

advertently, after the assessment roll was approved and confirmed on August 30, the contract was not executed on behalf of the City and confirmed by the Controller as necessary to make a valid contract.

The contract provided that no bid could be withdrawn for a period of 30 days. Under the date of September 2, 1949, The Waterway Construction Company wrote the City Engineer as follows:

"In view of the fact that it has taken over 30 days to award Contract PW-966 on which we were low bidder, we herewith wish to withdraw our bid."

Technically the bidder has a right to withdraw his bid under the contract provisions. The City Engineer discussed this matter with the bidder, but he insists on not going through with the contract. In view of this condition, it is recommended that the acceptance and award of the contract to The Waterway Construction Company on this contract be rescinded and the contract be immediately re-advertised. It is further recommended that the assessment roll B-58, which was approved by your Honorable Body on August 30, 1949, also be rescinded and a new assessment roll prepared upon receipt of the new bids.

Respectfully submitted,  
**CARL D. WARNER,**  
 Commissioner.

By Councilman Edgecomb:  
 Resolved, That the action taken in awarding Contract PW-966 for Lateral Sewer 6595 (JCC 2305) be and is hereby rescinded and the contract cancelled; and be it further

Resolved, That the assessment roll B-58 for said Lateral Sewer 6595 approved and confirmed August 30, 1949 (JCC 2630), be and is hereby cancelled.

Adopted as follows:  
 Yeas—Councilmen Connor, Edgecomb, Garlick, Kronk, Miriani, Oakman, Smith and the President—8.  
 Nays—None.

**Reconsideration**

Councilman Oakman moved to reconsider the vote by which the resolution was adopted.

Councilman Garlick moved to suspend Rule 23 for the purpose of indefinitely postponing the motion to reconsider, which motion prevailed as follows:

Yeas—Councilmen Connor, Edgecomb, Garlick, Kronk, Miriani, Oakman, Smith and the President—8.  
 Nays—None.

Councilman Kronk then moved that the motion to reconsider be indefinitely postponed, which motion prevailed.

The regular order was resumed.

**Department of Public Works**  
 September 26, 1949.

To the Honorable, The Common Council:  
 Gentlemen:

Your Committee of the Whole referred to this office for investigation and report the petition of Harold Soble. (Petition No. 5633), requesting the vacation of a portion of the alley north of Fenkell Avenue, between Braile and Patton Aves.

The vacation of said portion of alley was approved by the City Plan Commission in their communication to your Honorable Body of August 5, 1949, with the recommendation that the petitioners deed a new alley 100 feet north of and parallel to Fenkell Avenue, between Braile and Patton Avenues.

Please be advised that all of our investigations have been completed.

We are in receipt of quit claim deeds conveying land to the City for alley purposes, in lieu of the alley to be vacated. Said deeds were approved as to form and execution by the Corporation Counsel, and as to description by the City Engineer, and are attached hereto for your Honorable Body's acceptance.

The petitioners requested to have the newly dedicated alley paved under private contract and have deposited the sum of \$1,360.00 into the City Treasury, Receipt Nos. 15898 and 16217, to guarantee the paving of said alley, the entire amount to be refunded upon completion of the paving by the petitioner who has agreed to pay the entire cost of such paving.

Proper provisions are incorporated into the vacating resolution protecting the City's interests in the sewer located in the alley to be vacated.

All other City departments and privately owned utility companies reported that they will be unaffected by the vacation of the alley, or that they have reached satisfactory agreements with the petitioners regarding their installations therein.

In view of the above, we recommend the adoption of the attached resolution.

Respectfully submitted,  
**CARL D. WARNER,**  
 Commissioner.

By Councilman Edgecomb:

Resolved, That all that part of north-south alley in block north of Fenkell Avenue, between Braile and Patton Avenues, as platted in Redford Manor No. 1 sub. of part of the S. 1/2 of the S. W. 1/4 of the S. E. 1/4 of Section 15, T. 1 S., R. 10 E., Redford Twp., Wayne Co., Michigan, as recorded in Liber 38 of plats, Page 13, Wayne County Records, lying between the west line of lots 294, 295 and the south 20 feet of lot 293, and the east line of lot 296, 297 and the south 20 feet of lot 298, all lots being the

same as platted in last mentioned subdivision;

Be and the same is hereby vacated as a public alley to become a part and parcel of the adjoining property, subject to the following provisions:

