

1957, p. 1928) covering piping replacement work for Bid Area No. 2, be and the same is hereby rescinded.

Adopted as follows:

Yeas—Councilmen Lincoln, Rogell, Smith, Wise and President Beck—5.
Nays—None.

Municipal Parking Authority

November 20, 1957

Honorable Common Council:

Gentlemen — When the Grand Circus Park Underground Garage lease was made, all of the area under the west side of the park was included even though the garage occupies the subsurface of only a portion of this area. This was necessary in order that the H. K. Ferguson Company could use the area for construction purposes and could build the new public toilet facilities.

Now that the structure has been completed the description of the area leased should be amended so as to include only the subsurface of the area in which the garage is located. This will place jurisdiction of the public toilet facilities under the Department of Parks and Recreation as originally intended.

The H. K. Ferguson Company desires to assign its interest in the lease to the United States Steel and Carnegie Pension Fund. Such an assignment is provided for in Section 27 of the lease. At the same time approval of a sublease to Park Garage, Inc., a Michigan corporation created for the purpose of financing and operating the parking facility, is requested. The assignment and the subletting are subject to all the terms, covenants, conditions, limitations and agreements in the original lease.

All of this is in accordance with the terms of the lease as approved by your Honorable Body on October 4, 1955, J.C.C. pp 2084. The Office of the Corporation Counsel has approved a Resolution to accomplish the changes, which Resolution is attached for your consideration and recommended for your approval.

Respectfully submitted,

J. D. MCGILLIS,

Director.

By Councilman Rogell:

Whereas, the City of Detroit entered into a lease dated October 4, 1955, (hereinafter referred to as "Lease") with The H. K. Ferguson Company, of Cleveland, Ohio, for the construction, operation and maintenance of a public parking facility in the subsurface of Grand Circus Park; and

Whereas, The H. K. Ferguson Company has completed the construction of said parking facility and has filed its affidavit stating that there have been no liens or encumbrances filed against the facility which has been

approved and the acceptance thereof has been recommended by the Parks and Recreation Commission of the City of Detroit and the City of Detroit Municipal Parking Authority; and

Whereas, The H. K. Ferguson Company, as Lessee, has requested that the description of the leased premises be amended so as to exclude from within the leased premises the public rest room facilities constructed pursuant to the terms of the aforesaid Lease; and

Whereas, The H. K. Ferguson Company desires to assign to United States Steel and Carnegie Pension Fund, a Pennsylvania non-stock corporation, as Trustee under Agreement dated as of August 31, 1950, for United States Steel Corporation non-contributory pension plan, and, as Trustee under amended trust agreement dated as of February 15, 1951, for United States Steel Corporation contributory pension plan, all of its rights, title and interest in and to said Lease with the City of Detroit; and

Whereas, the United States Steel and Carnegie Pension Fund, as Trustee, as aforesaid, desires to sublet all of the leased premises assigned to it, to Park Garage, Inc., a Michigan corporation, for the purposes contemplated and authorized by the Lease, and

Whereas, The United States Steel and Carnegie Pension Fund, as Trustee, shall not be relieved of any obligation of said Lease by such subletting.

NOW, THEREFORE, BE IT

Resolved, That the City of Detroit hereby accepts the parking facility in Grand Circus Park subject to the terms and conditions of the Lease dated October 4, 1955; and be it

Further Resolved, that Section 1 of the said Lease be amended to read, and said Section 1 shall hereafter read, as follows:

"Section 1. PREMISES LEASED:

The Lessor hereby leases to the Tenant, for the purposes as defined in Section 2 hereof, the subsurface of the tract of land in Detroit, Michigan, designated as Grand Circus Park, bounded as follows:

On the South and East by Witherell Street.

On the South and West by Park Avenue.

On the North by Adams Avenue, East and West.

