

his property filled sooner than contract agreement and has agreed to amending his contract, relieving us of specific monthly yardage quantities, and also reducing the payments from 2c to 1c per cubic yard.

Since the area involved is small, we propose to fill his property during the winter, as weather permits, completing the work by Spring. Signed amendments to agreement are attached. May we have your Honorable Body's approval

Respectfully submitted,
CARL D. WARNER,
 Commissioner.

By Councilman Garlick:

Resolved, That the amended agreement between the City of Detroit and Bruno Zalewski and Josephine Zalewski, his wife, covering dumping privileges in Sterling Township be and the same is hereby approved.

Adopted as follows:
 Yeas—Councilmen Beck, Connor, Garlick, Kronk, Rogell, Smith, and Van Antwerp—7.
 Nays—None.

Department of Public Works
 December 30, 1952.

Honorable Common Council:
 Gentlemen—The Department of Public Works recommends the cancellation of attached list of departmental bills issued against commercial establishments—per Ordinance 87E governing the collection of municipal waste—for the following reasons:

1. Out of business—Number of Contract Billings 143, Amount to be Cancelled \$332.50; Number of Invoice Billings 54, Amount to be Cancelled \$175.39; Number of Cleaners Residue Billings 17, Amount to be Cancelled \$22.98. Total number of Billings 214, Total Amount to be Cancelled \$530.87.

2. Amount too small to justify legal action—Number of Contract Billings 42, Amount to be cancelled \$101.50; Number of Invoice Billings 63, Amount to be Cancelled \$123.80. Total number of Billings 105, Total Amount to be Cancelled \$225.30.

3. Billed in Error—Number of Contract Billings 61, Amount to be Cancelled \$153.00; Number of Invoice Billings 18; Amount to be Cancelled \$134.60; Number of Cleaners Residue Billings 4, Amount to be Cancelled \$3.72. Total Number of Billings 83, Total Amount to be Cancelled \$291.32.

5. Miscellaneous Reasons—Number of Invoice Billings 1, Amount to be Cancelled \$5.25.

Totals—Number of Contract Billings 246, Amount to be Cancelled \$587.00; Number of Invoice Billings 136, Amount to be Cancelled \$439.04; Number of Cleaners Residue Billings 21, Amount to be Cancelled \$26.70. Total Number of Billings

403. Total Amount to be Cancelled \$1,052.74.

All accounts have been reviewed by the Sanitation Division and efforts have been made to collect wherever possible.

Respectfully submitted,
CARL D. WARNER,
 Commissioner.

By Councilman Garlick:

Resolved, That the City Controller be and he is hereby authorized and directed to cancel Accounts Receivable bills in accordance with the foregoing communication and list on file in the City Clerk's Office.

Adopted as follows:
 Yeas—Councilmen Beck, Connor, Garlick, Kronk, Rogell, Smith, and Van Antwerp—7.
 Nays—None.

Department of Public Works

December 29, 1952.

Honorable Common Council:
 Gentlemen—We are returning herewith the petition of Calumet and Hecla, Inc., No. 6074, requesting the vacation of a portion of the east-west alley, east of Springwells Avenue between Bank Street and Pershing Avenue. The vacation of said alley was approved by the City Plain Commission with the recommendation that another turn-around be deeded by the petitioners in lieu of the one 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 December 29, 1952, the petitioners deposited with the Permit Division of the Department of Public Works the sum of \$225.00, Receipt No. 41969, said amount being the estimated cost of stoning the turn-around deeded to the City.

The petitioners, by letter filed with the original petition, agreed to waive the City's maintenance of the lateral sewer located in the vacated portion of alley, and to allow the City access at all times to their property for maintenance, if necessary, of the sewer remaining in the open portion of alley.

We are in receipt of a Quit Claim deed to land to be used for alley turn-around purposes in accordance with the City Plain Commission's recommendation. Said deed was approved as to description by the City Engineer and as to form and execution by the Corporation Counsel and it is attached hereto for your Honorable Body's acceptance.

All other City departments and private owned utility companies reported that they will be unaffected by the vacation of said alley or that they have reached satisfactory agree-

ments with the petitioners regarding their installations therein.

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 alley, in the block east of Springwells Avenue, between Bank Street and Pershing Ave., as platted in plat of subdivision of lot 17 of a part of Private Claim 718 lying north of the Wabash Railroad right-of-way, as recorded in Liber 12 of plats, Page 21, Wayne County Records, and as opened by dedication, said deed having been accepted by the Common Council of the City of Detroit on April 10, 1928, said portion of alley herein described lying between the east and west lines, and said east and west lines extended southerly, of lot 2 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 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 no building shall be constructed over said sewer without the prior approval of such construction by the City Engineer, and further,

Resolved, That Quit Claim 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 westerly 22 feet of the southerly 20 feet of lot 1 of a subdivision of lot 16, of a part of Private Claim 718, lying north of the Wabash Railroad right-of-way, according to the plat thereof recorded in Liber 16, Page 55, Wayne County Records Also a portion of lot 35 of a subdivision of lot 17 of a part of Private Claim 718 lying north of the Wabash Railroad right-of-way, according to the plat thereof, recorded in Liber 12 of plats, page 21, said portion of lot 35 being a strip of land 20 feet long and the width of said lot, extending in a northerly direction from the extended southerly line of lot 1 of said subdivision," be and the same is 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 and Van Antwerp—7.

Nays—None.

Department of Public Works

December 29, 1952.

Honorable Common Council:

Gentlemen—Contract PW-1850W, Paving of Westbrook Avenue at Outer Drive and Fenkell. Weir Contracting Company is the Contractor. The total amount of the accepted proposal was \$12,313.70 of which \$10,411.10 was in the Assessment Portion and \$1,902.60 was in the City Intersection Portion.

The assessment roll was based on the amount stated in the Assessment Portion of the accepted proposal, or \$10,411.10. This roll was confirmed by your Honorable Body.

Under the provisions of the Resolution authorizing the contract, any deductions or additions in the Assessment Portion exceeding 1% must be approved by the Common Council before the adjustment of the difference is applied to the City Intersection Portion.

When the final measurements, based on actual construction, were made, a deduction of \$219.00 resulted, as less sand and gravel fill work, curbs and sidewalks were constructed than were included in the estimated quantities in the original proposal. This amounts to approximately 2.1% of the original Assessment Portion. It is recommended that the adjustment be made by deducting \$219.00 from the City Intersection Portion and that the Assessment Portion remain the same.

Respectfully submitted,

CARL D. WARNER,
Commissioner.

By Councilman Van Antwerp:

Resolved, That the adjustment in the constructed quantities in the Assessment Portion amounting to a deduction of \$219.00 in connection with the Paving of Westbrook, Outer Drive to Fenkell, Contract PW-1850W, be applied to the City Intersection Portion; and be it further

Resolved, That the final assessment cost for construction remain at \$10,411.10, the same as was in the original accepted proposal.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Garlick, Kronk, Rogell, Smith, and Van Antwerp—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 Beck, Connor, Garlick, Kronk, Rogell, Smith, and Van Antwerp—7.

Nays—None.

Councilman Van Antwerp then