

tion authorizing the Contract, any deductions or additions in the assessment portion exceeding 1 percent must first be approved by the Common Council before the adjustment of the difference was applied to the City intersection portion.

When the final measurements based on actual construction were made, a deduction of \$33.60 resulted from the elimination of 9 square yards of paving that was included in the estimated quantities in the original proposal. This amounts to approximately 1.6 per cent of the original assessment portion. It is recommended that the adjustment be made by deducting \$33.60 from the City intersection portion and that the assessment portion remain the same.

Respectfully submitted,
S. G. GENTILE,
Acting Commissioner.

By Councilman Connor:

Resolved, That the adjustment in the constructed quantities in the assessment portion amounting to a deduction of \$33.60 in connection with the paving of the alley bounded by Lesure, Tracey, Clarita, and Seven Mile Road, Contract PW-2473P, be applied to the City intersection portion and the final assessment cost for construction remain at \$2,119.20, the same as was in the original accepted proposal.

Adopted as follows:
Yeas—Councilmen Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Miriani—8.
Nays—None.

Department of Public Works
December 3, 1954.

Honorable Common Council:

Gentlemen—This is to certify in accordance with Article 6 of the Contract Agreement for the following contracts that work provided for in these contracts has been given final inspection and has been found fully completed and the contractors have submitted affidavits that all payrolls, material bills and other indebtedness connected with the work have been paid.

Street Paving—
PW-2436W—Fenton, Grove to Mc-Nichols, Julius Porath and Son Co., \$13,259.55.

PW-2446W—Winston, 936 ft. N. of 7 Mile Rd. to 554 ft. S. of Frisbee, Julius Porath and Son Co., \$8,612.10.

Alley Paving—
PW-2514P — In block bounded by Roosevelt, 25th, Hudson, McGraw, J. Sachs, Contractor, \$5,482.70.

PW-2463P—Meyers, Manor, Fullerton, Buena Vista, A. J. Smith Contracting Co., Inc., \$2,111.40.

PW-2473P—Lesure, Tracey, Clarita, 7 Mile, A. J. Smith Contracting Co., Inc., \$2,421.10.

As the work provided for in these contracts has been completed, they are accepted by the Department of Public Works under the terms and conditions thereof and it is recommended that they be accepted by your Honorable Body and that full payment of the above stated sums as indicated in Estimates No. 1 (Final), be made by the City and accepted by the contractors under the terms of final payment.

FLOYD C. MORSE,
Engineer of Tests & Inspection.
M. F. WAGNITZ,
City Engineer.
S. G. GENTILE,
Acting Commissioner.

By Councilman Connor:

Whereas, It appears from the foregoing communication that the contracts therein listed have been duly completed, and

Whereas, Said work has been found to be in accordance with the contracts and specifications for the same, and has been accepted by the Commissioner of Public Works, therefore be it

Resolved, That said contracts be and the same are hereby accepted.

Adopted as follows:
Yeas—Councilmen Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Miriani—8.
Nays—None.

Department of Public Works
December 7, 1954.

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of the Board of Education No. 907 for the vacation of a portion of Delaware Avenue, and a portion of east-west public alley first north of Delaware Avenue, between the John C. Lodge Expressway and Third Ave., within the limits of the new Fairbanks school site. The vacation of said portion of street and alley was approved by the City Plan Commission with the recommendation that the petitioner deed to the City land for street and alley purposes in lieu of the portion of street and alley to be vacated.

We wish to advise that our investigations are completed.

We are in receipt of a Quit Claim Deed to land to be used for street and alley purposes in accordance with the City Plan Commission's recommendation. Said deed was approved as to form and execution by the Corporation Counsel and as to description by the City Engineer and it is attached hereto for your Honorable Body's acceptance.

As per our directive, the Board of Education issued a purchase order (No. 62554), in the amount of \$18,-

300.00, in favor of the Department of Public Works, to cover the costs of removing the paved returns at the intersection of Delaware Ave. and the alley, with the expressway service drive, construct straight curbing and sidewalks in connection therewith, and pave the newly deeded land for street and alley purposes.

The petitioner also issued a purchase order (No. 64219), in favor of the Department of Water Supply to cover costs of removing the existing fire hydrant in the portion of street to be vacated, and construct a 6-inch valve and well just easterly of the vacated portion of Delaware Ave.

An easement is reserved in the vacating resolution for the Department of Water Supply for the maintaining of its water main located in Delaware Ave.

A proper provision is incorporated into the vacating resolution protecting the City's interests in the sewer located in the portion of alley to be vacated.

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

We recommend the adoption of the attached resolution.

Respectfully submitted,
S. G. GENTILE,
Acting Commissioner.

By Councilman Connor:

Resolved, That all that part of Delaware Avenue, 60 feet wide, lying between the east line of the John C. Lodge Expressway Right of Way and the east line of the west 30 feet of lot 7 extended northerly of Leggett and Millers Subdivision of Part of Lots 10 to 30 of Henry Weber's Subdivision of Part of $\frac{1}{4}$ Sections 55 and 56, 10,000 Acre Tract, City of Detroit, Wayne County, Michigan, as recorded in Liber 28, Page 3 of Plats, Wayne County Records, said Delaware Avenue being in fact a portion of east-west vacated alley, and a portion of lots 29, 30, 31, 32 and 33 of Henry Weber's Subdivision of Part of Sections 55 and 56, 10,000 Acre Tract, as recorded in Liber 2, Page 40 of Plats, Wayne County Records.

