

Contracting Company, Authorized 5-26-53.

PW-2263W—Paving Stoepel from 129 ft. S. of Santa Maria to Santa Maria, J. C. Sachs, Authorized 5-26-53.

PW-2264W—Paving Redfern from 7 Mi. to Pembroke, G. Toccalino and Sons, Authorized 5-26-53.

PW-2265W—Paving Minock from Fenkell to Grand River, G. Toccalino and Sons, Authorized 5-26-53.

Respectfully submitted,
CARL D. WARNER, Commissioner.
By Councilman Van Antwerp:

Resolved, That contracts as listed in the foregoing communication be and the same are hereby confirmed.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Garlick, Kronk, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—9.

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 Beck, Connor, Garlick, Kronk, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—9.

Nays—None.

Councilman Van Antwerp then moved that the motion to reconsider be indefinitely postponed, which motion prevailed.

The regular order was resumed.

Department of Public Works

June 26, 1953.

Honorable Common Council:

Gentlemen—This is to certify in accordance with Article 6 of the Contract Agreement of the following Contracts that work provided for in said Contracts for concrete pavements has been given final inspection and found fully completed and the Contractor has submitted an affidavit that all payrolls, material bills, and other indebtedness connected with the work have been paid:

PW-2210—Elmira, Steel to Meyers, J. C. Sachs, Contractor, \$12,827.30.

PW-2215—Bradford, Kennebec to McNichols, J. C. Sachs Contractor, \$5,014.10.

PW-2259—Strathmoor, Seven Mile to Jas. Couzens, J. C. Sachs Contractor, \$9,004.50.

PW-1992—Artesian, Elmira to Fitzpatrick, G. Toccalino & Sons, \$4,794.65.

As the work provided for in these Contracts has been completed they are accepted by the Commissioner of Public Works and he does recommend

that they be accepted by your Honorable Body and that full payment of the above stated sums, as indicated in Estimate No. 1 (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,
Engineer of Tests and Inspection.
M. WAGNITZ,
Asst. City Engineer.
CARL D. WARNER,
Commissioner.

By Councilman Van Antwerp:

Whereas, It appears from the foregoing communication from the Dept. of Public Works that the contracts therein listed have been duly completed, and

Whereas, Said work has been found to be in accordance with the contracts and specifications for the same, and has been accepted by the Commissioner of Public Works, therefore be it

Resolved, That the contracts listed in the foregoing communication be and the same are hereby accepted.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Garlick, Kronk, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—9.

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 Beck, Connor, Garlick, Kronk, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—9.

Nays—None.

Councilman Van Antwerp then moved that the motion to reconsider be indefinitely postponed, which motion prevailed.

The regular order was resumed.

Department of Public Works

June 25, 1953.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Edward Mooney, Roman Catholic Archbishop of the Archdiocese of Detroit (No. 3198) requesting the vacation of the east-west public alley south of Seven Mile Road and east of Dwyer Avenue. The vacation of said alley was approved by the City Plan Commission with the recommendation that the petitioner deed sufficient land to provide a new alley outlet in lieu of that to be vacated. The petition was then referred to this office by your

Committee of the Whole for investigation and report.

We wish to advise that our investigations are completed.

As per our directive, on June 24, 1953, the petitioner paid into the City Treasurer the sum of \$96.80, Receipt No. B-54034, credited to Public Works Maintenance Fund Code No. 143,6221-1, to reimburse the City for the original cost of paving the east one-half of Dwyer Avenue at the intersection of the alley to be vacated.

The petitioner also deposited with the Permit Division of the Department of Public Works the sum of \$850.00, Receipt No. 46948, said amount being the estimated cost of stoning the newly deeded alley and constructing a paved return at the entrance thereto. The petitioners requested that the paved return at the entrance to the alley to be vacated remain in its present status as they intend to utilize same and have agreed, by letter filed with the original petition, to pay all costs incident to such removal at such time in the future when the removal becomes necessary either at the City's or at the petitioner's request.

We are in receipt of a Quit Claim Deed to the property to be used for alley purposes as per City Plan Commission's recommendation. Said deed was approved as to form and execution by the Corporation Counsel's Office and as to description by the City Engineer and we are attaching it hereto for your Honorable Body's acceptance.

A proper provision is incorporated into 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 alley or that they have reached satisfactory agreements with the petitioners regarding their installations therein.

We recommend the adoption of the attached resolution.

Respectfully submitted,
CARL D. WARNER,
Commissioner.

By Councilman Van Antwerp:

Resolved, That all of east-west public alley, 18 feet wide, south of Seven Mile Road and east of Dwyer Avenue as platted in Kern Heights, Louis N. Hilsendegen's Subdivision of part of the N.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Section 9, T. 1 S., R. 12 E., as recorded in Liber 36, Page 24 of plats, Wayne County Records, lying south of and adjoining the south line of lots 246 to 253, both inclusive, and north of and adjoining the north line of lot 245 and north of and adjoining the north line of the 20 foot north-south public

alley in the rear of lot 245 of last mentioned subdivision; also, all that part of north-south public alley, 20 feet wide, south of Seven Mile Road between Dwyer and St. Louis Avenues, as platted in said Kern Heights Subdivision, lying east of and adjoining the east line of the north 15 feet of lot 245 of last mentioned subdivision, be and the same are hereby vacated as public alleys to become a part and parcel of the adjoining lots 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 rights to the sewers 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 sewers, the sewers shall be replaced with cast iron pipe of the same size, rerouted or encased in six inches of Class A concrete, or in lieu of the above, such work shall be done 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 sewers without the prior approval of such building construction by the City Engineer, and further,

4. In the event that the sewer located in said alley, if built upon, shall break causing damage to any construction above, the petitioners and their assigns, by acceptance of the permit for building over said sewer, waive all claims for damages to such construction and agree to pay all costs incident to the repair of such broken sewer, and further,

Resolved, That Quit Claim Deed of Edward Mooney, Roman Catholic Archbishop of the Archdiocese of Detroit to the City of Detroit deeding land for alley purposes, said land being described as "The south 20 feet of lot 245 of Kern Heights, Louis N. Hilsendegen's Subdivision of part of the N.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Section 9, T. 1 S., R. 12 E., as recorded in Liber 36, Page 24 of plats, Wayne County Records," be and the same is hereby accepted and the City Controller be and he is hereby directed to record said deed in the office of the Register of Deeds for Wayne County.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Garlick, Kronk, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—9.

Nays—None.