

May 21

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.

Respectfully submitted,  
R. C. MONAHAN  
Engineer of Inspection  
LOUIS W. KLEI  
City Engineer  
JAMES W. WATTS  
Commissioner, Public Works

By Councilman Cleveland:

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

Nays — None.

#### Department of Public Works

May 3, 1974

Honorable Common Council:

Re: Contract: PW-6534. For: Curb and Walk Replacement and Resurfacing - Virginia Park NDP. MICH. A-4-2. Adjusted Contract Price: \$92,985.04. Contractor: J. J. Barney, Inc.

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.

Respectfully submitted,  
R. C. MONAHAN  
Engineer of Inspection  
LOUIS W. KLEI  
City Engineer  
JAMES W. WATTS  
Commissioner, Public Works

By Councilman Cleveland:

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

Nays — None.

#### Department of Public Works

May 14, 1974

Honorable Common Council:

Re: Petition 6300, Crown Enameling Company. Conversion to Easement of a portion of the east-west Alley in the block bounded by Mt. Elliott, Filer, Robinwood, and East Seven Mile Road

The above petition requests the conversion of the above described alley, 16 feet wide, into an easement for public utilities. 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 public utilities.

The requested conversion into easement for public utilities was approved by the City Plan Commission with the recommendation that sufficient land be dedicated for the widening of the north-south alley. 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:

DPW Intersection Fund 143-6241  
Receipt No. B 41205 \$212.00

For the original cost of paving Mt. Elliott Avenue at the intersection of the alley to be vacated.

The petitioner has also requested that the paved return at the entrance to the alley to be vacated remain in its present status as the petitioner plans to utilize same, and has agreed by letter filed with the original petition to pay all cost incidental to

the removal of same whenever the discontinuance of use makes such removal necessary.

A Warranty Deed has been received from the petitioner, deeding to the City of Detroit, land for the alley widening. 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.

The petitioner has paved the new portion of alley with concrete according to DPW specifications.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversion of public right-of-way into an 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,  
JAMES W. WATTS  
Commissioner

By Councilman Cleveland:

RESOLVED, That all that part of the east-west public alley, 16 feet wide, in the block bounded by Mt. Elliott, Filer, Robinwood, and East Seven Mile Road abutting the rear line of lots 117 to 121 and the westerly 6 feet of lot 122, and abutting the northerly line of the westerly 109 feet of lot 116 all inclusive of the Livingstone Heights Subdivision of part of the west one-half of the northwest 1/4 of Section 9, T.1.S., R.12.E., Hamtramck Township, Wayne County, Michigan, as recorded in Liber 35, Page 60, 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 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 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, and be it further

RESOLVED, That the Controller is hereby authorized and directed to issue to the Crown Enameling Company a Quit Claim Deed to the above described vacated alley, and the Corporation Counsel is directed to prepare the deed; and be it further

RESOLVED, That the Warranty Deed of the Crown Enameling Company deeding land to the City of Detroit for alley purposes, being described as:

The easterly eleven feet of lots 115 and 116 of Livingstone Heights Subdivision as recorded in Liber 25, Page 60, 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; and be it further

RESOLVED, That if at any time in the future it becomes necessary to remove the paved return at the entrance to the above described alley, the costs of such removal and construction of new curb and sidewalk shall be borne by the petitioner or his assigns.

Adopted as follows:

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

Nays — None.

Department of Public Work

May 14, 1974

Honorable Common Council:

Re: Contract: PW-6210F — For: Area Demolition, Frame and Brick Veneer Residential Buildings in the Southwest Sector (E of