, Driveways, and Curbs - District 38C.

Contractor Century Cement Co.

Total Amount Accepted Proposal: \$88,200.00.

Previously Issued Changes: \$0.00.

Reconciling Contract Change: \$6,176.15.

Final Adjusted Contract Price: \$94,376.15.

Gentlemen — The above Contract is on a unit price basis, with estimated quantities of the various items of work stated in the Proposal. Subsequent to the award, Contract Changes were issued in the net amount shown above.

After the work was completed and final field measurements taken, the actual quantities of the various items of work performed resulted in a net difference as shown in the Reconciling Contract change.

It is respectfully requested that the increased cost as shown by the Reconciling Change be approved and that the Controller be authorized to honor vouchers based on the Final Adjusted Contract Price.

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner

Approved:

W. I. STECHER,
Controller

By Councilman Wierzbicki:

Resolved, That the "Final Adjusted Contract Price" on the above Contract be and is hereby approved: and be it further

Resolved, That the Controller be and he is hereby authorized and directed to honor vouchers when presented, based on the Final Adjusted Contract Price as shown in the foregoing communication.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Wierzbicki, and President Ravitz — 6.

Nays — None.

Department of Public Works

October 18, 1972.

Honorable Common Council:

Re: Highway Planning: TOPICS Procedure 1 Program, Electrical Consultant Agreement.

Gentlemen — On August 15, 1972, (J.C.C. pp. 2004-2005), your Honorable Body approved and confirmed Agreement No. 72-0439 between the Michigan State Highway Commission, the Federal Highway Administration, and the City of Detroit which provided for a one-year demonstration program under which the City would perform or have contracted all the work necessary for the completion of a TOPICS construction program.

The Public Lighting Commission has advised us that they will be unable to supply the necessary manpower to perform the electrical engineering for alterations to traffic signals and the street lighting system associated with the highway construction projects in the program. Since the Procedure 1 Program requires that all projects be under contract within one year of the execution of the agreement, we have drafted a consultant agreement between the City and Consulting Engineering Associates, Inc., which provides for their services in performing the necessary electrical engineering for the Procedure 1 Program. There are eight projects within this program for which we will require the consultant's services. The total cost for these eight projects is \$19,502.00. There is a firm fee for each separate project which we have determined to be reasonable. Federal Aid will be applied to these fees. The estimated participation is as follows:

Federal Aid, \$10,599.00.

City of Detroit, \$7,079.00.

Michigan Department of State Highways, \$1,824.00.

Sufficient funds are available to pay the City's share of the cost of these services.

The Corporation Counsel has approved this agreement as to form. By Councilman Wierzbicki:

Resolved, That, in accordance with the above communication, the proposed agreement between the City of Detroit and Consulting Engineering Associates, Inc., which provides for their services in doing the necessary electrical engineering for the completion of the City's TOPICS Procedure 1 Program, be and the same is hereby approved; and

Be It Further Resolved, That the Street Administrator, Mr. Robert R. Hicks, is hereby authorized and directed to execute this agreement in behalf of the City of Detroit.

Be It Further Resolved, That the Controller be and he is hereby