

COMMON COUNCIL

(SPECIAL—OFFICIAL)

Detroit, Monday, December 31st, 1928.

The Council met and was called to order by the President, Hon. John C. Nagel.

Present—Councilmen Bradley, Callahan, Castator, Dingeman, Ewald, Littlefield, Walters and the President—8.

There being a quorum present, the Council was declared to be in session.

COMMUNICATIONS

From the President

To the Honorable, the Common Council:

Gentlemen—I beg to advise your Honorable Body, that I have caused the following notice to be issued to each Councilman:

"Dear Sir:

"You are hereby notified that a special session of the Common Council will be held in the Council Chamber, Monday, December 31st, at 12:00 o'clock noon, for the purpose of taking action on petition of the Green Real Estate Company, relative to the vacation of Solvay Avenue.

Very truly yours,

JOHN C. NAGEL,

President, Common Council.

Accepted and placed on file.

From the Corporation Counsel

December 27, 1928.

To the Honorable, the Common Council:

Gentlemen—Herewith find resolution for the vacation of Solvay Avenue, from the Wabash Railroad right-of-way to Fort Street, and providing the necessary and proper conditions of vacation subject to the approval of your Honorable Body.

Yours,

PAUL T. DWYER,

Assistant Corp. Counsel.

By Councilman Ewald:

Resolved, That "all that part of Solvay Avenue sixty feet wide lying between the southerly line of Fort Street one hundred feet wide and the

northerly line of the Wabash Railroad right-of-way sixty feet wide lying first southerly of Fort Street and within private claim 67 be and the same is hereby vacated to become a part and parcel of the adjoining property.

Provided, Petitioner deeds for street purposes "a parcel of land sixty feet wide in Private Claim 67 described as follows: Beginning at a point on the easterly line of Solvay Avenue sixty feet wide, said point being distant north 28 degrees 15 minutes west 357.85 feet from the northeasterly corner of Solvay Avenue and Melville Avenue as now established; thence along the easterly line of Solvay Avenue north 28 degrees 15 minutes west 60 feet to a point; thence along a line north 61 degrees 44 minutes east 526.20 feet to a point on the westerly line of Green Avenue 60 feet wide; thence along said line south 28 degrees 08 minutes east 60 feet to a point; thence along a line south 61 degrees 44 minutes west 526.13 feet to the place of beginning," to be used for street purposes and known as Bacon street.

Provided, further, The petitioner shall set all buildings or structures sixty feet west of the west line of Green Avenue which said sixty feet shall be paved by the petitioner at its cost and expense and which said pavement shall be maintained by the petitioner.

Provided, further, The petitioner shall erect all buildings or other structures at least fifty-two feet south of the south line of Fort Street, which said fifty-two feet shall be paved at the cost and expense of the said petitioner; and

Provided, further, Said petitioner shall deed to the City of Detroit whenever requested by resolution of the Common Council such land of the said fifty-two feet south of the south line of Fort Street as may be required for the future widening of Fort Street but not to exceed twenty feet; and

Provided, further, Said petitioner shall pay the cost of grading and paving or cinderizing Bacon Street as dedicated by deed of conveyance provided for herein whenever said street is ordered graded, paved or cinderized by the Common Council of the City of Detroit, which said street when so paved shall be paved or cinderized to a width of thirty feet. In the event the Common Council determines to pave said street the same shall be done in accordance with standard specifications of the Department of Public Works; and

Provided, further, The petitioner shall reimburse the City of Detroit for the cost of relocating water mains now existing in that portion of Solvay Avenue vacated not to exceed 1350 feet of water pipe and not to exceed

\$5.00 per foot, the total amount to be paid by the petitioner within the above limitation to be determined by the Board of Water Commissioners subject to the approval of this Council; and

Provided, further, Petitioner shall reimburse any owner to the extent of the value of any utility now installed in said Solvay Avenue vacated which it may be necessary to abandon due to the closing of same, or bear the entire expense of relocating or rerouting any public utility now installed in said street which it may be necessary to relocate or reroute due to the closing of same and which is not expressly provided for herein; and

Provided, further, Petitioner shall pay into the City Treasury whatever expense may have been incurred by the City in the matter of paving, curbing, crosswalks, sidewalks, and so forth within the lines of said Solvay Avenue as certified by the city engineer; and

Provided, further, The City of Detroit shall retain and be vested with an easement and right of way in said Solvay Avenue for the purpose of using and maintaining the public sewer now located in said street and the petitioner shall be responsible for any or all damage resulting to said sewer caused by buildings or other structure of the petitioner located upon or near the said sewer and an acceptance of this resolution shall render the petitioner liable for any damages accruing to the sewer as aforesaid and it is further understood and agreed that should it become necessary at any future time to relocate said sewer or to replace the same necessitated by any act of the petitioner, its agents or assigns, the petitioner, its successors or assigns shall bear the entire cost of rerouting said sewer; and

Provided, further, That no building or other structure shall be constructed over said sewer without first securing, before starting construction, the joint approval of the City Engineer and the Department of Buildings and Safety Engineering; and

