

cifications for the same, and have been accepted by the Commissioner of Public Works, therefore be it

Resolved, That the paving of said streets and the construction of said lateral sewers, within the limits described, be and the same are hereby accepted.

Adopted as follows:

Yeas—Councilmen Castator, Comstock, McNamara, Oakman, Rogell, Van Antwerp, and the President—7.

Nays—None.

#### Reconsideration

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

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

Yeas—Councilmen Castator, Comstock, McNamara, Oakman, Rogell, 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.

#### Department of Public Works

December 12, 1947.

To the Honorable, the Common Council:

Gentlemen—On November 25, 1947, in response to published advertisements, bids were received for Lateral Sewer 6565 in the alley south of Dix Avenue from Inglis Avenue to the alley east of Inglis, Contract PW-376. The bids received were as follows:

Edward DiMambro .....	\$ 802.00
Morris Mickelsen .....	1,115.80
DeMichael & Assoc.....	1,175.00
Angelo DiPonio .....	2,030.00

At the same time that bids were received on this contract, bids were received on Lateral Sewer 6552, Contract PW-343. The above listed low bidder, Edward DiMambro, submitted with his bids the statement that if he was low bidder on the two jobs he wished to have the privilege of both jobs or none.

Another bidder was low on Contract PW-343, and the award to that bidder was approved by your Honorable Body on December 2, 1947.

Subsequent to the taking of bids, Mr. DiMambro submitted a letter requesting that the qualification attached to his bid be disregarded and that he be given the contract for Contract PW-376. This letter, together with the original bid, was submitted to the Corporation Counsel. The Corporation Counsel advised as

follows under the date of December 9:

"We are of the opinion that the condition attached to the bid is technically irregular. However, the irregularity is such that it can be overlooked in your discretion. If the irregularity is waived, the low bidder becomes the lowest responsible bidder to whom the contract must be awarded."

In view of this opinion, it appears to be in the best interest of the City and to the people in the sewer assessment district to waive the irregularity in the bid of Mr. DiMambro. The bid otherwise is regular in all respects and is in accordance with the requirements of the Contract Documents. The amount of the bid, plus the estimated additional cost for advertising, inspection, and contingencies, is within the City Engineer's estimate.

It is therefore recommended that the contract be awarded to Edward DiMambro in the amount of \$802.00, and the Controller be authorized and directed to set up an amount of \$900.00 to cover the cost of this contract and the cost of advertising, inspection, and contingencies.

Respectfully submitted,

ERNEST JONES,  
Commissioner.

By Councilman Rogell.

Resolved, That the Commissioner of Public Works be and he is hereby authorized and directed to enter into contract with Edward DiMambro for Lateral Sewer 6565, Contract PW-376, in the amount of \$802.00; and be it further

Resolved, That the City Controller be and he is hereby directed to honor vouchers when presented and charge them against Account No. 911-2390-1170, the vouchers to include the cost of advertising, inspection, and contingency items, as well as the contract costs.

Adopted as follows:

Yeas—Councilmen Castator, Comstock, McNamara, Oakman, Rogell, Van Antwerp, and the President—7.

Nays—None.

#### Department of Public Works

December 15, 1947

To the Honorable, the Common Council:

Gentlemen—We are returning herewith petition of Goodwins, Inc. (6846) requesting the vacation of a north and south public alley in block bounded by Oakman Blvd., Roselawn Avenue and Allen Place.

The vacation of this alley was approved and recommended by the City Plan Commission and the petition was referred to this office by your

Committee of the Whole for investigation and report.

We wish to advise that all of our investigations have been completed.

On December 9, 1947, the petitioners deposited into the City Treasury the sum of \$402.34, Receipt No. 32656, to reimburse the City of Detroit for the original cost of paving Allen Place and Roselawn Avenue at the intersection of the alleys requested to be vacated.

The petitioners requested that the existing paved returns at entrances to said alley remain in their present condition, as their plans call for the utilization of said returns, and have agreed to pay all costs incidental to their removal at any time in the future if it becomes necessary to remove them.

Proper restrictive provisions are incorporated in the vacating resolution protecting the City's interests in the lateral sewer located in the alley requested to be vacated.

All other City departments and private utility companies reported that they will be unaffected by the vacation of said alley.

In view of the above, we recommend the adoption of the attached resolution.

Respectfully submitted,  
ERNEST JONES,  
Commissioner.

By Councilman Rogell:

Resolved, That all of north and south public alley, 18 feet wide, in block bounded by Oakman Blvd., Roselawn Ave., and Allen Place, lying west of and adjoining the west line of lots 43 to 60, both inclusive, and east of and adjoining the east line of lots 61 to 76, both inclusive, all lots and said alley being the same as platted in Robert Oakman Land Company's Grand River and Oakman Highway re-subdivision of lots 2 and 3 of the subdivision of the east ½ of the northwest ¼ of Sec. 33, and lots 25 to 34, inclusive, and part of lots 35, 36 and 37 of the Maplegrove Subdivision of lot 4 of the subdivision of the east ½ of northwest ¼ of Section 33, and part of the southwest ¼ of Section 28, T. 1 S., R. 11 E., Detroit, Wayne County, Michigan, as recorded in Liber 57 of plats, Page 8, Wayne County Records;

Be and the same is hereby vacated as a public alley to become a part and parcel of the adjoining property subject to the following provisions:

(a) Provided, that by reason of the vacation of the above described alley the City of Detroit does not waive any rights to the lateral sewer located therein, and at all times shall have the right to enter upon the premises, if found necessary, on account of said sewer to repair alley or service same, and further

(b) Provided, that if any building is to be constructed over said sewer the same shall be replaced with cast iron pipe of same size, or the present sewer shall be encased in 8" of Class A concrete together with the construction of such manholes as specified by the City Engineer, all work to be done under the supervision of the Department of Public Works, and all costs entailed to be borne by the petitioners, and further,

(c) Provided, that petitioners, their successors or assigns, shall not build over said alley without first securing the approval of the City Engineer, and the Department of Building and Safety Engineering.

Adopted as follows:

Yeas—Councilmen Castator, Comstock, McNamara, Oakman, Rogell, Van Antwerp, and the President—7.  
Nays—None.

#### Department of Public Works

December 15, 1947.

To the Honorable, the Common Council:

Gentlemen — Petition of Morris Kaufman et al (6008) requesting the conversion into an easement of a certain public alley in block bounded by Monica, Prairie, 7 Mile Road and Cambridge Avenues was referred to the Department of Public Works by your Committee of the Whole for investigation and report.

The vacation of this alley was previously approved and recommended by the City Plan Commission in their communication to your Honorable Body of October 31, 1947.

We wish to advise that all of our investigations have been completed.

Proper restrictions as to the use of the easement are incorporated into the vacating resolution to protect the City's interests in the lateral sewer located in above mentioned alley.

All other city departments and private utility companies reported that they will be unaffected by the proposed change, or that they have reached satisfactory agreements with the petitioners regarding their installations therein.

The conversion of this alley into easement conforms with Common Council resolution of November 13, 1945, J.C.C. Page 2230.

Respectfully submitted,  
ERNEST JONES,  
Commissioner.

By Councilman Rogell:

Resolved, That all of north and south public alley, 18 feet wide, in block bounded by Prairie, Monica, 7 Mile Road and Cambridge Avenue, lying east of and adjoining the east line of lots 81 to 94, both inclusive, and west of and adjoining the west