

consider 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

July 3, 1953.

Honorable Common Council:

Gentlemen—Submitted herewith for confirmation are contracts entered into as authorized and directed by your formal proceedings dated below:

PW-2301 — Paving Concrete Sidewalks and Driveways, District AW, Joseph E. Colwell, Authorized 6-16-53.

PW-2302 — Paving Concrete Sidewalks and Driveways, District BW, Joseph E. Colwell, Authorized 6-16-53.

Respectfully submitted,

CARL D. WARNER,
Commissioner.

By Councilman Rogell:

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

July 7, 1953.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of Calumet and Hecla, Inc., No. 5784, requesting the vacation of a portion of the east-west alley and turn-

around in the block east of Springwells Avenue between Bank Street and Pershing Avenue. The vacation of said alley was approved by the City Plan Commission in their communication to your Honorable Body of June 11, 1953, with the recommendation that the petitioners deed to the City land for turn-around purposes in lieu of the alley to be vacated.

We wish to advise that our investigations are completed.

We are in receipt of a Warranty Claim deed to land 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 and as to description by the City Engineer and we are attaching it hereto for your Honorable Body's acceptance. As funds have been previously posted by the petitioners to stone the turn-around herein vacated and no work having been done on said alley turn-around, the same funds will be applied toward stoning the turn-around presently deeded.

A waiver and agreement has been filed by Calumet and Hecla, Inc., whereby the petitioner waives the right of sewer maintenance by the City of Detroit of the sewer located within the limits of the vacated alleys and waives any and all claims for damages in the event of a breakdown of said sewer.

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

We recommend the adoption of the attached resolution.

Respectfully submitted,
CARL D. WARNER,
Commissioner.

By Councilman Rogell:

Resolved, That all that part of east-west public alley in the block east of Springwells Avenue between Bank Street and Pershing Avenue, as platted in plat of subdivision of Lot 16 of a part of Private Claim 718 lying north of the Wabash Railroad's right-of-way as recorded in Liber 16 of plats, Page 55, Wayne County Records, and as opened by dedication, said deed having been accepted by the Common Council of the City of Detroit on January 6, 1953, J.C.C. pages 30 and 31, said portion of alley herein described lying between the west line, extended southerly, of Lot 2 of last mentioned subdivision, and the east line, extended southerly, of Lot 1 of plat of subdivision of Lot 17 of a part of Private Claim 718, lying north of the Wabash Railroad's right-of-way as recorded in Liber 12, Page 21 of plats, Wayne County Rec-

ords; Also, all that part of east-west public alley in the block east of Springwells Avenue between Mint Street and Bank Street, as platted in plat of subdivision of Lot 16 of a part of Private Claim 718 lying north of the Wabash Railroad's right-of-way as recorded in Liber 16 of plats, Page 55, Wayne County Records, and as opened by dedication, said deed having been accepted by the Common Council of the City of Detroit on May 29, 1951, J.C.C. page 1286, said portion of alley herein described lying between the west line, extended southerly, of Lot 16 of last mentioned subdivision, and the east line, extended southerly, of Lot 13 of plat of subdivision of Lot 17 of a part of Private Claim 718, lying north of the Wabash Railroad's right-of-way as recorded in Liber 12, Page 21 of plats, Wayne County Records; 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 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, re-routed or encased in 6 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 the Department of Buildings and Safety Engineering; and further

4) In the event that the sewers located in said alleys, 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 Warranty Deed of Calumet and Hecla, Inc., a Michigan Corporation, to the City of Detroit, deeding land for alley purposes, said land being described as: "The south 20 feet of lots 1 and 13 of plat of

subdivision of Lot 17 of a part of Private Claim 718 lying north of the Wabash Railroad's right-of-way as recorded in Liber 12, Page 21 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.

Department of Public Works

July 1, 1953.

Honorable Common Council:

Gentlemen—On June 16, 1953, at the request of the Ken Building Company (Petition No. 5809), you authorized the City Engineer to prepare plans, specifications, and a tentative assessment roll for the installation of a lateral sewer in Warwick Avenue from Kirkwood Avenue to approximately 360 feet south of Kirkwood.

On June 26, the City Clerk advised me that the above named petitioner is withdrawing his petition for the construction of the sewer. I, therefore, recommend that the resolution of your Honorable Body of June 16, 1953 be rescinded.

Respectfully submitted,

CARL D. WARNER, Commissioner.

By Councilman Rogell:

Resolved, That the resolution of June 16, 1953, authorizing the City Engineer to prepare plans, specifications, and a tentative assessment roll for the construction of a lateral sewer in Warwick Avenue from Kirkwood Avenue to approximately 360 feet south of Kirkwood Avenue, be and is hereby rescinded; and be it further

Resolved, That the City Treasurer is hereby authorized and directed to cancel the tentative assessment roll for the above named lateral sewer and refund all deposits made by property owners whose properties abut the sewer.

Adopted as follows:

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

Nays—None.

Department of Public Works

June 29, 1953.

Honorable Common Council:

Gentlemen—Our Agreement with the City of Melvindale, whereby they permitted Detroit to construct the Southfield Interceptor through their City, provides that they would be permitted at all times to have access to the work for inspection for which Detroit would reimburse them at the rate not to exceed \$25.00 per day.