

all obstructions in connection therewith shall be removed at any time when so directed by the Common Council, and further

Provided, That this grant or permit shall not become operative until there shall be reported to the Common Council by the Commissioner of Public Works the fact that the grantee herein named has fully complied with the provisions of Section 2 of Chapter 310 of the Compiled Ordinances of the City of Detroit of the year 1912, as amended; and further

Provided, That this grant or permit shall be terminated and without force or effect if said report from said Commissioner of Public Works be not made to this body within thirty days from the approval hereof; and further

Provided, That this grant or permit is given upon the express condition that the grantee herein shall, within fifteen days from the filing of said report contemplated to be made by the Commissioner of Public Works, file with the City Clerk an agreement that all paving or replacing of paving and sidewalks between rails and eighteen (18) inches outside thereof or farther if necessary to cover the approaches, to be done by the Department of Public Works when the grantee has deposited a sufficient sum to cover the cost of same and of installing the necessary drainage; the kind of pavement to be determined by the Commissioner of Public Works and that only "T" rails not less than five (5) inches in height and sawed ties to be used; and to at all times during the life of this grant, pay the expense of repairing or repaving the roadway and sidewalk between the rails of said side track of spur track and for a distance of eighteen inches or farther outside of same, if necessary, whenever such repairs or repaving are directed by said Commissioner of Public Works, which agreement shall be further conditioned that the said grantee shall indemnify and save harmless the City of Detroit from any and all damages growing out of the defective condition of so much of said roadway as it is obligated hereunder to maintain, and that the failure of the Commissioner of Public Works to give to said grantee notice of such defective condition shall in no event operate to defeat the right of the City of Detroit to be indemnified and saved harmless from any and all such damages or expense and which agreement shall contain a stipulation that the privilege hereby granted shall be automatically terminated by any change of grade which may affect the relevant physical situation obtaining at the date hereof; the City Clerk shall not accept this agreement unless it is accompanied by or has in it incorporated a good and sufficient bond in the sum of \$5,000, guaranteeing to the City of Detroit the performance by the grantee herein of the conditions herein imposed, and shall also contain a waiver of all grade separation damages that may be suffered by said grantee in connection with said side track or spur track herein granted, and a waiver of such other or further grade separation damages as the Common Council may require."

Adopted as follows:

Yeas—Councilmen Bradley, Castator, Kronk, Littlefield, Nagel, Simons, Ver-

nor, Watson and the President—9.  
Nays—None.

#### Vacation of Street.

To the Honorable the Common Council: Gentlemen—To your Committee of the Whole was referred the petition of Mrs. Wilhelmine Heiler (6402), for the vacation of a triangular strip in Sire St. (formerly "C" street), in front of and adjoining Lot 12, Block 4, Hyacinth Riopelle Estate. Your committee finds that said triangular part of street was vacated by the Village of Delray was 1905, but that no official record has been made of said vacation. Your committee recommends that the petition be granted, and offers the following resolution.

Respectfully submitted,  
SHERMAN LITTLEFIELD,  
Chairman.

By Councilman Littlefield: Resolved, That "All that part of Sire street, as platted in the subdivision of the Estate of Hyacinth Riopelle, Deceased, Private Claim 340, as recorded in Liber 289, page 485 of Deeds of Wayne County Records, described as follows: Beginning at the southwest corner of lot 12 of above mentioned subdivision; thence along the southerly line of said lot in a northeasterly direction, 37.75 feet to the southwest corner of said lot; thence along a line in a southwesterly direction 24.57 feet to a point; thence along a line in a northwesterly direction, 31.40 feet to the place of beginning," be and the same is hereby vacated.

Adopted as follows:

Yeas—Councilmen Bradley, Castator, Kronk, Littlefield, Nagel, Simons, Vernon, Watson and the President—9.  
Nays—None.

#### TUESDAY, MAY 31, 1921.

Chairman Nagel submitted the following reports of Committee of the Whole for above date and recommended their adoption:

#### Streets.

To the Honorable the Common Council: Gentlemen:—Your Committee of the Whole has had under consideration various petitions for obstructions on the public streets. After consultation with the Department of Public Works your Committee recommend that the following petitions be denied:

Jesse Ducker (6637), for shoe shining stand, Russell and Frederick; Wm. Joplin (6638), for shoe shining stand corner Hastings and alley between Brady and Rowena; Jesse Matthews (6640), for shoe shining stand at 3468 Hastings street; Peter S. Moked (6641), for peanut stand at 3739 E. Forest avenue; Harry Gonte (6642), for fruit stand at 4127 Hastings street; Allen & Gentile (6643), for temporary refreshment stand at 907 E. Congress; Glenn Harrison (6644), for refreshment stand at 7331 E. Jefferson; West Warren Auto Painting (6645), for wooden sign front of 3731 West Warren; Albert Kasdekin (6646), for shoe repair sign front of 305 Lafayette; Herman Rapport (6647), for movable free air sign 7025 E. Jefferson avenue; L. Frank Griffith (6648), for sign at 693 Selden avenue; Elton B. Ingersoll (6649), for sign front of 9015 Twelfth street; and Mrs. A. H. Austin (6651), for popcorn machine at 7313 Grand River avenue.