

your Honorable Body, and would therefore like to request your best judgment as to which, if either, of these proposals you could join us in recommending to the Legislature."

Member Gorman, Chairman of the Finance Committee, stated there are difficulties encountered in determining the legal budget limitations for the Detroit Public Schools under the present method of establishing tax levies. There is also a feeling in many quarters that the responsibility for the determination of the school district budget should lie with only one elected appropriating body. The traditional method of conducting public schools in the State of Michigan, which method is used in all school districts of the state excepting Detroit, places this responsibility entirely on local boards of education.

Member Gorman then moved, supported by Member Shurly, that in accordance with the action of the Board of Education at its meeting on September 14, 1948 (p. 109), and in accordance with the letter from the Common Council requesting the Board to state its position relative to the levying of school district taxes, the Superintendent's Committee be instructed to submit to the Board of Education at its next regular meeting to be held November 23, 1948, a preliminary draft of proposed legislation which would provide for the final fixing of the school tax levy by the Board of Education, on the basis of the tax rate allowed by the Wayne County Tax Allocation Board; further, that the relationship with the City Treasurer, the City Assessors, and the City Controller be continued as in the past.

Carried.

Yeas—Members Foster, Gorman, Jamieson, Mrs. Osborn, Shurly, and President Webster—6.

Nays—None.

Referred to Council Legislative Committee.

#### Department of Public Works

November 5, 1948.

To the Honorable, the Common Council:

Gentlemen—This is to certify in accordance with Article 6 of the Contract Agreement of PW-490, Sewer in Davison Avenue between Meyers and Wyoming Avenue that work provided for in this contract has been given final inspection and has been found fully performed and the Contractor, Michigan Sewer Construction Company, has submitted an affidavit that payroll, material bills and other indebtedness connected with the work has been paid.

The completed items and value thereof, of this work are:

All Contract Items and Contract Changes — \$83,675.00. (Eighty-three

thousand six hundred seventy-five and 00/100 dollars).

As the work provided for in this contract has been completed, it is accepted by the Commissioner of Public Works under the terms and conditions thereof and it is recommended that full payment of the above stated sum, less all previous payments as indicated in Estimate No. 4 (Final) be made at this time, with the understanding that such payment is made by the City and accepted by the Contractor under the terms of final payment.

FLOYD C. MORSE,  
Engr. of Tests and Inspection.  
G. R. THOMPSON,  
City Engineer.  
THOS. C. HANSON,  
Commissioner.

By Councilman Edgecomb:

Whereas, It appears from communication from the Dept. of Public Works that the lateral sewer in Davison Ave. between Meyers and Wyoming Aves. has been duly completed, and

Whereas, The construction of said sewer has been found to be in accordance with the contract and specifications for the same, and has been accepted by the Commissioner of Public Works, therefore, be it

Resolved, That said lateral sewer, within the limits described, be and the same is hereby accepted.

Adopted as follows:

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

Nays—None.

#### Reconsideration

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

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, Mirani, 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 19, 1948.

To the Honorable, the Common Council:

Gentlemen—We are returning herewith petition filed by St. Nicholas Greek Orthodox Church (No. 3534) requesting the vacation of an alley east of Second Avenue, between Mer-

ton and Whitmore Roads. The vacation of said alley was approved and recommended by the City Plan Commission in their communication to your Honorable Body of October 27, 1948. The petition was then referred to this office by your Committee of the Whole for investigation and report.

Please be advised that all of our investigations have been completed.

As per our directive, on November 19, 1948 the petitioners deposited into the City Treasury the sum of \$353.40, the City Receipt No. 29922, credited to Public Works Maintenance Fund Code No. 143-6221-1. to reimburse the City of Detroit for the original cost of paving to the centerline of Merton and Whitmore Roads, east of Second Avenue at the intersection of the alley to be vacated.

The petitioners have requested that the existing paved alley returns, at the entrance to the alley to be vacated, remain in their present status as they intend to utilize same in connection with their parking lot, and have agreed by letter filed with the original petition to pay all costs incidental to the removal and reconstruction of said return at such time as it becomes necessary to do so either at the City's or the petitioner's request.

Proper provisions are incorporated in the vacating resolution protecting the City's interests in the sewer located in the alley.

In reply to our inquiries, all City departments and private utility companies reported that they will be unaffected by the vacation of said alley or that they have reached satisfactory agreements with the petitioners regarding their installations therein.

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

Respectfully submitted,

THOMAS C. HANSON,  
Commissioner.

