

is hereby authorized and directed to enter into contract with the respective bidders listed above in accordance with the proposal, plans, and specifications subject to confirmation and approval by the Common Council; and be it further

Resolved, That payment will be made to the contractors for the assessed portion of the contract only from special assessments levied for said purpose or from the proceeds of the sale of special assessment bonds and that payment for the City portion shall be paid from the street and alley intersection fund within the General Fund. Partial or periodic payments during the course of construction shall not be authorized unless such assessments have been collected or special assessment bonds sold and delivered; and be it further

Resolved, That in the preparation of the City Engineer's final cost statement for payment of the contract cost of new paving of streets and alleys, any deductions or additions to the original contract shall be adjusted in the City portion of the contract so that the original assessment roll previously confirmed and levied shall not be changed, provided that when such deduction or addition in the assessment portion exceeds 1 per cent of the contract price thereof, this procedure must be approved by the Common Council.

Adopted as follows:

Yeas—Councilmen Connor, Garklick, Kronk, Miriani, Oakman, Smith and the President—7.

Nays—None.

#### Department of Public Works

September 6, 1949.

To the Honorable, the Common Council:

Gentlemen—We are returning herewith the petition of Arthur H. Couvreur, et al, (Petition No. 5722), requesting the vacation of Frankfort Avenue, east of Neff Road, which petition was referred to this office by your Committee of the Whole for investigation and report.

The vacation of this portion of street was approved by the City Plan Commission in their communication to your Honorable Body of June 29, 1949.

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

As per our directive on August 22, 1949, the petitioner deposited into the City Treasury the sum of \$303.00, Receipt No. 10101, credited to Public Works Maintenance Fund Code No. 143-6221-1, to reimburse the City of Detroit for the original cost of paving the east one-half of Neff Road at the intersection of the portion of Frankfort Avenue requested to be vacated.

On August 22, 1949 the petitioner also deposited with the Permit Division of the Department of Public Works the sum of \$418.80, Receipt No. 96707, said amount being the estimated cost of removing the paved return at the entrance to Frankfort Avenue and the reconstruction of curbing, all necessitated by the vacation of the street.

In reply to our inquiries all other City departments and privately owned utility companies reported that they will be unaffected by the vacation of said street.

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

Respectfully submitted,  
CARL D. WARNER,  
Commissioner.

By Councilman Miriani:

Resolved, That all of Frankfort Avenue, 60 ft. wide, east of Neff Road, as platted in Louis Couvreur's Gardens Subdivision of part of Private Claims 344 and 586, City of Detroit, Wayne County, Michigan, as recorded in Liber 67 of Plats, Page 21, Wayne County Records, lying north of and adjoining the north line of the west 165.99 ft. of Lot 20, and south of and adjoining the south line of the west 166.09 ft. of Lot 21, both lots being the same as platted in last mentioned subdivision.

Be and the same is hereby vacated as a public street to become a part and parcel of the adjoining property, and further,

Resolved, That the east 6 ft. of Frankfort Avenue east of Neff Road, lying north of and adjoining the north line of the east 6 ft. of Lot 20, and south of and adjoining the south line of the east 6 ft. of Lot 21, all being the same as platted in Louis Couvreur's Gardens Subdivision, heretofore mentioned, be

Be and the same is hereby vacated as a public street and converted into a public easement shall be subject to the following provisions:

(1) Provided, THE CITY OF DETROIT HEREBY RESERVES FOR ITSELF and for the use of the public an easement or right of way over said east 6 ft. of vacated public street, herein-above 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 of ingress or egress at any time to and over said easement for the purposes above set forth;

(2) Provided, That the owners of lots abutting on said vacated street, their heirs and assigns, SHALL NOT BUILD OR CONSTRUCT any buildings or structure of any nature whatsoever, (except necessary line fences) upon said easement or any part



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thereof, so that said easement shall be forever of easy access for the purposes named above;

(3) Provided, Said easement shall be used for the same purposes for which public alleys are generally used in the City of Detroit, excepting that same shall not be opened for the passage of vehicles therein;

(4) Provided, That if at any time in the future, the owners of any lots abutting on said vacated street, their heirs or assigns, shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, upon whose property the poles or other utilities are located, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

Adopted as follows:  
Yeas—Councilmen Connor, Garlick, Kronk, Miriani, Oakman, Smith and the President—7.  
Nays—None.

Department of Public Works  
September 8, 1949.

To the Honorable, the Common Council:

Gentlemen—Majority petitions are on file for the paving of the following two streets, with a total of 0.4 miles at an estimated cost of \$30,405.00.

It is recommended that these streets be paved under the forced paving section of the City Charter.

The list of streets, with the Engineer's estimate, follows:

Gaylord, Jos. Campau to Charest, \$10,740.

Huntington, Margareta to 7 Mile, \$19,665.

Total (2,027 feet) 0.4 miles, \$30,405.

The paving of the above named streets has been approved by the Paving Committee.

Respectfully submitted,

CARL D. WARNER,  
Commissioner.

By Councilman Miriani:

Resolved, That the Commissioner of Public Works be and he is hereby authorized and directed to prepare plans and advertise for paving proposals on the streets listed in the foregoing communication.

Adopted as follows:

Yeas—Councilmen Connor, Garlick, Kronk, Miriani, Oakman, Smith and the President—7.  
Nays—None.

Department of Public Works  
September 9, 1949.

To the Honorable, the Common Council:

Gentlemen—This office is in receipt of street and alley paving pe-

titions, from various home owners who own the majority of the property abutting the streets and alley, for which they have deposited with the City Treasurer one-quarter of the estimate cost in each case, as listed herewith:

Pet. No. 6966—Harry Greenspan—Snowden, St. Martins to Pembroke.

Pet. No. 6861—Salem Norwegian Lutheran Church—Midland, Griggs to James Couzens.  
Alley:

Pet. No. 6965—Sarah Davidson—12th, Churchill, W. Gr. Blvd., Bethune.

Since these petitions have majority ownership in each case, and the City Ordinance relative to the one-quarter advance payment has been fulfilled, it is hereby recommended that the necessary plans be made and the streets and alley be advertised for paving proposals.

The paving of the above named streets and alley has been approved by the Paving Committee.

Respectfully submitted,

CARL D. WARNER,  
Commissioner.

By Councilman Miriani:

Resolved, That the Commissioner of Public Works be and he is hereby authorized and directed to prepare plans and advertise for paving proposals on the streets listed in the foregoing communication.

Adopted as follows:

Yeas—Councilmen Connor, Garlick, Kronk, Miriani, Oakman, Smith and the President—7.

Nays—None.

Department of Public Works

September 12, 1949.

To the Honorable, the Common Council:

Gentlemen—We are returning herewith Petitions and General Orders, as follows, requesting the forced construction of sidewalks on various streets.

Petition 6549, General Order 11706, Mrs. Fred Buelow.

Lot 71, North side of Collingham between Boulder and Redmond, side on Boulder only, 125 lineal feet.

Lot 72, South side of Collingham between Boulder and Redmond, Side on Boulder only, 125 lineal feet.

Lot 99, North side Edmore Drive between Boulder and Redmond, side on Boulder only, 125 lineal feet.

Petition 6552, General Order 11708, Charles Dunitz.

Property described as follows: Beg. N.W. corner of Lot 8 of Asam Bros. Burt 7 Mile Rd. Sub. th. S. 1D, 0M, 05 S, W. 127 ft. th. 89D, 4M, 15S, W. 93.75 ft. th. N. 0D, 59M, 39S, E. 127 ft. th. N. 89D, 4M. 15S. E. 93.75 ft. to pte. of beg.