

Chapters 213 and 214 of the Compiled Ordinances of the City of Detroit of 1920, as amended, and subject to the provisions of this resolution, the Commissioner of Public Works is hereby authorized and directed to issue a permit to Gray Motor Corporation to maintain a spur-track crossing Connor's Lane, north of Mack Ave., east of and connecting with Detroit Terminal R. R., as indicated by blue-print filed with the application for said permit;

Provided, That no right in the public streets, alleys or other public places shall be considered waived by the City of Detroit by the granting of this permission, which is granted and accepted expressly upon the condition that said spurtrack or sidetrack and any and 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 is given under the express condition that the grantee herein shall within fifteen days file with the City Clerk an agreement that all planking, paving or replacing of paving and sidewalks between the rails and eighteen (18) inches outside thereof or farther if necessary to cover the approaches, is to be done by or under the direction of the Commissioner of Public Works when the grantee has deposited a sufficient sum to cover the cost of same and of installing the necessary drainage; and 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 sidetrack or spurtrack 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 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 relative 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 \$5,000.00, 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 sidetrack or spurtrack 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, Ewald, Kronk, Littlefield, Ver-nor, Watson and the President Pro Tem—8.

Nays—None.

Vacation of St. John Street.

To the Honorable the Common Council:

Gentlemen—To your Committee of the Whole was referred the petition of Frank B. Burda, et al. (4501) for the vacation of all that part of St. John street, formerly known as lots 10 and 11, Palm's subdivision, and a strip of land dedicated for street purposes, lying north of above described lots, except so much thereof as will provide for an 18-foot alley. Your committee has had the matter under consideration and recommends that petition be granted upon payment by petitioner of the sum of \$1,241.84, within 60 days, and offer the following resolution.

Respectfully submitted,
FRED W. CASTATOR,
Chairman.

By Councilman Castator:

Resolved, That "All that part of St. John street, formerly lots 10 and 11 and a street lying north of and adjacent to said lots, of Palms subdivision of the northerly part of O. L. 13, Private Claim 60, as recorded in liber 25, page 44 of Plats of Wayne County Records, described as follows: Beginning at the intersection of the north line of St. John street as opened, and the east line of Parkinson avenue as platted in the above-mentioned subdivision; thence along the east line of said Parkinson avenue north 29 degrees 42 minutes west 78.82 feet to a point on the south line of the alley first north of St. John street; thence along said line north 62 degrees 30 minutes east 63.16 feet to a point; thence along a line south 28 degrees east 52.10 feet to a point on the north line of St. John street; thence along said line south 23 degrees 14 minutes west 65.62 feet to the place of beginning," be and the same is hereby vacated;

Provided, petitioner pays into the city treasury within 60 days from the date of the adoption of this resolution, the sum of \$1,241.84, be-

ing the cost to the city in condemnation proceedings of that part of St. John street herein vacated.

Adopted as follows:
Yeas—Councilmen Bradley, Castator, Ewald, Kronk, Littlefield, Vernor, Watson and the President Pro Tem—8.
Nays—None.

RESOLUTIONS AND ORDINANCES.

By Councilman Bradley:
Resolved, That resolution adopted by this Common Council on October 31, 1922 (J. C. C. p. 2154) directing the drawing of a warrant in the amount of \$63.69 in favor of Thos. Dietrich be and the same is hereby rescinded.

Adopted as follows:
Yeas—Councilmen Bradley, Castator, Ewald, Kronk, Littlefield, Vernor, Watson, and the President Pro Tem—8.
Nays—None.

By Councilman Bradley:
Whereas, The City of Detroit acquired through condemnation proceedings certain property described below at a price which would not take into consideration the payment of Special Assessments, and

Whereas, The respondent had paid part No. 1 of the Special Assessment, now therefore be it,

Resolved, That the City Controller be and he is hereby authorized and directed to draw a warrant upon the proper fund in favor of Thomas Dietrich (3384), 5361 Bangor avenue, for the sum of \$63.69 being a refund of Part 1 of assessment levied against "Lot 306, Lewis & Crefoot's sub. No. 2," etc., for the paving of Quincy avenue (Book 22, Roll 3459), said lot having been condemned by the city for the opening and widening of Dundee avenue, upon presentation of receipt showing payment of said tax.

Adopted as follows:
Yeas—Councilmen Bradley, Castator, Ewald, Kronk, Littlefield, Vernor, Watson, and the President Pro Tem—8.
Nays—None.

By Councilman Bradley:
Resolved, That the resolution presented by Councilman Castator and adopted Aug. 15, 1922 (J. C. C. p. 1551), directing the Corporation Counsel to prepare the proper resolution for the opening of Anderdon avenue, at its existing width, between Mack and Forest avenues, where not already open, for the public use and benefit, be and the same is hereby rescinded, for the purpose of providing for the opening of said street from Mack to Warren avenues.

Adopted as follows:
Yeas—Councilmen Bradley, Castator, Ewald, Kronk, Littlefield, Vernor, Watson, and the President Pro Tem—8.
Nays—None.

By Councilman Bradley:
Resolved, That the Corporation Counsel be and he is hereby authorized and directed to prepare the proper resolution for the opening of Anderdon avenue, at its existing width, between Mack and Warren avenues, where not already opened, for the public use and benefit, and submit same to this body for approval.

Adopted as follows:
Yeas—Councilmen Bradley, Castator, Ewald, Kronk, Littlefield, Vernor, Watson, and the President Pro Tem—8.
Nays—None.

By Councilman Bradley:
Resolved, That the Department of Parks and Boulevards be and it is hereby authorized and directed to remove without charge one large poplar tree and a smaller poplar tree about 15 feet west of said first-mentioned tree, in front of property owned by E. A. Schilling at 87 Trowbridge avenue, being the north side of street between Woodward avenue and John R. street.

Adopted as follows:
Yeas—Councilmen Bradley, Castator, Ewald, Kronk, Littlefield, Vernor, Watson, and the President Pro Tem—8.
Nays—None.

By Councilman Bradley:
Resolved, That the Department of Public Works be and is hereby authorized and directed to draw warrants upon the City Treasurer in favor of the following persons and firms for the amounts set opposite their respective names, the said sums being the amount of refunds to which they are entitled on lost permits:

C. Callian (No. 50683).....	\$ 1.50
M. Forni (No. 50051).....	1.50
Johns-Manville Co. (No. 40404).....	8.00
Johns-Manville Co. (No. 43351).....	8.00
J. R. Keefe (No. 40051).....	9.24
J. Cameron (No. 43983).....	23.00
Dr. Don M. Graham (No. 31573).....	23.00
A. Sage Co. (No. 48592).....	23.00
L. Silver (No. 51985).....	2.74
Rice Co. (37315).....	48.00
J. W. Patrick (No. 53298).....	5.85
Geo. Riber (No. 43026).....	14.19
Joe Volpe (No. 52769).....	.50

Adopted as follows:
Yeas—Councilmen Bradley, Castator, Ewald, Kronk, Littlefield, Vernor, Watson and the President Pro Tem—8.
Nays—None.