1. Provided, That by reason of the vacation of the above described alley, the City of Detroit does not waive any right to the lateral sewer located therein and at all times shall have the right to enter upon the premises, if found necessary, on account of said sewer to repair, alter or service same; and further

2. Provided, That if any building is to be constructed over said sewer, said sewer shall be replaced with cast iron pipe of the same size or the sewer shall be encased in six inches of class "A" concrete, or such sewer manholes shall be constructed as shall be specified by the City Engineer, or the sewer shall be rerouted, all work to be done under the supervision and inspection of the Department of Public Works, and all costs entailed to be borne by the petitioners or their assigns; and further

3. Provided, That petitioners or their assigns shall not build over said sewer without first securing the approval of the City Engineer and the Department of Buildings and Safety Engineering; and further

RESOLVED, That quit claim deed of Harold Soble and Goldie Soble, his wife, deeding land for alley purposes, said land being described as "The north 20 feet of the west 57.59 feet of lot 293 and the north 20 feet of lot 298 of Redford Manor subdivision No. 1, subdivision of part of the S.  $\frac{1}{2}$  of the S. W.  $\frac{1}{4}$  of Sec. 15, T. 1 S., R. 10 E., Redford Twp., Wayne County, Michigan, as recorded in Liber 38 of plats, Page 13, Wayne County Records," and quit claim deed of Emma Farmer, deeding "The north 20 feet of the east 60 feet of lot 293, Redford Manor No. 1 Subdivision of part of the south  $\frac{1}{2}$  of the southwest  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of Section 15, T. 1 S., R. 10 E., Redford Township, Wayne County, Michigan, according to the plat thereof recorded in Liber 38, Page 13 of plats, Wayne County Records.

Be and the same are hereby accepted and the City Controller be and he is hereby directed to record said deeds in the office of the Register of Deeds for Wayne County.

Adopted as follows:

Yeas—Councilmen Connor, Edgecomb, Garlick, Kronk, Miriani, Oakman, Smith and the President—8.

Nays—None.

Department of Public Works

September 23, 1949.

To the Honorable, the Common Council:

Gentlemen—We are returning herewith the petition of the Great Lakes

Lumber and Supply Company (Petn. No. 6083) requesting the vacation of Banmoor Avenue, Ashton Avenue, and adjoining alleys west of Southfield Road.

The vacation of said streets and alleys was approved by the City Plan Commission, subject to a provision that the petitioners dedicate new street and alley outlets. The petition was then referred to this office by your Committee of the Whole for investigation and report.

Please be advised that all our investigations have been completed.

We are in receipt of Quit Claim deeds to property deeded for streets and alleys, as per City Plan Commission recommendation. Said deeds were approved as to form and execution by the Corporation Counsel, and as to description by the City Engineer, and we are attaching them hereto for your Honorable Body's acceptance.

As per our directive, on September 22, 1949, the petitioners deposited with the Permit Division of the Department of Public Works, the sum of \$225.00, Receipt No. 98441, said amount being the estimated cost of stoning the newly dedicated alley.

On September 22, 1949, the petitioners paid into the City Treasury the sum of \$50.00, Receipt No. 20438, credited to Public Works Maintenance Fund, Code No. 123-9400-0-6190-481, said amount being the estimated cost of moving a wood pole, necessitated by the opening of the new street.

The petitioners have requested that the newly dedicated street be paved and have deposited the necessary 25% of the estimated cost of such pavement.

In reply to our inquiries, all other City departments, except the Sewer Division of the Department of Public Works, reported that they will be unaffected by the vacation of said streets and alleys or that they have reached satisfactory agreements with the petitioners regarding their installations therein.

Proper provisions are incorporated into the vacating resolution protecting the City's interests in the sewers located in the streets and alleys to be vacated.

In view of the above, we recommend the adoption of the attached resolution.

Respectfully submitted,

CARL D. WARNER,  
Commissioner.

By Councilman Edgecomb:

Resolved, That all that part of Banmoor Avenue, 80 feet wide, as platted in Emerson Park, a subdivision of part of the N. E.  $\frac{1}{4}$  of Sec. 35, T. 1 S., R. 10 E., Redford Twp., Wayne County, Michigan, as recorded in Liber 55 of Plats, Page 45, Wayne County Records, lying between the east line