

June 8

in said easements, 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; and further

RESOLVED, That the City Clerk is hereby directed to send a copy of this resolution to the Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company.

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

May 25, 1977

Honorable City Council:

RE: Petition No. 3945

White and Bagley of Michigan, Inc. Vacation of a portion of the alleys in the block bounded by Burnette, Monica, Westfield, and the railroad right of way

The above petition requests the vacation of the above alleys, 10 and 18 feet wide. The requested vacations were approved by the Community and Economic Development Department with the recommendation that sufficient land be dedicated for a new alley turnaround.

The Community and Economic Development Department and the Department of Transportation further recommend that the new alley turnaround remain closed on a temporary basis until such time as it is needed. In the meantime, this portion shall be maintained by the petitioner.

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 deposits with the City Treasurer, which have been credited to the department and accounts named, for the purposes indicated:

Water and Sewerage Department	
Receipt No. C 27431	\$3,300.00

For the estimated cost to construct a new manhole in the portion of north-south alley to remain open.

Public Lighting Department	
Receipt No. C-29677	\$ 400.00

For the estimated cost to remove one street lighting fixture from the 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,

JAMES W. WATTS,

Director

By Council Member Kelley:

All that part of the north-south public alley, 18 feet wide, south of Westfield between Burnette and Monica abutting the northerly line of the railroad right of way south of Westfield Avenue and abutting the rear line of lots 780 to 782 and the southerly 10 feet of lot 783 and the southerly 68.48 feet of lot 692, all inclusive of Steopel's Greenfield Highlands Subdivision which is a part of the Southeast $\frac{1}{4}$ of Section 33, Greenfield Township, Wayne County, Michigan, as recorded in Liber 31, Page 1, Plates, Wayne County Records; also

All that part of the east-west public alley, 10 feet wide; south of Westfield Avenue between Burnette and Monica Avenues lying between and abutting the railroad right of way and the southerly line of lot 780 both inclusive of the above mentioned subdivision

Be and the same are hereby vacated as public alleys to become part and parcel of the abutting property; and be it further

Resolved, That all that part of the north-south public alley, 18 feet wide, south of Westfield, between Burnette and Monica Avenues abutting the rear line of the northerly 20 feet of lot 783 and the southerly 20 feet of the northerly 50 feet of lot 692 of Steopel's Greenfield Highlands Subdivision which is recorded in Liber 31, Page 1, Plats Wayne County records; and

All that part of the new alley turnaround, the title to which is accepted for the City in this resolution, being the northerly 20 feet of the westerly 12 feet of lot 783 of the above described subdivision;

Be and the same are hereby closed on a temporary basis for a period not exceeding three (3) years from May 25, 1977, and the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permit to White and Bagley of Michigan, Inc., for said closing subject to the following provisions:

Provided, That petitioner shall be subject to any tax which may be

levied against it pursuant to law with regard to such use of public property, and further

Provided, Petitioner first furnishes an Agreement, in form approved by the Law Department, 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 Finance Department, and further

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

Provided, That no building or other structure is constructed in said alley and alley turnaround, that petitioner shall observe the rules and regulations of the Environmental Protection and Maintenance Department, and further subject to the following provisions:

The City of Detroit retains all rights and interest in the area herein temporarily closed;

The City and all utility companies retain their rights to establish, maintain, and service any utilities in said area of temporarily closed alley and alley turnaround; and further

Provided, That at the expiration of said permit, all obstructions therein shall be removed at the expense of the grantee, and the public property affected shall be restored to a condition satisfactory to the Environmental Protection and Maintenance Department, be and at the permittee's expense, and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and further, that grantee acquires no implied or other privileges hereunder, not expressly stated herein, and be it further

Resolved, That the Warranty Deed of White and Bagley of Michigan, Inc., deeding land to the City of Detroit for the new alley turnaround being described as:

Land in the City of Detroit, Wayne County, Michigan, being the northerly 20 feet of the westerly 12 feet of lot 783 of Steopel's Greenfield Highlands Subdivision which is a part of the Southeast ¼ of Section 33, Greenfield Township, Wayne County, Michigan, as recorded in Liber 31, Page 1, Plats, Wayne County records,

Be and the same is hereby accepted and the Finance Director is hereby directed to record said deed in the office of the Register of Deeds for Wayne County; and further

Resolved, That the Finance Director is hereby authorized and directed to issue to White and Bagley of Michigan, Inc., a Quit Claim Deed to the above described vacated alleys and

the Law Department is directed to prepare said deed; and further

Resolved, That the City Clerk is hereby directed to send a copy of this resolution to the Detroit Edison Company, the Michigan Bell Telephone Company and the Michigan Consolidated Gas Company.

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

May 2, 1977

Honorable City Council:
Re: Federal-Aid Urban Highway System, Traffic Signal Modernization Program, City-Consultants Agreement for Design, State Contract No. NH 76-0987.

We are transmitting herewith, for your consideration, a proposed agreement between the City of Detroit and Consulting Engineering Associates, Inc., 16580 Wyoming Avenue, Detroit, which provides for the electrical design necessary to prepare contract documents for various Federal-aid highway and traffic signal projects programmed for construction by the City of Detroit.

The total cost of this work is estimated to be \$188,991.00, with the following estimated participation:

Federal-Aid	\$132,294
State	1,688
Wayne County Road Commission	7,183
Highland Park	3,603
City	44,223

We are currently in the process of negotiating agreements with the Wayne County Road Commission, Michigan Department of State Highways and Transportation, and City of Highland Park, for their share of costs.

The City has adequate funds to cover the costs. The City-State agreements necessary to proceed with construction of the projects whose electrical design is covered in this contract will be submitted to your Honorable Body for consideration before any construction can begin.

Because of the importance of proceedings as quickly as possible to the construction of the highway and traffic signal projects whose electrical design is covered in this contract, for the safety of pedestrians and the motoring public, we recommend consideration of the attached resolution which approves the proposed contract, authorizes the Street Administrator to execute the agreement in behalf of the City of Detroit and authorizes the Finance Director to transfer funds for this project where