

December 20

By Councilman Garlick:

Resolved, That the bid of the foregoing contractor be and the same is hereby approved and accepted; and be it further

Resolved, That the said bid shall remain firm until the special assessment rolls for the district has been duly approved and confirmed; and be it further

Resolved, That thereupon the Commissioner of Public Works be and he is hereby authorized and directed to enter into contract with the bidder listed above in accordance with the proposals, plans, and specifications subject to confirmation and approval by the Common Council; and be it further

Resolved, That payment will be made to the contractor 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, if any, shall be paid from the lateral sewer City portion 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 the payment of the contract cost of the lateral sewer 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 one (1) percent of the contract price thereof this procedure must be approved by the Common Council.

Adopted as follows:

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

Nays—None.

#### Reconsideration

Councilman Connor 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, Smith and the President—7.

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

December 12, 1949.

To the Honorable, the Common Council:

Gentlemen—We are returning herewith the petition of Louis Elsensmith, et al (No. 6185) requesting the conversion into an easement of the portions of east-west alleys north of Tireman Avenue, east and west of Bramell Avenue, which petitions were referred to this office 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 5, 1949.

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,

CARL D. WARNER,

Commissioner,

By Councilman Garlick:

Resolved, That all that part of east-west public alleys, 20 feet wide, north of Tireman Avenue, east and west of Bramell Avenue, as platted in Rouge Park Subdivision No. 2, of part of lots 2 and 6 of Joseph Coon Estate Subdivision on Frac. Secs. 3 and 4, T. 2 S., R. 10 E., and north part of P. C. 615, and part of lots 5 and 6 of Hiram Coon Estates Subdivision of part of Frac. Secs. 4 and 9, T. 2 S., R. 10 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 62 of plats, Page 70, Wayne County Records, lying south of and adjoining the south line of lots 1385 and 1386 and north of and adjoining the north line of lots 1251 to 1262, both inclusive, all lots being the same as platted in last mentioned subdivision;

Be and the same are hereby vacated as public alleys to become a part and parcel of the adjoining property.

Provided, The City of Detroit Hereby Reserves for Itself and for the use of the public an easement or right of way over said vacated public alleys 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 of ingress or egress at any time to and



over said easement for the purposes above set forth:

And Further Provided, That the owners of lots abutting on said vacated alleys, 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 thereof, so that said easement shall be forever of easy access for the purpose named above;

And Further 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;

And Further Provided, That if at any time in the future, the owners of any lots abutting on said vacated alleys, 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, Edgecomb, Garlick, Kronk, Miriani, Smith and the President—7.

Nays—None.

#### Department of Public Works

December 15, 1949.

To the Honorable, the Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report, the petition of the Detroit Creamery Company (No. 7626) requesting the vacation of the east-west alleys east of Twenty-Third Street between Selden and Poplar Avenues. The vacation of said alleys was approved by the City Plan Commission in their communication to your Honorable Body of October 13, 1949.

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

As per our directive on December 14, 1949, the petitioners deposited into the City Treasury the sum of \$85.87, Receipt No. 25389, credited to Public Works Maintenance Fund Code No. 143-6221-1, to reimburse the City of Detroit for the original cost of paving Twenty-Third Street at the intersection of the alleys to be vacated.

On December 14, 1949, the petitioners deposited with the Permit Division of the Department of Public Works the sum of \$376.20, Receipt No. 2513, said amount being the estimated cost of removing the paved returns at the entrance to the alleys to be vacated, and of reconstructing the curbing and sidewalks incidental thereto.

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

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 alleys 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 Garlick:

Resolved. That all of east-west public alleys, 10 feet wide, east of Twenty-Third Street between Seldon and Poplar Avenues, as platted in Grosfield and Schulte's Subdivision of lots 451 to 472, incl., of Johnston's Subdivision of part of the Porter Farm as recorded in Liber 7 of plats, Page 100, Wayne County Records, lying south of and adjoining the south line of lots 23 to 27, both inclusive, and north of and adjoining the north line of lots 28; also the alley lying south of and adjoining the south line of lot 39 and north of and adjoining the north line of lots 40 to 44, both inclusive, all lots mentioned being the same as platted in last mentioned subdivision;

Be and the same are hereby vacated as public 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 alleys the City of Detroit does not waive any right to the lateral sewers 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 or service same; and further,

2. Provided, That if any building is to be constructed over said sewers, the sewers shall be replaced with cast iron pipe of the same size or the sewer shall be encased in six (6) 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.

Adopted as follows:

Yeas—Councilmen Connor, Edge-



comb, Garlick, Kronk, Miriani, Smith  
and the President—7.  
Nays—None.

**Department of Public Works**  
December 15, 1949.

To the Honorable, the Common Council:  
Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of the Board of Education, requesting the vacation of the alley in block bounded by Abington, Grandmont, Glendale and Davison Avenue. The vacation of said alley was approved by the City Plan Commission in their communication to your Honorable Body of November 16, 1949.

Please be advised that all of our investigations have been completed. As per our directive, on December 15, 1949, the Board of Education through its secretary, Mr. E. M. Lane, issued a Purchase Order (No. 6206) in the amount of \$510.00 to cover the cost of rerouting pavement drainage off Grandmont Avenue, necessitated by the vacation of the alley.

In reply to our inquiries, 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 petitioner regarding their installations therein.

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

Respectfully Submitted,  
CARL D. WARNER,  
Commissioner.

**Board of Education**

October 13, 1949.

