

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 material 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.

City Engineering Department

January 23, 1976

Honorable City Council:

Re: Petition No. 2576 — Clyde W. Hall and Associates, 313 Michigan Avenue. Conversion to Easement of Asbury Park south of Joy Road and the east-west alley south of Joy Road between Asbury Park and Mettetal Avenue.

The above petition requests the conversion of the above described street and alley into easements for public utilities. The requested conversion into easements for public utilities was approved by the Community and Economic Development Department. 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 easements of said street and 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,

HERMAN T. DUDLEY

Director

Approved:

JAMES WATTS

Director

Environmental Protection

Maintenance Dept.

By Council Member Mahaffey:

RESOLVED, That all that part of Asbury Park, 33 feet wide, between Joy Road as widened and the Chesapeake and Ohio Railroad right of

way, all inclusive of Bassett and Smith's Tireman Avenue Subdivision and part of W 1/2 of NW 1/4 of NE 1/4 and part of SW 1/4 of NE 1/4 Section 1, T-2-S, R-10-E, Dearborn Township (now Detroit), Wayne County, Michigan, as recorded in Liber 44, Page 7, Plats, Wayne County records, all of which lies south of a line described as: Beginning at a point in the westerly line of lot 116 of the above mentioned subdivision and being 41.99 feet south of the northwest corner of said lot 116 and ends at a point in the west line of Asbury Park, 33 feet wide, said west line also being the north and south 1/4 line of Section 1 and being distant S 1 deg. 43 min. 40 sec. E., 76.86 feet from the north 1/4 corner of Section 1 of above mentioned township; also.

All that part of the east-west public alley, 18 feet wide, in the block bounded by Asbury Park, Mettetal, the Chesapeake and Ohio Railroad right of way and Joy Road, all inclusive of the above mentioned subdivision.

Be and the same is hereby vacated as a public street and alley and is hereby converted into a public easement of the full width of the street and 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 street and 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 street and 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 street and alley in the City of Detroit, with the right of 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 City Engineering Department.

THIRD, that if at any time in the future the owners of any lots abutting on said vacated street and 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 — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

Environmental Protection and Maintenance Department

January 9, 1976

Honorable City Council:

Re: Resurfacing of Fort Street (M-3) Clark (I-75) to Woodward (M-1). Agreement No. 75-0865. Provision of Construction Engineering Services.

The Michigan Department of State Highways and Transportation wishes to have the City of Detroit provide construction engineering services for the resurfacing of Fort Street (M-3) between Clark street and Woodward Avenue. The City Engineering Department is able to provide construction engineering services for this project during the 1976 construction season.

We therefore submit, for your reconsideration, agreement 75-0865 between the Michigan State Highway Commission and the City of Detroit, by which the City agrees to provide these services at a cost not to exceed \$53,524.90. The State will reimburse the City the actual cost of the wages and fringe benefits needed to provide supervision for this resurfacing contract up to this amount. The City Engineering Department has indicated that the work can be done for this amount.

We therefore recommend adoption of the attached resolution, which approves the agreement and authorizes the Street Administrator to execute it in behalf of the City.

Respectfully submitted,

JAMES W. WATTS,
Street Administrator

Approved:

MERVIN D. WINSTON

Deputy Budget Director

G. F. FISCHER

Deputy Finance Director

Approved:

HERMAN DUDLEY

Director

City Engineering Department

By Council Member Mahaffey:

RESOLVED, That, in accordance with the above communication the proposed agreement 75-0865, by which the City agrees to provide the Michigan State Highway Commission with construction engineering services for the resurfacing of Fort Street (M-3) between Clark and Woodward at a cost not to exceed \$53,524.90 is hereby approved; and

BE IT FURTHER RESOLVED, That, the Street Administrator, James W. Watts, is hereby authorized to execute State Contract 75-0865 in behalf of the City of Detroit to provide such services.

Adopted as follows:

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

Nays — None.

Department of Health

January 12, 1976

Honorable City Council:

Re: Acceptance of Grant — Venereal Disease Program.

On several previous occasions your Honorable Body has authorized the Detroit Health Department to accept grants from the Michigan Department of Public Health Department to accept grants from the Michigan Department of Public Health for the operation of its Venereal Disease Program. The most recent grant received in the amount of \$137,000 covers the period July 1, 1975 to June 30, 1976.

The Health Department has now been offered a supplemental grant of \$10,350 from the Michigan Department of Public Health for the period January 1, 1976 to June 30, 1976. This grant will provide funds for the salary and fringe benefits of an additional medical person to be employed in the clinic.

May we, therefore, request that your Honorable Body approve the acceptance of the grant in the amount of \$10,350 from the Michigan Department of Public Health for the period January 1, 1976 to June 30, 1976 for the purpose outlined above.

Respectfully submitted,

WILLIAM CLEXTON
Public Health Director

Approved:

MERVIN D. WINSTON

Deputy Budget Director

G. F. FISCHER

Deputy Finance Director

By Council Member Mahaffey:

RESOLVED, That the Department of Health be and is hereby authorized to accept a grant in the amount of \$10,350 from the Michigan Department of Public Health for staffing of the Venereal Disease Program; and be it further

RESOLVED, That the Finance Director be and he is hereby authorized and directed to establish accounts, transfer funds, honor