Also, all that part of the east-west public alley 20 feet wide, lying east of the John C. Lodge Expressway Right of Way, between Delaware and Seward Avenues, said alley being in fact the west 178.5 feet of the north 20 feet of vacated Parkman Avenue, lying east of and adjacent to the east line of the John C. Lodge Expressway Right of Way, being originally platted in Henry Weber's Subdivision of Part of Sections 55 and 56, 10,000 Acre Tract, as recorded in

Liber 2, Page 40 of Plats, Wayne County Records, more particularly described as lying between the west line extended northerly of the east 15 feet of lot 20 of Leggett and Miller Subdivision of Part of lots 10 to 30 of Henry Weber's Subdivision of Part of $\frac{1}{4}$ Sections 55 and 56, 10,000 Acre Tract, City of Detroit, Wayne County, Michigan, as recorded in Liber 28, Page 3 of Plats, Wayne County Records, and the east line, extended northerly, of the west 13.5 feet of lot 33 of the above mentioned Henry Weber's Subdivision, be and the same is hereby vacated as a public street and alley to become a part and parcel of the adjoining property subject to the following provisions:

1. An easement or right-of-way is hereby reserved in and over the southerly 20 feet of the northerly 37 feet of said vacated Delaware Avenue, for the purpose of maintaining, repairing, removing, or replacing the 6-inch water main located in said street.

2. No building or structure of any nature whatsoever shall be constructed over said easement unless prior approval is obtained from the Department of Water Supply.

3. Provided, that by reason of the vacation of the above-described alley the City of Detroit does not waive any rights to the 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

4. Provided, that if a building is to be constructed over said sewer the sewer shall be replaced with cast iron pipe of the same size, rerouted or encased in 6 inches of Class A concrete, or in lieu of the above, such work shall be done as will be specified by the City Engineer, all of the work mentioned to be done under the supervision and inspection of the Department of Public Works and all costs entailed to be borne by the petitioners, their successors, or assigns; and further

5. Provided, that no buildings shall be constructed over said sewer without the prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering; and further

6. Provided, that in the event the sewers located in said alley, if built upon shall break causing damage to any construction above, the petitioners and their assigns, by acceptance of the permit for building over said sewer, waive all claims for damages to such construction and agree to pay all costs incident to the repair of such broken sewer.

Resolved, That Quit Claim Deed of the Board of Education of the City of Detroit, to the City of Detroit, deeding the following described prop-

erty for street and alley purposes, "the east 20 feet of the north 117.96 feet of lot 33 and the south 13 feet of vacated Parkman Avenue adjoining, of Block 4 of Henry Weber's Subdivision of Part of Sections 55 and 56, 10,000 Acre Tract, as recorded in Liber 2, Page 40 of Plats, Wayne County Records";

"Also the east 20 feet of lot 7, the west 15 feet of lot 6, the south 15 feet of lots 8 to 10, both inclusive, the south 15 feet of the east 15 feet of lot 11, and the south 15 feet of the west 30 feet of lot 7, all of Leggett and Miller Subdivision of Part of Lots 10 to 30 of Henry Weber's Subdivision of Part of Sections 55 and 56, 10,000 Acre Tract, Detroit, Wayne County, Michigan, as recorded in Liber 28, Page 3 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 deed in the Office of the Register of Deeds for Wayne County.

Adopted as follows:

Yeas—Councilmen Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Miriani—8.
Nays—None.

Department of Public Works
November 30, 1954.

Honorable Common Council:

Gentlemen—Contract PW-2063 is for the recapping of streets in the area bounded by Livernois, Broadstreet, Joy Road, Grand River, and Davison. The Cooke Contracting Company is the Contractor. This contract was awarded on a unit price basis with estimated quantities of the various materials required.

After the work was completed and the actual quantities determined by field measurements, the Contract price was increased by a net amount of \$16,814.69. This increase was due primarily to the increase in the stripped area from an estimated 7,000 square yards to 11,475 square yards in order to provide a stable foundation, and this required additional binder to bring the stripped area to grade before laying the wearing surface.

It is recommended that this increase be added to the Contract price.

Respectfully submitted,
S. G. GENTILE,
Acting Commissioner.

By Councilman Smith:

Resolved, That the Contract price on Contract PW-2063 for the recapping of the streets in the area bounded by Livernois, Broadstreet, Joy Road, Grand River, and Davison be increased by \$16,814.69 for the reasons given in the foregoing communication, and be it further

Resolved, That the Controller be and is hereby authorized and directed to honor vouchers when presented covering this additional cost.

Adopted as follows:
Yeas—Councilmen Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Miriani—8.
Nays—None.

Department of Public Works
December 2, 1954.

Honorable Common Council:

Gentlemen—Submitted herewith for confirmation are contracts entered into as authorized and directed by your formal proceedings dated Dec. 1, 1954:

MH-23B — Theatre Chairs, Henry and Edsel Ford Auditorium, Oglesby Equipment Co.

Respectfully submitted,
M. F. WAGNITZ,
City Engineer.

By Councilman Van Antwerp:

Resolved, That contracts as listed in the foregoing communication be and the same are hereby confirmed.

Adopted as follows:

Yeas—Councilmen Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Miriani—8.
Nays—None.

Reconsideration

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

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

Yeas—Councilmen Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Miriani—8.
Nays—None.

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

The regular order was resumed.

Department of Public Works
November 5, 1954.

Honorable Common Council:

Gentlemen—Petition No. 3254, Van Dyke Home Owners' Association, Incorporated, returned herewith, requested a number of improvements in traffic conditions in the Van Dyke-East Seven Mile area including the paving of a business alley in the block bounded by Rogge, Packard, Brentwood, and Seven Mile Road.

The Department of Streets and Traffic recommends the paving of this alley, to abate the nuisance of dust and mud caused by off-street parking lot traffic in that block. We concur in this recommendation and offer herewith a Forced Paving Resolution for your consideration.

Respectfully submitted,
GLENN C. RICHARDS,
Commissioner.

By Councilman Van Antwerp:

Resolved, That the paving of the