Provided, further, That the sewer shall be encased in the Class A Concrete (1:2:3 Mix) 12 inches in thickness above a line 24 inches below the center line of the sewer, so as to insure its protection from any superimposed loading caused by buildings or other structures. In order to secure proper access to the public sewer the petitioner, its successors or assigns, shall construct a standard four-foot inside diameter manhole on the sewer at the south line of Fort Street. All of this work it is understood and agreed, including inspection by the Department of Public Works in connection with the encasing of the sewer in concrete and building of manhole to be

done under the supervision of the City Engineer and by petitioner; and

Provided, further, That the petitioner shall indemnify and save the City harmless from any and all claims or damages which may occur or result by reason of the construction of buildings or other structures which the petitioner, its successors or assigns may build or construct over, upon or adjacent to said sewer; and

Provided, further, An assessment at the rate of one-half cent per square foot of area drained is paid by the petitioner to the City of Detroit before tapping the sewer for drainage. No taps shall be made to the public sewer without first securing the proper permits from the Department of Public Works; and

Provided, further, The said public sewer shall not be used for any other purpose except sanitary and storm water drainage; and

Provided, further, Before starting work on the sewer the petitioner shall deposit with the city engineer a certified check in the amount of One Thousand Dollars to cover inspection and supervision and shall file a starting notice forty-eight hours in advance.

Provided, further, It shall be expressly understood and agreed and a condition of conveyance that in the event the petitioner shall fail to construct or develop a Union Produce Terminal upon that portion of Solvay Avenue on or before August 1, 1929, or in the event the petitioner, its successors or assigns shall fail to utilize said portion of said Solvay Avenue for said purpose in accordance with plans as proposed, a copy of which shall be filed with the City Clerk, then said portion of Solvay Avenue shall revert to the City of Detroit for street purposes and the petitioner, its successors and assigns shall replace pavement and curbing and sidewalks as required by the Department of Public Works of the City of Detroit and according to standard specifications of the Department of Public Works and all that part or portion of land deeded to the City of Detroit by the petitioner for street purposes and heretofore described and to be known as Bacon Street, shall revert to the petitioner, its successors or assigns; together with the 20 feet or less agreed to be dedicated on Fort Street.

Provided, further, Petitioner shall pay any additional cost which may be incurred because of its railroad facilities in the separation of grades at West End Avenue, i. e., any amount in excess of the cost which would be incurred in the separation of grades under existing conditions; and

Provided, further, The petitioner shall file with the City Controller a bond in the sum of Twenty Thousand Dollars (\$20,000.00) to insure the

faithful performance of the conditions hereinbefore set forth, and

Provided, further, Petitioner file with the City Clerk within thirty days an acceptance of the conditions set forth herein and an agreement in writing waiving any and all claims for damages which may accrue to the property herein vacated and petitioner's adjoining property due to the separation of grades; and

Provided, further, The City Controller be and he is hereby directed to execute quit claim deed covering the property herein vacated subject to the conditions imposed by this resolution and to accept from the petitioner a warranty deed conveying to the City of Detroit property hereinbefore described for street purposes.

Approved as to form.

CLARENCE E. WILCOX,
Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Bradley, Callahan, Castator, Dingeman, Ewald, Littlefield, Walters and the President.

—8.

Nays—None.

Reconsideration

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

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

Yeas—Councilmen Bradley, Callahan, Castator, Dingeman, Ewald, Littlefield, Walters and the President.

—8.

Nays—None.

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

The regular order was resumed.

And the Council then adjourned.

JOHN C. NAGEL,
President.

RICHARD W. READING,
City Clerk.

ORDINANCE No. 51-C

AN ORDINANCE to amend Section 5, Chapter 58 of the Compiled Ordinances of the City of Detroit, 1926.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That Section 5, Chapter 58 of the Compiled Ordinances of the City of Detroit,

1926, be and the same is hereby amended to read as follows:

Sec. 5. If the owner or person entitled to the possession does not make claim for such vehicle within thirty (30) days, then the said vehicle shall either be sold at public auction by the Superintendent of Motor Transportation or turned over to the Superintendent of the Detroit House of Correction to be disassembled and parts salvaged, and the salable parts of the vehicle be turned over to the Department of Purchases and Supplies to be used on city owned and operated vehicles or to be sold at an advertised public auction: Provided, That notice of the sale of the vehicles as a whole, by the Superintendent of Motor Transportation and notice of the turning over the vehicles to the Detroit House of Correction to be disassembled, shall be advertised once a week for two consecutive weeks in a daily newspaper, and that the sale or disassembling shall not take place in less than thirty (30) days from the date of the first advertisement.

Sec. 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Sec. 3. This ordinance shall take effect thirty days after its approval by the Mayor.

Approved: November 3, 1928.

JOHN C. LODGE,
Mayor.

Attest:

RICHARD W. READING,
City Clerk.

The above ordinance will take effect on the 4th day of December, 1928.

RICHARD W. READING,
City Clerk.

ORDINANCE NO. 4-C

AN ORDINANCE changing the names of Kerwin Avenue, Baxter Avenue and the sections of street connecting them, to French Road.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That the names of the streets and highways known as Kerwin Avenue, Baxter Avenue and the sections of street connecting them, be and the same are hereby changed to and shall hereafter be known as French Road.

Approved, August 19, 1927.

JOHN W. SMITH,
Mayor.

Attest:

RICHARD W. READING,
City Clerk.

The above ordinance will take effect on the 19th day of September, 1927.