To the Honorable, the Common Council:

Gentlemen—The Board of Education has been informed by the Department of Buildings and Safety Engineering that a permit for the construction of the first unit of the Dossin Elementary School Building cannot be released because of the fact that this unit is to be constructed over a public alley which has never been officially vacated for Board of Education use.

In order that this department may proceed with the issuance of the necessary permit for the construction of this unit, the Board of Education requests that your Honorable Body direct the vacation of the north and south alley located in the block bounded by Abington, Glendale, Grandmont, and Davison avenues, as indicated on the accompanying drawings.

Any costs reasonably and necessarily involved in effectuating the vacation of this alley will be borne by

the Board of Education. Your cooperation in the closing of this alley will be greatly appreciated.

Respectfully submitted,  
E. M. LANE,  
Secretary.

By Councilman Garlick:

Resolved, That all of north-south public alley, 9 feet wide, in block bounded by Abington, Grandmont, Glendale and Davison Avenues, as platted in McErlane's Schoolcraft Subdivision of part of E. 1/2 of W. 1/2 of E. 1/2 of N.W. 1/4 of Sec. 25, T. 1 S., R. 10 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 58, Page 23, Wayne County Records, lying west of and adjoining the west line of lots 22 to 40, both inclusive, of last mentioned subdivision;

Be and the same is hereby vacated as a public alley to become a part and parcel of the adjoining property.

Adopted as follows:

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

Nays—None.

**Department of Public Works**

December 19, 1949.

To the Honorable, the Common Council:

Gentlemen—We are returning herewith the petition of Davidson Contracting Company, et al (No. 6832) requesting the conversion into an easement of the north and south alley in block bounded by Wormer, Woodbine, McNichols and Santa Maria, which petition was referred to this office 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 6, 1949.

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,  
CARL D. WARNER,  
Commissioner.

By Councilman Kronk:

Resolved, That all of north-south public alley in block bounded by Wormer Avenue, Woodbine Avenue, McNichols Road and Santa Maria



Avenue, as platted in B. E. Taylor's Grand River-Telegraph Subdivision lying south of Grand River Avenue, being the E.  $\frac{1}{2}$  of the S.E.  $\frac{1}{4}$  of Sec. 8, T. 1 S., R. 10 E., Redford Twp., Wayne County, Michigan, as recorded in Liber 58 of plats, Page 67, Wayne County Records, lying west of and adjoining the west line of lots 214 to 229, both inclusive, and east of and adjoining the east line of lots 245 to 260, both incl., all lots being the same as platted in last mentioned subn.:

Be and the same is hereby vacated as a public alley to become a part and parcel of the adjoining property.

Provided, The City Of Detroit Hereby Reserves For Itself 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 of ingress or egress at any time to and over said easement for the purposes above set forth;

And Further Provided, That the owners of lots abutting on said vacated alley, 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 thereof, so that said easement shall be forever of easy access for the purposes named above;

And Further 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;

And Further Provided, That if at any time in the future, the owners of any lots abutting on said vacated alley, 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, Edgcomb, Garlick, Kronk, Miriani, Smith and the President—7.

Nays—None.

Department of Public Works

December 20, 1949.

To the Honorable, the Common Council:

Gentlemen—Assessment rolls for the following paving contracts were approved and confirmed by your Honorable Body on the dates listed

below. Pursuant to such action, and in conformity with the provisions of your previously adopted resolutions, the contracts have been duly executed and the bonds furnished. The contracts have been endorsed by the Controller and approved as to form and execution by the Corporation Counsel.

Approval and confirmation of these executed contracts and bonds by your Honorable Body is respectfully requested.

Contract Number PW-1002, Ellis, Mansfield to Prevost (Sachs & Kaufman), Roll Approved and Confirmed, December 6, 1949.

Contract Number PW-1003, Kramer, Mansfield to Prevost (Sachs & Kaufman), Roll Approved and Confirmed, December 6, 1949.

Contract Number PW-1058A, Alley Crane, Holcomb, Brinket and Lorman (Anthony N. Marando), Roll Approved and Confirmed, December 6, 1949.

Contract Number, PW-1058B, Alley Bounded by Hibbard, Holcomb, Brinket and Lorman (Anthony N. Marando,) Roll Approved and Confirmed, December 6, 1949.

Contract Number PW-1053, Paving Braile, Vassar to Pembroke (Cooke), Roll Approved and Confirmed, 12-6-49.

Contract Number PW-1054, Paving Maddelein, Rex to Redmond (Denton), Roll Approved and Confirmed, 12-6-49.

Contract Number PW-1055, Paving Northlawn, Outer Drive to Pembroke (Smith), Roll Approved and Confirmed, 12-6-49.

Contract Number PW-1056, Paving Prevost, Trojan to 8 Mile Road (Cooke), Roll Approved and Confirmed, 12-6-49.

Contract Number PW-1057, Paving Alley, Wildemere, Lawton, Sturtevant, and Fullerton (Smith), Roll Approved and Confirmed, 12-6-49.

Contract Number PW-1060, Paving State Fair, Hoyt to Gratiot (Denton), Roll Approved and Confirmed, 12-6-49.

Respectfully submitted,

CARL D. WARNER,  
Commissioner.

By Councilman Kronk:

Resolved, That the executed contracts and bonds for the paving listed in the foregoing communication be and are hereby approved and confirmed.

Adopted as follows:

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

Nays—None.

Reconsideration

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