

April 24

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.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner.

By Councilman Browne:

Resolved, That all that part of the east-west public alley, 18 feet wide, in the block bounded by Newport, the block bounded by Jane, Loretta, and Chalmers, Houston-Whittier Avenues abutting the southerly line of lots 52 to 58 and abutting the northerly line of lot 61 inclusive of the D.J.R. Subdivision of part of fractional sections 13 and 14, T.1.S., R.12.E., City of Detroit, Wayne County, Michigan, as recorded in Liber 41, Page 64, 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 over 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, Henderson, Levin, Rogell, Wierzbicki, and President Ravitz — 6.

Nays — None.

Department of Public Works

April 12, 1973.

Honorable Common Council:

Re: Petition No. 2273, Detroit Board of Education, Vacation of Fourth Avenue, north of Myrtle Avenue.

Gentlemen — The above petition requests the vacation of Fourth Avenue north of Myrtle Avenue. Subsequently the petitioner has requested that his petition be changed from the vacation of the above mentioned public right of way to a request for the conversion of same to an easement for subsurface public utilities.

The requested conversion into easement for subsurface 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:

The petitioner has issued the following Purchase Orders which have been credited to the departments named, for the purposes indicated:

Fire Department, Purchase Order No. 19285, \$3,000.00. For the estimated cost to relocate one fire hydrant.

Street Maintenance Division, P. O. No. 19286, \$3,600.00. For the estimated cost to remove the paved street returns and construct new curb and sidewalks.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions of public right of way into a subsurface easement provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLARENCE C. RUSSELL,

By Councilman Browne:

Resolved, That all that part of Fourth Avenue between and abutting the north line of Myrtle Avenue and the north line of Brainard Avenue, having been platted in Blocks 83 and 84 of the Subdivision of part of the Jones Farm north of Grand River Avenue, Detroit, Wayne County, Michigan, recorded June 1, 1881, in Liber 6, Page 7, Plats, Wayne County Records,

Be and the same is hereby vacated as a public street and is hereby converted into a public easement for subsurface utilities 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 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 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 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, Hen-

derson, Levin, Rogell, Wierzbicki, and President Ravitz — 6.
Nays — None.

Department of Public Works

January 3, 1972.

Honorable Common Council:

Re: Professional Services Contract, New Fireboat; R. A. Stearn, Inc., Professional Contractor, Contract for Design Documents.

Gentlemen — The Fire Department has requested the City Engineer's Office to prepare construction documents for the construction of a new fireboat.

Because of the highly specialized nature of this work, it is felt that it would be advisable to engage a private consultant. Such consultant would work under the direct supervision and be responsible to the City Engineer, in the same manner as now being used on other projects.

The firm of R. A. Stearn, Inc. has submitted a proposal to provide the required professional services for \$54,900. This firm is well qualified by experience and has an adequate staff to provide these services. Their proposal appears to be fair and reasonable for the work involved. It is, therefore, respectfully recommended that authority be granted to enter into a Professional Services Contract with this firm for the above-stated services at a cost of \$54,900.

Funds to cover such proposed expenditure are available in Account 106-1260-501, Apparatus and Equipment.

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner.

Recommended:

ANTHONY J. SZYMANSKI
President

Board of Fire Commissioner

Approved:

JOHN P. KANTERS
Deputy Controller

By Councilman Levin:

Resolved, That the Commissioner of Public Works be and is hereby authorized to enter into a Professional Services Contract, in the amount of \$54,900, with the firm of R. A. Stearn, Inc., for the preparation of construction documents for the construction of a new fireboat; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to honor vouchers, when presented, covering the cost in the amount of \$54,900 and charge them to Account 106-1260-501, Apparatus and Equipment.

Not adopted as follows:

Yeas—Councilmen Browne, Rogell, and President Ravitz—3.

Nays — Councilmen Henderson, Levin, and Wierzbicki—3.

Department of Public Works

April 4, 1973

Honorable Common Council: