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Indadvertently, after the assessment roll was approved and confirmed on August 30, the contract was not executed on behalf of the City and confirmed by the Controller as necessary to make a valid contract.

The contract provided that no bid could be withdrawn for a period of 30 days. Under the date of September 22, 1949, The Waterway Construction Company wrote the City Engineer as follows:

"In view of the fact that it has taken over 30 days to award Contract PW-966 on which we were low bidder, we herewith wish to withdraw our bid."

Technically the bidder has a right to withdraw his bid under the contract provisions. The City Engineer discussed this matter with the bidder, but he insists on not going through with the contract. In view of this condition, it is recommended that the acceptance and award of the contract to The Waterway Construction Company on this contract be rescinded and the contract be immediately re-advertised. It is further recommended that the assessment roll B-58, which was approved by your Honorable Body on August 30, 1949, also be rescinded and a new assessment roll prepared upon receipt of the new bids.

Respectfully submitted,

CARL D. WARNER,  
Commissioner.

By Councilman Edgecomb:

Resolved, That the action taken in awarding Contract PW-966 for Lateral Sewer 6595 (JCC 2305) be and is hereby rescinded and the contract cancelled; and be it further

Resolved, That the assessment roll B-58 for said Lateral Sewer 6595 approved and confirmed August 30, 1949 (JCC 2630), be and is hereby cancelled.

Adopted as follows:

Yeas—Councilmen Connor, Edgecomb, Garlick, Kronk, Miriani, Oakman, Smith and the President—8.

Nays—None.

#### Reconsideration

Councilman Oakman 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 Connor, Edgecomb, Garlick, Kronk, Miriani, Oakman, Smith and the President—8.

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

September 26, 1949.

To the Honorable, The Common Council:  
Gentlemen:

Your Committee of the Whole referred to this office for investigation and report the petition of Harold Soble. (Petition No. 5633), requesting the vacation of a portion of the alley north of Fenkell Avenue, between Bralle and Patton Aves.

The vacation of said portion of alley was approved by the City Plan Commission in their communication to your Honorable Body of August 5, 1949, with the recommendation that the petitioners deed a new alley 100 feet north of and parallel to Fenkell Avenue, between Bralle and Patton Avenues.

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

We are in receipt of quit claim deeds conveying land to the City for alley purposes, in lieu of the alley to be vacated. Said deeds were approved as to form and execution by the Corporation Counsel, and as to description by the City Engineer, and are attached hereto for your Honorable Body's acceptance.

The petitioners requested to have the newly dedicated alley paved under private contract and have deposited the sum of \$1,360.00 into the City Treasury, Receipt Nos. 15898 and 16217, to guarantee the paving of said alley, the entire amount to be refunded upon completion of the paving by the petitioner who has agreed to pay the entire cost of such paving.

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

All other City departments and privately owned utility companies reported that they will be unaffected by the vacation of the 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,

CARL D. WARNER,  
Commissioner.

By Councilman Edgecomb:

Resolved, That all that part of north-south alley in block north of Fenkell Avenue, between Bralle and Patton Avenues, as platted in Redford Manor No. 1 sub. of part of the S.  $\frac{1}{2}$  of the S. W.  $\frac{1}{4}$  of the S. E.  $\frac{1}{4}$  of Section 15, T. 1 S., R. 10 E., Redford Twp., Wayne Co., Michigan, as recorded in Liber 38 of plats, Page 13, Wayne County Records, lying between the west line of lots 294, 295 and the south 20 feet of lot 293, and the east line of lot 296, 297 and the south 20 feet of lot 298, all lots being the



same as platted in last mentioned subdivision;

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:

1. Provided, That by reason of the vacation of the above described alley, the City of Detroit does not waive any right 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 with cast iron pipe of the same size or the sewer shall be encased in six inches of class "A" concrete, or such sewer manholes shall be constructed as shall be specified by the City Engineer, or the sewer shall be rerouted, all 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; and further

RESOLVED, That quit claim deed of Harold Soble and Goldie Soble, his wife, deeding land for alley purposes, said land being described as "The north 20 feet of the west 57.59 feet of lot 293 and the north 20 feet of lot 298 of Redford Manor subdivision No. 1, subdivision of part of the S.  $\frac{1}{2}$  of the S. W.  $\frac{1}{4}$  of Sec. 15, T. 1 S., R. 10 E., Redford Twp., Wayne County, Michigan, as recorded in Liber 38 of plats, Page 13, Wayne County Records," and quit claim deed of Emma Farmer, deeding "The north 20 feet of the east 60 feet of lot 293, Redford Manor No. 1 Subdivision of part of the south  $\frac{1}{2}$  of the southwest  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of Section 15, T. 1 S., R. 10 E., Redford Township, Wayne County, Michigan, according to the plat thereof recorded in Liber 38, Page 13 of plats, Wayne County Records.

