

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

Yeas—Councilmen Comstock, Connor, Edgecomb, Garlick, Kronk, Miriani, Oakman, Smith and the President—9.

Nays—None.  
Councilman Kronk then moved that the motion to reconsider be indefinitely postponed, which motion prevailed.

The regular order was resumed.

### Department of Public Works

November 10, 1948.

To the Honorable, the Common Council:

Gentlemen—Your Committee of the Whole referred petition of W. O. Howell, et al, (No. 1725) requesting the conversion into an easement of the 16-foot north and south public alley in block bounded by Ardmore, Stansbury, Norfolk and Eight Mile Road to the Department of Public Works 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 July 29, 1948.

We wish to advise that all of our investigations have been completed. In reply to our inquiries, all city departments and private utility companies reported that they have reached satisfactory agreements with the petitioners regarding their installations therein.

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

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

Respectfully submitted,

THOMAS C. HANSON,  
Commissioner.

By Councilman Smith:

Resolved, That all of north and south public alley, 16 feet wide, in block bounded by Ardmore, Stansbury, Norfolk and 8 Mile Road, as platted in Derby Subdivision of N.E.  $\frac{1}{4}$  of N.E.  $\frac{1}{4}$  of Sec. 6, T. 1 S., R. 11 E., Greenfield Twp., Wayne County, Michigan, as recorded in Liber 38 of plats, Page 85, Wayne County Records, lying east of and adjoining the east line of lots 8 to 24, both inclusive, and west of and adjoining the east line of lots 8 to 24, both inclusive, and west of and adjoining the west line of lots 45 to 61, both inclusive, all lots being the same as platted in last mentioned subdivision;

Be and the same is hereby vacated as a public alley and converted into an 16-foot public easement, which

easement shall be subject to the following agreements, covenants, uses, reservations and regulations which shall be observed by the owners of said lots, and by their grantees and assigns, and their heirs, executors, administrators and assigns, forever, to-wit:

First, said owners hereby grant to and for the use of the public an easement or right of way over said vacated public alley, hereinabove described, for the purpose of installing, maintaining, repairing, removing or replacing any sewer, conduit, telephone, telegraph, electric light or other poles or things usually placed or installed in a public alley in the City of Detroit, with the right to ingress or egress at any time to and over said easements for the purposes above set forth:

Second, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built or placed upon said easement or any part thereof, and that said easement shall be forever of easy access for the purposes named above;

Third, that said easement shall be used for the same purposes for which public alleys are generally used in the City of Detroit excepting the same shall not be opened for the passage of vehicles therein.

Adopted as follows:

Yeas—Councilmen Comstock, Connor, Edgecomb, Garlick, Kronk, Miriani, Oakman, Smith and the President—9.

Nays—None.

### Department of Public Works

November 11, 1948

To the Honorable, the Common Council:

Gentlemen—Petition of George W. Munro, et al (1730), requesting the conversion into an easement of the 18-foot north and south public alley, north of Casino Avenue between Lanark and Sanilac Avenues, was referred by your Committee of the Whole to the Department of Public Works 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 July 29, 1948.

We wish to advise that all of our investigations have been completed. In reply to our inquiries, all 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 an easement conforms with Common



Council resolution of November 13, 1945, J.C.C. Page 2230.

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

Respectfully submitted,

GLENN C. RICHARDS,  
Acting Commissioner.

By Councilman Smith:

Resolved, That all that part of north and south public alley, 18 feet wide, north of Casino Avenue between Lanark and Sanilac Avenues, as platted in Young's Morang Drive Subdivision No. 1 of lot 16 and N.  $\frac{1}{2}$  of lot 17, Geo. H. Prentis Subdivision of part of P.C. 122, City of Detroit, Wayne County, Michigan, as recorded in Liber 62 of plats, Page 43, Wayne County Records, lying east of and adjoining the east line of lots 83 to 91, both inclusive, and west of and adjoining the west line of lots 92 to 100, both inclusive, all lots being the same as platted in last mentioned subdivision;

Be and the same is hereby vacated as a public alley and converted into an 18-foot public easement, which easement shall be subject to the following agreements, covenants, uses, reservations and regulations which shall be observed by the owners of said lots and by their grantees and assigns, and their heirs, executors, administrators and assigns, forever, to-wit:

First, said owners hereby grant to and for the use of the public an easement or right of way over said vacated public alley, hereinabove described, for the purpose of installing, maintaining, repairing, removing or replacing any sewer, conduit, telephone, telegraph, electric light, or other poles or things usually placed or installed in a public alley in the City of Detroit, with the right to ingress or egress at any time to and over said easement for the purposes above set forth;

Second, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever (except necessary line fences), shall be built or placed upon said easement or any part thereof, so that said easement shall be forever of easy access for the purposes named above;

Third, that said easement shall be used for the same purposes for which public alleys are generally used in the City of Detroit, excepting the same shall not be opened for the passage of vehicles therein.

Adopted as follows:

Yeas—Councilmen Comstock, Connor, Edgecomb, Garlick, Kronk, Mirani, Oakman, Smith and the President—9.

Nays—None.

## Department of Public Works

November 11, 1948.

