

July 2

1974

Contractor under the Contract there-in 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 — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

Department of Public Works

June 20, 1974

Honorable City Council:

Re: Petition No. 7838, Currier Lumber Company, Vacation of a portion of the east-west alley east of Cliff Avenue between Brimson and Edgeton.

The above petition requests the vacation of the above described alley. The requested vacation 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:

An easement is reserved in the vacating resolution for the Michigan Bell Telephone Company for the maintenance of its installation located in the public right of way 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,

JAMES W. WATTS

Commissioner

By Council Member Henderson:

Resolved, That the east-west alley, 15 feet wide, east of Cliff Avenue between Brimson and Edgeton Avenues abutting the rear line of lots 254 to 258 and lots 287 to 291 inclusive of "Harrah's North Detroit Subdivision" of lots 2, 3, 4, 29, 30, 31, 32, 38, 39, 40, 60, 61 and 62 and part of lots 5, 28, 41 and 59 of P. W. Norris and W. A. Ennis Addition to the Village of Norris, Section 9, T. 1S., R. 12E., Hamtramck Township, Wayne County, Michigan as recorded in Liber 37, Page 48, 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:

FIRST, said owners hereby grant to and for the use of the Michigan Bell Telephone Company an easement or right of way over said vacated public alley hereinabove described for

the purposes of maintaining, installing, repairing, removing, or replacing utilities such as telephone 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 purposes 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 of the Michigan Bell Telephone Company,

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 Michigan Bell Telephone Company,

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 — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

Department of Public Works

June 25, 1974

Honorable City Council:

Re: Petition No. 6856, Howard D. Wardlaw, etal, Conversion to Easement of an alley - Correction of Property Description.

On May 14, 1974, J.C.C. Pages 1141 and 1142, your Honorable Body granted the petition of Mr. Howard D. Wardlaw, etal, to convert the remaining portion of alley in the block bounded by Greenfield, Prest, Chippewa, and James Couzens into an easement for public utilities. The vacating resolution contained an error in the property description.

We respectfully request your Honorable Body to approve the attached resolution correcting the error.

Respectfully submitted,

JAMES W. WATTS

Commissioner

By Council Member Henderson:
Resolved, That the first paragraph of the resolution granting Petition No. 6856 of Howard D. Wardlaw, etal (May 14, 1974, J.C.C. Pages 1141 and 1142).

Be and the same is hereby rescinded and replaced by the following:
Resolved, That all that part of the north-south public alley, 20 feet wide, not previously vacated, in the block bounded by Greenfield, Prest, Chippewa, and James Couzens abutting the rear line of lots 1126 to 1139 all inclusive of "San Bernardo Park No. 3" being a subdivision of the south 1/2 of the north-west 1/4 of Section 6, T. 1S., R. 11E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 55, Page 23, Plats, Wayne County records.

Adopted as follows:
Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.
Nays — None.

Department of Public Works
June 28, 1974

Honorable City Council:
Re: Petition No. 74—Woodland Medical Center Amending Resolution to vacate a portion of alley and permit an underground encroachment.

On June 25, 1974, your Honorable Body adopted a resolution granting the petition (74) of the Woodland Medical Center to vacate a portion of alley, dedicate a new alley turnaround, and encroach under the alley with the new building.

The provision for a "hold harmless agreement" to be filed by the petitioner was not included in the resolution.

It will be necessary to adopt a resolution rescinding the first resolution and adopting a new resolution with the clause included.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
JAMES W. WATTS
Commissioner

By Council Member Hood:
RESOLVED, That the resolution adopted on June 25, 1974, granting the petition (74) of the Woodland Medical Center and Turin Development Company to vacate a portion of alley, dedicate a new alley turnaround, and encroach under the alley turnaround with a portion of their building is hereby rescinded and replaced with the following resolution:

RESOLVED, That all that part of the alley turnaround first easterly of Redfern Avenue and southerly of Eight Mile Road having been platted in the Business Center Subdivision, part of the N.E. 1/4 of Section 4, T.1.S., R.10.E., City of Detroit, Wayne County, Michigan, as recorded in

Liber 87, Page 96 Plats, Wayne County Records, more properly described as:

Beginning at a point in the easterly line of Lot 31, said point being S. 0 deg. 18 min. 20 sec. W., 156.00 feet from the northeasterly corner of Lot 31; thence N. 89 deg. 54 min. 36 sec. W., 60.00 feet; thence S. 0 deg. 18 min. 20 sec. W., 15.33 feet; thence S. 89 deg. 54 min. 36 sec. E., 36 feet; 11.67 feet; thence S. 89 deg. W., 36 sec. E., 24.00 feet; thence N. 0 deg. 18 min. 20 sec. E., 27.00 feet to the point of beginning, all inclusive of the above mentioned subdivision,

