

hereby expressly waives any right to claim damages or compensation for property constructed hereunder or for the removal of same, and further, that grantee acquires no implied or other privileges hereunder not expressly stated herein.

Adopted as follows:

Yeas—Councilmen Dingeman, Ewald, Kronk, Lodge, Smith, Sweeny, and the President Pro Tem—7.

Nays—None.

Vacation of Alley

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petition of the Progressive Welder Co., et al (8586), for the vacation of a portion of the east and west alley in the block south of the Outer Drive and Westerly of Moenart Ave. After consultation with the City Plan Commission, and careful consideration of the request, your committee recommends that same be granted, and offers the following resolution.

Respectfully submitted,

HENRY S. SWEENY,
Chairman.

By Councilman Sweeny:

Resolved, that part of East and West public alley lying south of Outer Drive between Conley and Moenart Avenues more particularly described as all of east and west public alley 18 feet wide lying south of and adjoining the southerly line of Lot 1 of Ostrowski-Ratajczak Sub. of part of N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of Sec. 5, T 1 S., R. 12 E., Wayne Co., Mich., as recorded in Liber 56 Page 91 of Plats of Wayne County Records.

Also all of said east and west public alley, 18 feet wide lying south of and adjoining the southerly line of the westerly 9.58 feet of Lot 2 of last mentioned Subdivision be and the same are hereby vacated to become a part and parcel of adjoining property

Provided, Petitioners reimburse the owners to the extent of the value of any utilities now installed in said alley which it may be necessary to abandon due to the closing of same or bear the entire expense of relocating or rerouting due to the closing of same, and further

Resolved, that upon compliance with the above provisions the City Controller be and is hereby directed to issue Quit Claim deeds to Progressive Welder Company, a Michigan Corporation and to Frederick H. Johnson, single man, as owners in fee of adjoining property.

Adopted as follows:

Yeas—Councilmen Dingeman, Ewald, Kronk, Lodge, Smith, Sweeny, and the President Pro Tem—7.

Nays—None.

Vacation of Hartwell Ave. and Alley

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petition of the McSchaefer Development Co. (8893), for the vacation of a portion of Hartwell Ave. south of McNichols Road, also for the vacation of portions of public alleys south of McNichols Road between Schaefer Highway and Snowden Ave., petitioners offering to dedicate land to provide an outlet to the north and south public alley between Snowden and Hartwell Aves., and sufficient land to make the existing 20 ft. east and west public alley 40 ft. wide. After consultation with the City Plan Commission, and careful consideration of the request, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,

HENRY S. SWEENY,
Chairman.

By Councilman Sweeny:

Resolved, that all of east and west public alley, 20 feet wide, all of north and south public alley, 30 feet wide and all of Hartwell Avenue, 60 feet wide lying between Schaeffer Highway and Snowden Avenue, South of McNichols Road more particularly described as all of east and west public alley 20 feet wide lying south of and adjoining the southerly line of Lots 28 to 32 both inclusive and the southerly line of the easterly 1 foot of Lot 33 all of Schwass College Park Subdivision of the N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of Section 17, T. 1 S., R. 11 E., City of Detroit, Wayne Co., Michigan as recorded in Liber 56, Page 12 of Plats of Wayne County Records. Also all of said east and west public alley, 20 feet wide lying between the southerly line of the westerly 19 feet of Lot 33; the southerly line of Lots 34 to 38, both inclusive and the northerly line of Lot 86; the northerly line of north and south public alley, 18 feet wide all of last mentioned Subdivision. Also all of Hartwell Avenue, 60 feet wide, as now established lying between the westerly line of Lots 38; Lots 86 to 89, both inclusive; Lot 91; Lots 94, 95 and the easterly line of Lot 39; Lots 76, 77; Lot 80, Lots 82 to 85, both inclusive all of last mentioned Subdivision. Also the easterly 30 feet of said Hartwell Avenue, 60 feet wide lying west of and adjoining the westerly line of Lot 97 of last mentioned Subdivision. Also the westerly 30 feet of said Hartwell Avenue, 60 feet wide lying east of and adjoining the easterly line of Lot 81 of last mentioned Subdivision.

Also the easterly 30 feet of said Hartwell Avenue, 60 feet wide lying west of and adjoining the westerly line of Lots 90 and 96 of last mentioned Subdivision. Also the westerly

10 feet of north and south public alley, 30 feet wide lying east of and adjoining the easterly line of Lots 69, 70 and the easterly line of the northerly 19.84 feet of Lot 71 all of last mentioned Subdivision.