By Councilman Oakman:

Resolved, That all of north and south public alley east of Second Avenue, between Merton and Whitmore Roads, as platted in Merrill-Palmer Subdivision, being a subdivision of part of Sec. 11, T. 1 S. R. 11 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 45 of plats, Pages 54 and 55, Wayne County Records, lying east of and adjoining the east line of lots 357 to 361, both inclusive, and west of and adjoining the west line of lot 356, all lots being the same as platted in last mentioned subdivision:

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

1. 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, alter or service same; And Further

2. Provided, that if any building is to be constructed over said sewer, said sewer shall be replaced by cast iron pipe of the same size, or the sewer shall be encased in 6 inches of class "A" concrete, and such sewer manholes shall be constructed as shall be specified by the City Engineer, all such work to be done under the supervision and inspection of the Department of Public Works and all costs entailed to be borne by the petitioners or their assigns; And Further

3. Provided, that petitioners or their assigns shall not build over said sewer without first securing the approval of the City Engineer and the Department of Buildings and Safety Engineering.

Adopted as follows:

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

Nays—None.

Department of Public Works

November 19, 1948.

To the Honorable, the Common Council:

Gentlemen—Petition of Stanley Kowalski, et al (No. 2410) requesting the conversion into an easement of the public alley east of Harvard and south of Chandler Park Drive, 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 September 9, 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,

THOMAS C. HANSON,  
Commissioner.

By Councilman Oakman:

Resolved, That all of east and west public alley, 18 feet wide, south of Chandler Park Drive and east of Harvard Road, as platted in Bernard Vogt Subdivision being part of Out-lot 11 of the Subdivision of S.W. 1/2 lot 11 of the Subdivision of S.W. 1/2 lot of P.C. 564, and vacated alley, City of Detroit, Wayne County, Michigan, as recorded in Liber 62 of plats, Page 38, Wayne County Records, lying north of and adjoining the north line of lot 42, and south of and adjoining the south line of lots 39, 40 and 41, 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 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 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, Miriani, Oakman, Smith and the President—9.

Nays—None.

#### Department of Public Works

November 19, 1948.

To the Honorable, the Common Council:

Gentlemen—This is to certify, in accordance with Article 5 of the Contract Agreement for the following contracts that work provided for in said Contracts has been given final inspection and has been found fully

performed, and the Contractors have submitted an affidavit that all pay-rolls, material bills and other indebtedness connected with the work have been paid.

PW-482—Greenlawn, Pembroke to Norfolk, Contractor, Cooke Contracting Co., \$17,655.70.

PW-577—Thatcher, Lahser to Bentler, Contractor, T. E. Currie Co., \$18,384.55.

PW-604—Rutherford, Cathedral to W. Chicago, Contractor, J. Porath & Son Co., \$16,074.60.

PW-463—St. Aubin, Nevada to 7 Mile Rd., Contractor, A. J. Smith Co., \$35,215.80.

PW-534—Santa Barbara, Outer Dr. to Pembroke, Contractor, Weir Contracting Co., \$14,462.18.

PW-556—Sawyer, Westwood to Grandville, Contractor, Weir Contracting Co., \$3,298.40.

PW-468—Charest, 7 Mile Road to Outer Dr., Contractor, Weir Contracting Co., \$28,658.10.

PW-306—Grandville, Outer Drive to Curtis, Contractor, Weir Contracting Co., \$21,330.62.

PW-501—Sorrento, St. Martins to Pembroke, Contractor, Weir Contracting Co., \$7,191.05.

PW-458—Faust, Curtis to 7 Mile Road, Contractor, Weir Contracting Co., \$35,676.95.

PW-437—Ethel, Outer Dr. to Visger, Contractor, Weir Contracting Co., \$41,098.20.

PW-602—Northlawn, Pembroke to Chippewa, Contractor, A. J. Smith Contracting Co., \$8,467.65.

PW-487—St. Marys, McNichols to Outer Drive, Contractor, Cooke Contracting Co., \$18,301.30.

As the work provided for in these Contracts has been completed, they are accepted by the Commissioner of Public Works under the terms and conditions thereof, and he does recommend that the completion of the above pavements be accepted by your Honorable Body, and that full payment of the above stated sums, as indicated in Final Estimates, less previous payments, be made at this time, with the understanding that such payments are made by the City and accepted by the Contractor under the terms of final payment.

FLOYD C. MORSE,

Engr. of Tests and Inspection.

G. R. THOMPSON,

City Engineer.

THOS. C. HANSON,

Commissioner.

#### Department of Public Works

November 18, 1948.

To the Honorable, the Common Council:

Gentlemen—This is to certify that work provided for by Resolution of October 12, 1948 Page 2726, and Permit No. 84773 has been given final