Be and the same is hereby vacated as a public alley to become a part and parcel of the abutting property, and be it further

RESOLVED, That the Department of Public Works be and it is hereby authorized and directed to issue a permit to the Woodland Medical Center to construct a part of their new Building encroaching under the turnaround portion of the public alley, said encroachment to be in the area described as: Beginning at a point, said point being S. 0 deg. 18 min. 20 sec. W., 183.00 feet and N. 89 deg. 54 min. 36 sec. W., 24.00 feet from the northeast corner of Lot 31 of the Business Center Subdivision as recorded in Liber 87, Page 96, Plats, Wayne County Records; thence N. 89 deg. 54 min. 36 sec. W., 34.00 feet; thence N. 0 deg. 18 min. 20 sec. E., 11.67 feet; thence S. 89 deg. 54 min. 36 sec. E., 34.00 feet; thence S. 0 deg. 18 min. 20 sec. W., 11.67 feet to the point of beginning,

PROVIDED, That the necessary permit be obtained from the Department of Public Works, and that said underground encroachment shall be constructed and maintained under the rules and regulations of the Department of Public Works and the Department of Buildings and Safety Engineering in accordance with plans to be submitted and approved by these departments, and

PROVIDED, That said permit shall be issued only after a certified copy of this resolution has been duly recorded by and at the petitioner's expense in the Office of the Register of Deeds for Wayne County, and further

PROVIDED, Petitioner first furnishes an Agreement, in form approved by the Corporation Counsel, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permit, and providing for the faithful performance by the grantee of the terms hereof, and files same with the City Controller, and further

PROVIDED, That no right in the public easement shall be considered waived by this permission which is granted expressly on the condition that the building and all obstruction in connection therewith shall be removed at the expense of the grantee

at any time when so directed by the Common Council; and further

PROVIDED, If at any time in the future it becomes necessary to repair or replace the sewers or other utilities located or to be located in said easement by the acceptance of this permission, the owners for themselves, their heirs and assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the Department of Public Works at the owner's expense, and further

PROVIDED, That this resolution is revocable at the will, whim, or caprice of the Common Council, and the grantees by the acceptance of this permission waive any right to claim damages or compensation for any driveways or structures constructed and maintained hereunder, or for the removal of same, and they acquire no implied nor any other privileges not expressly stated herein; and further

RESOLVED, That the Warranty Deed of the Woodland Medical Center deeding land for the new alley turnaround being described as:

Land in the City of Detroit, Wayne County, Michigan, being the easterly 20.0 feet of the westerly 39.13 feet of the southerly 18.67 feet of Lot 31 of the Business Center Subdivision, part of the N.E. ¼ of Section 4, T.1.S., R.10.E., City of Detroit, Wayne County, Michigan, as recorded in Liber 87, Page 96, 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 — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

Department of Public Works

June 27, 1974

Honorable City Council:

Re: Petition No. 777—Mrs. Taylor Removal of refuse from rear of 15446 Wabash.

Returned herewith is Petition No. 777 requesting removal of three to four loads of debris at rear of 15446 Wabash by Mrs. Taylor free of charge.

An investigation by our Commercial Bureau confirms statement by Mrs. Taylor that insurance on her home located at 15446 Wabash expired and she cannot afford to pay for removal of household furniture, etc. from fire gutted house.

It is recommended that this debris be removed by Sanitation forces free of charge.

Respectfully submitted,
JAMES W. WATTS
 Commissioner

By Council Member Hood:

RESOLVED, That the petition of Mrs. Taylor requesting removal of refuse from rear of 15446 Wabash, Detroit, Michigan be granted and that the Department of Public Works be and it is hereby authorized and directed to remove refuse free of charge.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

Department of Public Works

June 18, 1974

Honorable City Council:

Re: Contract: PW-4971. For: Concrete Sidewalk Driveways & Curbs in District 98A. Adjusted Contract Price: \$82,827.51. Contractor: Domenico Macro.

This is to certify that all work required of the Contractor in the performance of this Contract has been fully completed and found acceptable under the terms and conditions thereof, and that the total value of such completed work, including all Contract Changes duly issued, is that stated above as the Adjusted Contract Price.

The Contractor has submitted an affidavit that all payrolls, material bills, and all other indebtedness incurred by him in connection with the work have been paid.

It is therefore recommended that the total value of the work, as above stated, less the total amounts previously paid on all progress payments, be paid to the Contractor with the understanding that such payment is made by the City and accepted by the Contractor under the Contract provisions covering final payment.

R. C. MONAHAN
 Engineer of Inspection
LOUIS W. KLEI
 City Engineer

By Council Member Mahaffey:

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 — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.