

By Councilman Browne:

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, Henderson, Hood, Levin, Rogell Wierzbicki, and President Ravitz — 8.
Nays — None.

Department of Public Works

February 1, 1973

Honorable Common Council:

Re: Petition No. 2082; Detroit Board of Education; Vacation of a portion of the north-south alley in the block bounded by Algonquin, Springle, Charlevoix, and Goethe.

Gentlemen — The above petition requests the vacation of a portion of the north-south alley in the above mentioned block. The requested vacation was recommended by the City Plan Commission with the recommendation that sufficient land be dedicated for a new alley outlet into Springle. 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, which have been credited to the departments named, for the purposes indicated:

Public Lighting Commission; Purchase Order No. 85117; \$1,175.00. For the estimated cost to relocate lighting facilities.

Department of Public Works - Street Maintenance Division; Purchase Order No. 23160; \$2,300.00. For the estimated cost to remove the paved alley return at the alley to be vacated and to construct a new alley return at the newly dedicated alley outlet.

A Warranty Deed has been received from the petitioner, deeding to the City of Detroit, land for the new outlet into Springle Avenue. This deed was approved as to form and execution by the Corporation Counsel and as to description by the City Engineer, and is attached for your Honorable Body's acceptance.

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

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLARENCE C. RUSSELL
Commissioner

By Councilman Browne:

Resolved, That all that part of the north-south public alley, 18 feet wide, in the block bounded by Algonquin, Springle, Charlevoix, and Goethe Avenues abutting the rear line of lots 121 to 132 and lots 157 to 168, and the northerly 10 feet of lots 133 and 156, all inclusive of Daniel J. Campau's Subdivision of part of Private Claims 315 and 322, between Charlevoix Street and Mack Avenue, City of Detroit and the Township of Grosse Pointe, Wayne County, Michigan, as recorded in Liber 35, Page 20, 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:

(1) 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

(2) Provided, That no building shall be constructed over said sewers without the prior approval of such building construction by the Sewer Services Section of the Detroit Metro Water Department and the Department of Buildings and Safety Engineering; and further

(3) 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 or their assigns, by acceptance of the permit for construction over said sewer, waive all claims for damages; and further

(4) 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 shall also be liable for all claims for damages resulting from his action, and further

Resolved, That the Warranty Deed of the Detroit Board of Education deeding land to the City of Detroit for alley purposes described as follows:

The north 20 feet of the south 25

feet of lot 133, Daniel J. Campau's Subdivision of part of Private Claims 315 and 322, between Charlevoix Street and Mack Avenue, City of Detroit, Wayne County, Michigan, as recorded in Liber 35, Page 20, Plats, Wayne County records.

Be and the same is hereby accepted and the City Controller is hereby directed to record said deed in the office of the Register of Deeds for Wayne County.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Henderson, Hood, Levin, Rogell, Wierzbicki, and President Ravitz — 8.
Nays — None.

Department of Public Works

January 22, 1973.

Honorable Common Council:

Re: Travel Allowance for bid presentation for 1980 A.P.W.A. annual convention in Detroit.

Gentlemen — At the Board Meeting of the American Public Works Association held in Minneapolis I made a presentation on behalf of Detroit to hold the 1980 convention in our town. This presentation will be received by the Board and a final decision may be made at the next Board Meeting to be held in San Antonio, Texas on February 26-28, 1973. Mr. Dennis P. Miriani of the Detroit Convention Bureau and I were invited to attend this forthcoming Board Meeting to present additional information.

We have tentatively engaged Cobo Hall exhibit Halls B & C, Ballroom 2001 A-B and large meeting rooms for September 14-18, 1980 and approximately 3,840 hotel rooms in the various downtown hotels, on the positive assumption that we will obtain a definite commitment from the A.P.W.A. Board by our supplemental presentation on February 28th.

It is therefore requested that your Honorable Body authorize the expenditure of \$329.00 for me to attend this important A.P.W.A. Board Meeting.

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner.

Approved:

W. I. STECHER
Controller

By Councilman Levin:

Resolved, That the Controller be and he is hereby authorized to transfer the sum of \$329.00 from account 125-2010-111. Salaries to Account 125-2010-493, Travel Expense and to honor travel vouchers when presented in accordance with the foregoing communication.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Henderson, Hood, Levin, Rogell, Wierzbicki, and President Ravitz — 8.
Nays — None.

Department of Public Works

January 9, 1973.

Honorable Common Council:

Re: Highway Planning: Agreement No. 72-1301, M-59 Outside Detroit, Oakland-Macomb Interceptor Sewer, File No. 4.54.

Gentlemen — On March 2, 1971, the Common Council approved and confirmed Agreement No. 70-0858 between the City of Detroit and the Michigan State Highway Commission. This agreement provided for the construction of the Avon Arm of the Oakland-Macomb Interceptor Sewer System in conjunction with the construction of Highway M-59 from Dequindre Road to Mound Road in Macomb County. At this time, we are transmitting, for your consideration, Agreement 72-1301 which supplements and amends Agreement 70-0858 by returning \$257,559.00 to the City because of a revised estimate of the project cost.

The agreement has been examined and approved by the Corporation Counsel's Office as to form.

Because of the importance of returning these funds to the City of Detroit, we ask for approval of this agreement and authority for the Street Administrator to execute it in behalf of the City of Detroit.

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner.

Approved:

J. P. KANTERS
Deputy Controller

By Councilman Levin:

Resolved, That in accordance with the above communication, the Agreement between the City of Detroit and the Michigan State Highway Commission, which amends Agreement 70-0858 by returning \$257,559.00 to the City because of a revised estimate of the project cost.

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

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Henderson, Hood, Levin, Rogell, Wierzbicki, and President Ravitz — 8.
Nays — None.

Department of Public Works

January 25, 1973.

Honorable Common Council:

Re: Highway Planning: Jeffries Freeway (I-96), General Understanding for C & O Oak Yard Area, Southfield to Evergreen, Agreement No. 72-1393.

Gentlemen — We are forwarding herewith, for your consideration, copy of a formal agreement between the Michigan State Highway Commission, Board of Wayne County Road Commissioners, City of Detroit, and the Chesapeake and Ohio Railway Company. This agreement provides