Also the easterly 30 feet of said Hartwell Avenue, 60 feet wide lying west of and adjoining the westerly line of Lots 92 and 93 of last mentioned Subdivision.

Also the easterly 30 feet of said Hartwell Avenue, 60 feet wide lying west of and adjoining the westerly line of the northerly 18.20 feet of Lot 98 of last mentioned Subdivision.

Also the westerly 30 feet of said Hartwell Avenue, 60 feet wide lying east of and adjoining the easterly line of the northerly 18.41 feet of Lot 73; the easterly line of Lots 74, 75, 78 and 79 of last mentioned Subdivision. Also the easterly 20 feet of said north and south public alley, 30 feet wide lying west of and adjoining the westerly line of the northerly 18.77 feet of Lot 73; the westerly line of Lot 74; the westerly line of the southerly 2.07 feet of Lot 75 all of last mentioned Subdivision.

Be and the same are hereby vacated to become part and parcel of the adjoining property.

Provided, Elmer B. O'Hara, Trustee with power of sale in will of Josephine Schwass, Deceased and Henry D. Kasin, Co-Trustee of the Estate of Josephine Schwass, Deceased, deed to the City of Detroit, the northerly 20 feet of Lot 111 of Schwass College Park Subdivision of the N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of Section 17, T. 1 S., R. 11 E., City of Detroit, Wayne Co., Michigan, as recorded in Liber 56, Page 12 of Plats of Wayne County Records. To be used for alley purposes, and further

Provided G. Henry Hauke and Eleanor Hauke, his wife, deed to the City of Detroit the southerly 20 feet of Lot 98 of last mentioned Subdivision. To be used for alley purposes and further

Provided, McSchaefer Development Company, a Michigan corporation, deed to the City of Detroit, all that part of Lots 71 and 72 of Schwass College Park Subdivision of the N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of Section 17, T. 1 S., R. 11 E., City of Detroit, Wayne Co., Michigan as recorded in Liber 56, Page 12 of Plats of Wayne County Records more particularly described as Beginning at a point in the easterly line of Schaefer Highway, 113.02 feet wide as now established, said point also being the southwest corner of said Lot 72; thence South 89 Degrees 10 Minutes 30 Seconds East along the southerly line of said Lot 72, 80 feet to a point, said point being the southeast corner of said Lot 72; thence North 0 Degrees 31 Minutes West 20 feet to a point in the easterly line of said Lot 71; thence along a line North 89 Degrees 10 Minutes 30 Seconds West 80 feet to a

point in the westerly line of said Lot 72; Thence along the westerly line of said Lot 72, said line also being the easterly line of Schaefer Highway South 0 Degrees 31 Minutes 20 feet to the place of beginning. To be used for alley purposes, and further

Provided, Petitioners be permitted to maintain a brick residence located on Lot 98 of last mentioned Subdivision for the normal life of this structure or until such time as ordered removed by the Common Council of the City of Detroit, and further

Provided, 1. A new sewer is to be constructed as shown on lateral sewer drawing No. 6153 on file in the City Engineer's Office. 2. All work must be done under City's inspection and supervision and according to City's specifications. 3. Petitioners deposit with the Permit Division of the Department of Public Works the sum of \$250.00 to cover the cost of inspection. If this deposit is not sufficient, an additional sum will be required. 4. All expense in connection with this work is to be borne by petitioner, and further

Provided, Petitioners Deposit with the Public Lighting Commission the estimated cost for the removal of Public Lighting equipment, and further

Provided, Petitioners deposit with the City Treasurer the sum of \$738.24 to be credited to Pipe Line Construction Account No. 512. Said sum being the balance of the cost of 6 inch main installed in Hartwell Avenue plus the estimated cost of discontinuing the same, and further

Provided, if and when said alleys are ordered graded and paved, the entire cost of such grading and paving shall be borne by petitioners, and further

Provided, Petitioners reimburse the owners to the extent of the value of any utilities now installed in said street and/or alleys which it may be necessary to abandon due to the closing of same or bear the entire expense of relocating or rerouting any public utilities in said street and/or alleys which it may be necessary to relocate or reroute due to the closing of same, and further

Resolved, that upon compliance with the provisions of this resolution, the City Controller be and he is hereby directed to issue Guit Claim Deeds to Elmer B. O'Hara, Trustee with power of sale in will of Josephine Schwass, Deceased and Henry D. Kasin Co., Trustee of the Estate of Josephine Schwass, deceased; McSchaefer Development Company, a Michigan Corporation; Michael William Murphy, Single; G. Henry Hauke and Eleanor Hauke, his wife; Thomas J. Murphy and Marie H. Murphy, his wife; as owners in fee of adjoining property.

