

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

The regular order was resumed.

**From the Controller**

June 4, 1940

To the Honorable, the Common Council:

Gentlemen—Please be advised that surety bond with Atlas Foundry Company as principal and the Fidelity & Casualty Co. of New York as surety, in the amount of \$5,000.00, covering spurtrack across S. Livernois, south of and connecting Michigan Central Exposition Spur, has been approved by the Corporation Counsel's office and has been filed in this office. This bond replaces one formerly filed with the Atlas Foundry Co. as principal and the Fidelity & Deposit Co. of Maryland as surety.

Also bond with the Utica Radiator Corporation as principal and the Aetna Casualty & Surety Co. as surety, in the sum of \$1,000.00, covering spurtrack across W. Warren Ave., has been approved by the Corporation Counsel's office and has been filed in this office. This bond replaces one formerly filed with the Dunkirk Radiator Corporation as principal.

Respectfully submitted,

F. M. McLAURY,  
Deputy Controller.

By Councilman Hamilton:

Resolved, That surety bond with the Atlas Foundry Co. as principal and the Fidelity & Casualty Co. of New York as surety, covering spurtrack across S. Livernois, south of and connecting Michigan Central Exposition Spur, and bond with the Utica Radiator Corporation as principal and the Aetna Casualty & Surety Co. as surety, covering spurtrack across W. Warren Ave., be and the same are hereby approved.

Adopted as follows:

Yeas—Councilmen Dingeman, Dorais, Ewald, Hamilton, Lodge, Van Antwerp and the President—7.  
Nays—None.

**From the Controller**

June 3, 1940.

To the Honorable, the Common Council:

Gentlemen—We submit for your approval the following statement covering extra day, time and a half and double time to be paid this week.

Lighting (Atwater), date 5-29-40, straight \$23.40, time and half \$89.85, double \$18.75; (Mullett), date 5-29-40, straight \$9.52. Total \$141.52.

Water Board, date 5-22-40, time and half \$106.88; (Sewage D.), date 5-22-40, straight \$12.17, time and half \$24.23, double \$24.60. Total \$167.88.

Fire Dept., date 5-29-40, straight \$288.48. Total \$288.48.

Treasurer's Dept., date 5-29-40, straight \$36.10. Total \$36.10.

General Road Dept., date 5-25-40, straight \$3,016.93, time and half \$594.29, double \$149.87. Total \$3,761.09.

Permit Dept., date 5-25-40, time and half \$110.27. Total \$110.27.

Incinerators Dept., date 5-25-40, straight \$462.93, time and half \$45.30. Total \$508.23.

Motor Trans. Dept., date 5-25-40, straight \$8.00, time and half \$5.78. Total \$13.78.

General (Airport) Dept., date 5-25-40, time and half \$.60, double \$.25. Total \$.85.

Sewer Dept., date 5-25-40, straight \$18.40. Total \$18.40.

Zoological Park, date 5-28-40, straight \$6.40, time and half \$71.80. Total \$78.20.

Controllers Dept., date 5-31-40, straight \$6.00. Total \$6.00.

Very truly yours,

DONALD SLUTZ,

City Controller.

Received and placed on file.

**From The Corporation Counsel**

June 3, 1940.

To the Honorable, the Common Council:

Gentlemen—During the course of the trial for the widening of Gratiot Avenue, it developed that by taking parcel 23 the same was joined to the property next door by a party wall and because of the large amount of damages which would accrue if that wall was disturbed by reason of the taking of parcel 23, it was agreed between the City and the owner of the adjoining land to parcel 23 that the City would deed to said property owner the land under the party wall, so the said owner could retain said party wall.

We recommend the adoption of the following resolution.

Respectfully submitted,

CLARENCE E. PAGE,

Asst. Corporation Counsel.

Approved:

PAUL E. KRAUSE,

Corporation Counsel.

By Councilman Hamilton:

Resolved, That the City Controller be and he is hereby directed to issue a quit claim deed for the following described property: "The East 1 and 1/3 feet of the West 43 feet of Lot One (1) Block One (1), John S. Foley's Subdivision of that part of the Church Farm, Private Claim 16, lying between Gratiot Avenue and Frederick Street and Field and Sheridan Avenues, Detroit, Michigan, as recorded in Liber 19, page 68 of Plats of Wayne County Records," to Jimmie F. Bloink, Emma Bloink and

Commonwealth Bank, a Michigan corporation.