Be and the same are hereby accepted and the City Controller be and he is hereby directed to record said deeds in the office of the Register of Deeds for Wayne County.

Adopted as follows:

Yeas—Councilmen Connor, Edgcomb, Garlick, Kronk, Miriani, Oalman, Smith and the President—8.

Nays—None.

Department of Public Works

September 23, 1949.

To the Honorable, the Common Council:

Gentlemen—We are returning herewith the petition of the Great Lakes

Lumber and Supply Company (Petn. No. 6083) requesting the vacation of Banmoor Avenue, Ashton Avenue, and adjoining alleys west of Southfield Road.

The vacation of said streets and alleys was approved by the City Plan Commission, subject to a provision that the petitioners dedicate new street and alley outlets. The petition was then referred to this office by your Committee of the Whole for investigation and report.

Please be advised that all our investigations have been completed.

We are in receipt of Quit Claim deeds to property deeded for streets and alleys, as per City Plan Commission recommendation. Said deeds were approved as to form and execution by the Corporation Counsel, and as to description by the City Engineer, and we are attaching them hereto for your Honorable Body's acceptance.

As per our directive, on September 22, 1949, the petitioners deposited with the Permit Division of the Department of Public Works, the sum of \$225.00, Receipt No. 98441, said amount being the estimated cost of stoning the newly dedicated alley.

On September 22, 1949, the petitioners paid into the City Treasury the sum of \$50.00, Receipt No. 20438, credited to Public Works Maintenance Fund, Code No. 123-9400-0-6190-481, said amount being the estimated cost of moving a wood pole, necessitated by the opening of the new street.

The petitioners have requested that the newly dedicated street be paved and have deposited the necessary 25% of the estimated cost of such pavement.

In reply to our inquiries, all other City departments, except the Sewer Division of the Department of Public Works, reported that they will be unaffected by the vacation of said streets and alleys or that they have reached satisfactory agreements with the petitioners regarding their installations therein.

Proper provisions are incorporated into the vacating resolution protecting the City's interests in the sewers located in the streets and alleys to be vacated.

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

Respectfully submitted,

CARL D. WARNER,

Commissioner.

By Councilman Edgcomb:

Resolved, That all that part of Banmoor Avenue, 80 feet wide, as platted in Emerson Park, a subdivision of part of the N. E.  $\frac{1}{4}$  of Sec. 35, T. 1 S., R. 10 E., Redford Twp., Wayne County, Michigan, as recorded in Liber 55 of Plats, Page 45, Wayne County Records, lying between the east line



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of Ashton Avenue and the newly established west line of Southfield Road, said new west line of Southfield Road being east of a line drawn from a point in the south line of the west 83 feet of Lot 180 to a point in the north line of the west 82 feet of Lot 181, both lots being the same as platted in last mentioned subdivision;

Also, all that part of Ashton Avenue 80 feet wide as now established, as platted in Emerson Park Subdivision, heretofore mentioned, lying between the north line, extended westerly, of the south 30 feet of Lot 200, and the south line extended westerly, of Banmoor Avenue, excepting therefrom a triangular portion in the northwest corner of above described Ashton Avenue, said excepted portion lying north of a line, said line being the south line, extended easterly, of the North 20 feet of Lot 524, all being the same as platted in last mentioned subdivision;

Also, all that part of public alley 20 feet wide as platted in Emerson Park Subdivision, heretofore mentioned, lying between the east line, extended southerly of Lot 525 and the southeast line, extended, of the northwest 20 feet of Lot 524, both lots being the same as platted in last mentioned subdivision;

Also, all that part of north-south public alley, 20 feet wide, north of Banmoor Avenue, between Ashton Avenue and Southfield Road, as platted in Emerson Park Subdivision, heretofore mentioned, lying between the west line of Lots 174 to 180, both inclusive, and the east line of Lots 197, 198, 199 and the south 30 feet of Lot 200, all being the same as platted in last mentioned subdivision; Be and the same are hereby vacated as public streets and alleys 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 streets and alleys, the City of Detroit does not waive any rights to the sewers now located therein, and at all times shall have the right to enter upon the premises, if found necessary, on account of said sewers to repair, alter and service same, and further

2) Provided, That if any building is to be constructed over the sewers, said sewers shall be replaced by cast iron pipe of the same size or the sewers shall be encased in 6 inches of Class "A" concrete, or the sewers shall be rerouted; 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 the petitioners or their assigns shall not build over the sewers without first securing written

approval of the City Engineer and the Department of Buildings and Safety Engineering, and further

Resolved, That Quit Claim Deed of Charles Granader and Harry Granader, co-partners doing business as registered co-partnership of Great Lakes Lumber and Supply Company, to City of Detroit, deeding land for street purposes, said land being described as,

