

in the assessed portion in the original Proposal. This amounts to a deduction of \$230.40 or slightly over 3 percent of the total assessment portion.

In accordance with the terms of the resolution authorizing the award of this Contract, any change in the assessed portion of more than 1 percent was to be absorbed by the City portion upon approval of your Honorable Body. It is recommended that the difference due to the reduction in the amount of sidewalks credited to the City portion and that the assessment portion remain the same as in the original Proposal; namely, \$7,524.40.

Respectfully submitted,  
CARL D. WARNER, Commissioner.

By Councilman Garlick:

Resolved, That the assessed portion of the construction cost for the paving of Huntington from Cambridge to Vassar, Contract PW-1307F, remain as in the original accepted Proposal and that the adjustment in the Contract price due to less amount of sidewalks being constructed be credited to the City portion in accordance with the foregoing communication.

Adopted as follows:

Yeas—Councilmen Beck, Garlick, Kronk, Oakman, Rogell, Smith, and the President—7.

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 Beck, Garlick, Kronk, Oakman, Rogell, 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

September 6, 1950:

To the Honorable, the Common Council:

Gentlemen—We are returning herewith the petition of the Kroger Company (petition No. 2017), requesting the vacation of a portion of the east-west alley in block east of Junction Avenue, between Merritt Avenue and McGregor Place. The vacation of said portion of alley was approved by the City Plan Commission in their communication to your Honorable Body of August 4, 1950. Your Committee

of the Whole then referred the petition to this office for investigation and report.

Our investigations are completed. In reply to our inquiries all City departments and privately owned utility companies reported that they will be unaffected by said vacation or that they have reached satisfactory agreements with the petitioners regarding their installations in the portion of alley to be vacated.

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

We, therefore, 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 alley, 20 feet wide, east of Junction Avenue between Merritt Avenue and McGregor Place, as platted in McMillan Subdivision of the S. 270 feet of the east half of the rear concession of P. C. 260 lying north of the north line of Annexation Street (now Merritt Avenue), as recorded in Liber 12, Page 95 of plats, Wayne County Records, lying between the south line of lot 5 and the north line of lot 31 of said McMillan 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 rights to the 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 a building is to be constructed over said sewer, the sewer shall be replaced with cast iron pipe of the same size, rerouted or encased in 6 inches of Class "A" concrete, or, in lieu of the above, such work shall be done and such sewer manholes shall be built as will be specified by the City Engineer, all of the work mentioned to be done under the supervision and inspection of the Department of Public Works and all costs entailed to be borne by the petitioners, their successors or assigns and further,

3. Provided, That no buildings shall be constructed over said sewer without the prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering.

Adopted as follows:

Yeas—Councilmen Beck, Garlick, Kronk, Oakman, Rogell, Smith, and the President—7.

Nays—None.