To the Honorable, the Common Council:

Gentlemen—Petition of Dean Erskine et al (2171) requesting the conversion into an easement of the public alley east of Cadieux Avenue between Ontario and Cornwall Avenues, was referred by your Committee of the Whole to the Department of Public Works 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 July 29, 1948.

We wish to advise that all of our investigations have been completed. In reply to our inquiries, all 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 an easement conforms with Common Council resolution of November 13, 1945, J.C.C. Page 2230.

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

Respectfully submitted,

GLENN C. RICHARD,  
Acting Commissioner.

By Councilman Smith:

Resolved, That all of north and south public alley, 14 feet wide, east of Cadieux Avenue between Ontario and Cornwall Avenues, as platted in block 10 of "Columbia," Freund's Subdivision of lots 26 to 33 inclusive, of Michael Cadieux Estate P.C.'s 506 and 564, Grosse Pointe, Wayne County, Michigan, as recorded in Liber 17 of plats, Page 93, Wayne County Records, lying east of and adjoining the east line of lots 1 to 7, both inclusive, and west of and adjoining the west line of lots 8 and 43 and west of and adjoining the west line of 14-foot east and west public easement;

Be and the same is hereby vacated as a public alley and converted into a public easement, which easement shall be subject to the following agreements, covenants, uses, reservations and regulations which shall be observed by the owners of said lots and by their grantees and assigns, and their heirs, executors, administrators, and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public an easement or right of way over said vacated public alley, hereinabove described, for the purpose of installing, maintaining, repairing, removing or replacing any sewer, conduit, telephone, telegraph, electric light, or other poles or things usually placed



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or installed in a public alley in the City of Detroit, with the right to ingress or egress at any time to and over said easement for the purposes above set forth;

Second, said owners for their heirs and assigns further agree that no building or structures of any nature whatsoever, (except necessary line fences) shall be built or placed upon said easement or any part thereof, so that said easement shall be forever of easy access for the purposes named above;

Third, that said easement shall be used for the same purposes for which public alleys are generally used in the City of Detroit, excepting the same shall not be opened for the passage of vehicles therein.

Adopted as follows:

Yeas—Councilmen Comstock, Connor, Edgecomb, Garlick, Kronk, Miriani, Oakman, Smith and the President—9.

Nays—None.

#### Department of Public Works

November 8, 1948.

To the Honorable, the Common Council:

Gentlemen—We wish to advise that in connection with construction of the John C. Lodge and Edsel Ford Expressways, we are informed that at times the individual contractors are experiencing considerable difficulty in procuring necessary materials or supplies to complete their contracts without undue delay and without inconvenience to the traveling public.

The supplies or materials which the contractors are unable to obtain, in all cases, affect the facilities of City-owned utilities. Such supplies are peculiar to the operation of the City's facilities, are not substantial in quantity, and cannot generally be purchased in the open market, except at the expense of considerable delay. We are informed that the various City-owned utilities involved in the expressway construction can make the supplies available to the contractors in many instances, which would enable the contractor to proceed with the early completion of these projects.

Pursuant to charter provisions the sale of City-owned materials is vested in the Department of Purchases and Supplies, when these supplies are declared to be no longer necessary or unsuitable for public use. In the present instance the materials or supplies are new and do not fall within either of the above categories. The Corporation Counsel advises as follows:

The City has the right to sell or dispose property, real or personal, to which it has the absolute title and which is not affected by public trust, in substantially the same manner as

an individual, unless restricted by statute or charter; and this power is an incidental power inherent in all corporations, public or private, (Currie vs. Highland Park, 242 Michigan 614, 617); and therefore that the Common Council is empowered to authorize the sale or disposition of such supplies or materials.

In view of the foregoing, we respectfully request your Honorable Body to authorize the various City departments, involved in expressway construction work, to sell or loan available materials or supplies to contractors engaged on that work; however, before any such sale or loan is made, the City departments will require the contractor to execute a so-called "Certificate of Emergency" in which he shall declare that he has made bonafide efforts to obtain the necessary materials or supplies and that the City departments and the engineer in charge of the project will state that, to the best of their knowledge and belief, such materials or supplies are unduly difficult to obtain.

We believe this procedure will afford the City a means of expediting the construction of these projects, in the best interests of the public.

Respectfully submitted,  
THOMAS C. HANSON,  
Commissioner.

Approved:

JOHN N. DALEY,  
Controller.

By Councilman Smith:

Resolved, That the City departments involved in expressway construction are hereby authorized to sell or loan available materials or supplies to contractors engaged in the performance of contracts involving expressway construction.

Provided, That the contractor will be required to execute a so-called "Certificate of Emergency" in which it shall appear that he has made efforts in good faith to obtain the necessary materials or supplies, and that the City departments and the engineer in charge of the project has stated that, to the best of their knowledge and belief, such materials and supplies are unduly difficult to obtain and further,

Provided, That the sale of such materials or supplies shall be made at not less than the prevailing cost, plus a reasonable charge for handling, and in no case at less than the original cost to the department.

Approved:

RAYMOND J. KELLY,  
Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Comstock, Connor, Edgecomb, Garlick, Kronk, Miriani, Oakman, Smith and the President—9.

Nays—None.