Adopted as follows:

Yeas—Councilmen Dingeman, Dorais, Ewald, Hamilton, Lodge, Van Antwerp and the President—7.  
Nays—None.

#### Reconsideration

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

Councilman Dingeman moved to suspend Rule 23, except amendment as adopted May 3, 1938, for the purpose of indefinitely postponing the motion to reconsider, which motion prevailed as follows:

Yeas—Councilmen Dingeman, Dorais, Ewald, Hamilton, Lodge, Van Antwerp and the President—7.  
Nays—None.

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

The regular order was resumed.

#### From the Department of Public Works

May 23, 1940.

To the Honorable, the Common Council:

Gentlemen—The time of completion for Contract TW-12B, Administration Building and Related Structures for the Sewage Treatment Plant, was specified as on or before May 15, 1939. The W. E. Wood Company, Contractors, did not complete this contract until December 30, 1939. The contract provides that if the Contractor does not complete the contract within the time specified, the Contractor agrees to compensate the City in the sum of \$100.00 for each and every calendar day that the completion exceeds the time specified, unless the period for completion is extended by the Commissioner.

The Contractor has requested an extension of time for reasons which he states were beyond his control. The City does not admit liability on its part for the completion of this contract beyond the time originally specified. The delay of 229 days, from May 15 to December 30, will amount to \$22,900.00 in liquidated damages on a contract totaling \$208,507.50. In our judgment, we do not feel that the City has been damaged to any appreciable extent by the delay.

In consideration of the waiving of the liquidated damages, the Contractor has agreed to waive any claim for damage which he has, or may have, against the City arising out of any delay or other matters pertaining to this contract.

This situation has been discussed with the Corporation Counsel, and it is his recommendation that any

liquidated damages which may have accrued be waived, in consideration of the Contractor waiving any and all claims against the City.

It is, therefore, recommended to your Honorable Body that the liquidated damages on Contract TW-12B, Administration Building and Related Structures for the Sewage Treatment Plant, be cancelled.

Yours very truly,

W. M. WALKER, JR.,  
Commissioner.

Approved:

PAUL E. KRAUSE,  
Corporation Counsel.

By Councilman Ewald:

Whereas, the contract for the Administration Building and Related Structures for the Sewage Treatment Plant, Contract TW-12B, provides that the Contractor will compensate the City in the sum of \$100.00 for each and every calendar day that the completion of said contract extends beyond May 15, 1939, except as the time may be extended by the Commissioner; and

Whereas, the Contractor has requested an extension of time up to and including December 30, 1939, the actual completion date for causes beyond his control; and

Whereas, the City does not admit liability and delay; and

Whereas, the Contractor waives all claims for damages which he has, or may have, against the City resulting from said contract, be it, therefore,

Resolved, that the liquidated damages on said contract be cancelled in consideration of the Contractor waiving any claim which he has, or may have, for damage against the City, provided such cancellation of liquidated damages is approved by the Public Works Administration.

Adopted as follows:

Yeas—Councilmen Dingeman, Dorais, Ewald, Hamilton, Lodge, Van Antwerp and the President—7.  
Nays—None.

#### From the Department of Buildings and Safety Engineering

June 4, 1940.

To the Honorable, the Common Council:

Gentlemen: Re:

7778-80 Vaughan, lot 137, John Walsh Warren Ave., Evergreen Park Sub., 1-story frame garage.

19921 Ohio, lots 65-66 Detroyal Gardens Sub., 1 story frame dwelling.

6213 Woodhall, lot 138 Grosse Pointe Highlands Annex Sub. P. C. 239, 1 story frame garage.

4355 Lumley, lot 6 Lumley's Sub., Block 9, P. C. 52, 1 story frame dwelling.

1352 Temple, W. ½ of lot 71, Backus Sub. P. C. 248, Woodbridge Farm, 1 story frame dwelling.

3301 Bagley, E. part of lots 37 and