Adopted as follows:

Yeas—Councilmen Dingeman,

Ewald, Kronk, Lodge, Smith, Sweeny,
and the President Pro Tem—7.

Nays—None.

Sick Leave Ordinance

To the Honorable, the Common
Council:

Gentlemen—To your Committee of the Whole was referred an ordinance entitled "An Ordinance to Amend Section 2 of Chapter 10 of the Compiled Ordinances of 1936," relative to sick leave for city employees. (1939 J.C.C. p. 1966; p. 2001 and p. 2049). After further hearings with the interested parties, consultation with the City Controller and Corporation Counsel, and consideration of the matter, your committee recommends that the ordinance be amended as agreed upon at the meeting of the Committee of the Whole on November 15, 1939, and passed as amended.

Respectfully submitted,

HENRY SWEENEY,
Chairman.

Councilman Sweeny moved that Section 2, line 40, of the ordinance be amended by striking out the word "but" and inserting in lieu thereof the following:

"until he shall have been employed one year and has worked sixteen hundred (1600) hours or more during said first or preceding fiscal year, after which time he shall then be entitled to compensation while so absent not exceeding five (5) days in each fiscal year: Provided, That any such employee who has been employed continuously for five (5) years and who has worked sixteen hundred (1600) hours or more during the preceding fiscal year shall be entitled to compensation while so absent not exceeding ten (10) days in each fiscal year: Provided, That any such employee who has been employed continuously for ten (10) years and who has worked sixteen hundred (1600) hours or more during the preceding fiscal year shall be entitled to compensation while so absent not exceeding fifteen (15) days in each fiscal year: Provided, That an additional fifteen (15) days leave in each fiscal year may be allowed to all such employees in the discretion of the department head, where in his opinion sickness, or other satisfactory reasons is or are of such a nature as to justify such additional time: Provided, That employees who have been continuously employed for the five (5) preceding years and who have worked eight hundred (800) hours or more may be granted five (5) days sick leave in the discretion of the department head as above provided for: Provided, That in all cases of sickness of such employees exceeding three (3) days, such employee shall be required to furnish at the department head's request a doctor's

certificate of sickness, and in the absence of such certificate no compensation shall be paid such employee for any time absent beyond the said three (3) days: Provided, That no compensation shall be paid for absences in excess of the time above provided for on account of sickness or other satisfactory reasons in any fiscal year unless requested by the department head and approved by the Common Council: Provided, That the foregoing provision in relation to per diem and hourly employees shall be made effective for such absences during the balance of the fiscal year 1939-1940 to the extent that funds are or will be available in the various funds as determined by the controller of the City of Detroit to defray the cost thereof: Provided further, That any"

and to amend Section 2, Line 82, of proposed ordinance, J.C.C. p. 1966, August 29, 1939, by adding the words as follows:

"Provided further, That the provisions of this section shall not apply to per diem, hourly or salaried employees of the Board of Health, Board of Commissioners of the Detroit House of Correction, or other State agencies, and the granting of sick leave to such employees shall be left to the discretion of the respective boards of the respective departments."

Approved, as to form:

JOHN P. O'HARA,
Corporation Counsel.

which motion prevailed as follows:

Yeas—Councilmen Dingeman,
Ewald, Kronk, Lodge, Smith, Sweeny,
and the President Pro Tem—7.

Nays—None.

The ordinance was then placed on the order of third reading.

Third Reading of Ordinance.

The title to the ordinance was read a third time.

The ordinance was then read.

The question being "Shall this ordinance now pass?" The ordinance as amended was passed, a majority of the Councilmen present voting therefor as follows:

Yeas—Councilmen Dingeman,
Ewald, Kronk, Lodge, Smith, Sweeny,
and the President Pro Tem—7.

Nays—None.

Title to ordinance was confirmed.

And the Council then adjourned.

EUGENE I. VAN ANTWERP,
President Pro Tem.

FRED W. CASTATOR,
City Clerk.