A triangular parcel of land off of the easterly portion of Lots 181 to 194 inclusive of "Emerson Park" a subdivision of part of the northeast Quarter of Section 35, T. 1 S., R. 10 East, Redford Township (now City of Detroit) Wayne County, Michigan, as recorded in Liber 55 of Plats, Page 45, Wayne County Records, more particularly described as follows:

Beginning at a point on the north line of said Lot 181 six feet west from the northeast corner of said lot, thence southwesterly 315.0 feet to a point on the Southwesterly line of said Lot 194, 46.59 feet from the southeast corner of said Lot 194, thence northerly to a point on the north line of said Lot 181, twenty-one feet from the northeast corner of said Lot 181, thence easterly fifteen feet along the north line of said Lot 181, to the point of beginning.

and Quit Claim deed of the Fitzpatrick Holding Company, a Michigan corporation, to City of Detroit, deeding land for street purposes, said land being described as,

Lots 170, 171, 172, 173, 201, 202 and South five (5) feet of Lot 203 of Emerson Park, a subdivision of part of Northeast Quarter of Section 35, T. 1 S., R. 10 East, Redford Township (now City of Detroit) as recorded in Liber 55, Page 45 of Plats, Wayne County Register of Deeds Records.

and Quit Claim deed of Charles Granader and Harry Granader, co-partners doing business as registered co-partnership of Great Lakes Lumber and Supply Company, to City of Detroit, deeding land for street and alley purposes, said land being described as,

North five (5) feet of Lot 200; north twenty (20) feet of Lot 524; and that portion of the easterly twenty (20) feet of Lots 174 to 180 both inclusive, not heretofore taken by condemnation proceedings for widening Southfield Road—of Emerson Park, a subdivision of part of the Northeast Quarter of Section 35, T. 1 S., R. 10 East, Redford Township (now City of Detroit) as recorded in Liber 55, Page 45 of Plats, Wayne County Register of Deeds Records.

Be and the same are hereby accepted and the City Controller be



and he is hereby directed to record said Deeds in the office of the Register of Deeds for Wayne County.

Adopted as follows:

Yeas—Councilmen Connor, Edgecomb, Garlick, Kronk, Miriani, Oakman, Smith and the President—8.

Nays—None.

#### Department of Public Works

September 20, 1949.

To the Honorable, the Common Council:

Gentlemen—Pursuant to and in conformity with the provisions of your previously adopted resolution, Contract PW-937, Frisbee Outlet Sewer, West of Rouge, has been duly executed and the bond furnished. The contract has been endorsed by the Controller and approved as to form and execution by the Corporation Council.

Approval and confirmation of the executed contract and the bond by your Honorable Body are respectfully requested.

Respectfully submitted,

W. L. HENDRICK,  
Acting Commissioner.

By Councilman Kronk:

Resolved, that the executed contract and bond for the sewer listed in the foregoing communication be and are hereby approved and confirmed.

Adopted as follows:

Yeas—Councilmen Connor, Edgecomb, Garlick, Kronk, Miriani, Oakman, Smith and the President—8.

Nays—None.

#### Reconsideration

Councilman Oakman 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 Connor, Edgecomb, Garlick, Kronk, Miriani, Oakman, Smith and the President—8.

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

September 20, 1949.

To the Honorable, the Common Council:

Gentlemen—Contract PW-662 is for the paving of Manning from Crusade to Rex. The A. J. Smith Contracting Company is the contractor. The total amount of the accepted proposal was \$5,943.20, of which \$3,067.55 was in the assess-

ment portion and \$2,875.65 was in the City intersections.

The assessment roll was based on the amount stated in the assessment portion of the accepted proposal; namely, \$3,067.55. This roll was confirmed by your Honorable Body on April 19, 1949.

Under the provisions of the resolution authorizing the contract, any deductions or additions in the assessment portion exceeding 1 percent must be approved by the Common Council before adjustment of the difference was applied to the City intersections. When the final measurements based on actual construction were made, a reduction of \$128.50 in the assessment portion resulted because of the construction of less concrete drives than were included in the original proposal. This amounts to approximately 4.2 percent of the original assessment portion. It is recommended that the adjustment be made in the City intersections and the assessment portion remain the same.

Respectfully submitted,

W. L. HENDRICK,  
Acting Commissioner.

By Councilman Kronk:

Resolved, that the adjustment in the constructed quantities amounting to \$128.50 in connection with the paving of Manning from Crusade to Rex, Contract PW-662, be made in the City intersections and the final assessment cost remain \$3,067.55, the same as was in the original proposal.

Adopted as follows:

Yeas—Councilmen Connor, Edgecomb, Garlick, Kronk, Miriani, Oakman, Smith and the President—8.

Nays—None.

#### Reconsideration

Councilman Oakman 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 Connor, Edgecomb, Garlick, Kronk, Miriani, Oakman, Smith and the President—8.

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

September 16, 1949.

To the Honorable, the Common Council:

Gentlemen—Majority petitions are on file for the paving of the follow-