Bisected by Woodward Avenue,

together with so much of the surface of Grand Circus Park as is required for the location of entrances to the subsurface and other appurtenances to such parking facility as shown on the plans and specifications attached hereto as Exhibit 'A,' and

together with a portion of the subsurface under the sidewalks of Woodward Avenue, as shown on Exhibit 'B.' The property, the subsurface of which is hereby leased, is further described as follows:

'A parcel of land in the City of Detroit, Wayne County, Michigan, known as Grand Circus Park, being a portion of the west $\frac{1}{2}$ of said Park, being a part of plat of Sections 8, 10 and 12 of the Governor and Judges Plan for the City of Detroit, bounded on the north by the south line of Adams Avenue, 60 feet wide as now established, on the east by a line 10 feet east of the west line of Woodward Avenue, as now established, on the west by a line 341 feet west of and parallel to the west line of Woodward Avenue, as now established, and on the south by the north line of Park Place 60 feet wide as now established.

'Also a parcel of land in the City of Detroit, Wayne County, Michigan, known as Grand Circus Park, being the east $\frac{1}{2}$ of said Park, being a part of Sections 7, 9 and 11 of the Governor and Judges' Plan for the City of Detroit, bounded on the north by Adams Ave., 60 feet wide as now established, on the west by a line 16.34 ft. west of the east line of Woodward Avenue, as now established, and on the south and east by the north and west line of Witherell Avenue, 60 feet wide as now established.'

"There likewise is leased a portion of the subsurface of Woodward Avenue for purposes of connection between the under surface structures on the east and west sides of Woodward Avenue, described and located as follows:

'A parcel of land 29 ft. wide being a portion of Woodward Avenue, and being a part of Section 7 and 8, Governor and Judges' Plan, extending from the above described west $\frac{1}{2}$ of Grand Circus Park, to the above described east $\frac{1}{2}$ of Grand Circus Park, the northerly line of said 29 ft. parcel being located 165 ft. south of and parallel to the South line of Adams Avenue, (60 ft. wide as now established) and the south line of said 29 ft. parcel being located 194 ft. south of and parallel to the said south line of Adams Avenue.'"

and be it

Further Resolved, that the City of Detroit does hereby consent to the assignment by The H. K. Ferguson Company of the Lease dated October 4, 1955, to United States Steel and Carnegie Pension Fund, as Trustee, as aforesaid subject to the terms, covenants, conditions, limitations and agreements contained in said Lease, and be it

Further Resolved, that the City of Detroit does hereby consent to the subletting of the parking facility in Grand Circus Park by United States

Steel and Carnegie Pension Fund, as Trustee, as aforesaid, to Park Garage, Inc., a Michigan corporation for the purposes contemplated and authorized by the Lease subject to the terms, covenants, conditions, limitations and agreements in the Lease.

Approved:

M. F. WAGNITZ,
City Engineer.

Approved as to form:

P. T. DWYER,
Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Lincoln, Rogell, Smith, Wise and President Beck—5.

Nays—None.

Reconsideration

Councilman Wise 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 Lincoln, Rogell, Smith, Wise and President Beck—5.

Nays—None.

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

The regular order was resumed.

Department of Public Works

November 18, 1957.

Honorable Common Council:

Gentlemen—In response to published advertisements, six bids were received on November 6, 1957 for the 15-ton overhead crane for the Woodmere Pumping Station, Contract PW-2128E, as listed on the attached tabulation. In addition to the six bids, a proposal was submitted by another bidder on his own standard proposal form and not conforming in any respects to the Contract requirements. This latter proposal, under the circumstances, was not considered a bona fide bid and was not taken into account in reviewing the bids received.

These bids are the result of a re-advertisement of this Contract in view of the four bids previously received on September 10, 1957, which were all rejected as not conforming to the Contract provisions. These bids were rejected by your Honorable Body on September 24, 1957.

The lowest bid submitted on November 6 was by a bidder who did not submit a previous bid last September. This proposal contained the following: "Exception to liquidated damages: Bid based on liquidated damages not to exceed a maximum of 15 per cent of the total contract price." In addition, this bidder took exceptions to other parts of the Contract in the data submitted with his proposal. This bid has been submitted to the Cor-