

Public Works under the terms and conditions thereof and it is recommended that it be accepted by your Honorable Body and that full payment of the above stated sums, as indicated in Estimates No. 1 (final), be made by the City and accepted by the Contractors under the terms of final payment.

Respectfully submitted,

FLOYD C. MORSE,
Engineer of Tests & Inspection.

CLYDE L. PALMER,
Asst. City Engineer.

GLENN C. RICHARDS,
Commissioner.

By Councilman Beck:

Whereas, It appears from the foregoing communication that the paving 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 said contracts be and the same are hereby accepted.

Adopted as follows:

Yeas — Councilmen Beck, Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, and President Miriani—8.

Nays—None.

Department of Public Works

December 29, 1954.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Amquip Company (No. 2880), requesting the vacation of portions of Brow Ave., north and south of Doyle Ave., also the east-west alleys parallel to and north and south of Doyle Ave. along with the dedicated street turn-around at the northerly end of Brow Ave. All being located west of Eldon Ave. The vacation of said portions of street and alleys was approved by the City Plan Commission in a communication to your Honorable Body of December 2, 1954. 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, 1954, the petitioners paid into the City Treasury the sum of \$604.11, Receipt No. C-20505, credited to Public Works Maintenance Fund Code No. 143-6221-1, to reimburse the City for the original cost of paving the west ½ of Eldon Ave. at the intersections of the alleys to be vacated.

The Amquip Company requested that the paved returns at the entrance to the alleys to be vacated north and south of Doyle Ave., west of Eldon Ave., remain in their present status

as they intend to utilize them and by letter, filed with the original petition, agreed to pay the costs of the removal of said returns at such time in the future as their removal becomes necessary either at the City's or the petitioner's request.

A proper provision is incorporated in the vacating resolution protecting the City's interests in the sewer located in the street and alleys 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 the portions of street and alleys, or that they have reached satisfactory agreements with the petitioners regarding their installations therein.

We recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,
Commissioner.

By Councilman Connor:

Resolved, That all that part of Brow Avenue 40 feet wide, lying north of Doyle Avenue, as platted in Hafeli-Tumey Subdivision of lot 119 and part of lot 118 Tumey-Hafeli Subdivision of part of the N. E. ¼ of Sec. 16, T. 1 S., R. 12 E., as recorded in Liber 61, Page 9 of plats, Wayne County Records, lying between a line drawn at right angles to lot 21, said line being 60.75 feet northerly of the south line of said lot 21, measured along the west line of lot 21, and a line drawn at right angles to lot 22, said line being 20 feet northerly of the south line of said lot 22, measured along the west line of lot 22, all of the above mentioned subdivision; Also, all that part of Brow Avenue 40 feet wide, lying south of Doyle Avenue, as platted in Hafeli-Tumey Subdivision as recorded in Liber 61, Page 9 of plats, Wayne County Records, lying between the south line of said Hafeli-Tumey Subdivision and a line drawn at right angles to lot 51, said line being 20 feet southerly of the north line of said lot 51, measured along the west line of lot 51, of the above mentioned subdivision.

Also, all that part of street turn-around east of Brow Avenue, north of Doyle Avenue, which turn-around was deeded to the City of Detroit, said deed having been accepted by the Common Council of the City of Detroit on March 25, 1952, J.C.C. Page 606 and which turn-around is in fact a part of lots 20 and 21 of Hafeli-Tumey Subdivision of Lot 119 and part of Lot 118 of Tumey-Hafeli Subdivision of part of the N. E. ¼ of Section 16, T. 1 S., R. 12 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 61, Page 9 of plats, Wayne County Records, more particu-

larly described as follows: Beginning at the S. W. corner of lot 21 of Hafeli-Tumey Subdivision, as recorded in Liber 61, Page 9 of plats; then N. 30d 23m E., along the westerly line of lot 21, 60.75 feet, said line being also the easterly line of Brow Avenue (40 feet wide); thence easterly at right angles to Brow Avenue, 45 feet; thence southwesterly parallel to Brow Avenue, 34.07 feet to the north line of a public alley (18 feet wide); thence westerly along the north line of public alley 52.32 feet to the point of beginning, all of the above mentioned subdivision.

Also, all of the east-west public alley 18 feet wide north of Doyle Avenue, between Brow and Eldon Avenues, as platted in said Hafeli-Tumey Subdivision as recorded in Liber 61, Page 9 of plats, Wayne County Records, lying south of and adjoining the south line of lots 10 to 21 both inclusive, and north of and adjoining the north line of lots 23 to 35 both inclusive of the above mentioned subdivision.

Also, all of the east-west public alley 20 feet wide, south of Doyle Avenue, between Brow and Eldon Avenues, the north 9 feet of said alley being platted in said Hafeli-Tumey Subdivision, as recorded in Liber 61, Page 9 of plats, Wayne County Records, lying south of and adjoining the south line of lots 37 to 51 both inclusive, and south of and adjoining the south line of the west 30 feet of lot 36, all of the above mentioned subdivision, the southerly 11 feet of said east-west public alley, having been deeded to the City of Detroit, said deed having been accepted by the Common Council on June 8, 1937, and which alley is in fact described as "All that part of the Northeast $\frac{1}{4}$ of Section 16, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, more particularly described as follows: Beginning at a point in the easterly line of the Grand Trunk Railroad Right-of-Way 99 feet wide as now established, said point also being the southwest corner of Hafeli-Tumey Subdivision of Lot 119 and part of Lot 118 of the Tumey-Hafeli Subdivision of Part of the N. E. $\frac{1}{4}$ of Section 16, T. 1 S., R. 12 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 61, Page 9 of plats, Wayne County Records; thence along the south line of the above mentioned subdivision N. 89d 45m E., 654.97 feet to a point in the west line of Eldon Avenue; thence southerly along the west line of Eldon Avenue, S. 0d 03m E., 11 feet to a point; thence S. 89d 45m W., 661.45 feet to a point in the east line of the Grand Trunk Railroad Right-of-Way; thence northerly

along the east line of the Grand Trunk Railroad Right-of-Way to the point of beginning":

Be and the same are hereby vacated as public streets and 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 streets and 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 sewers 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) Provided, In the event that the sewers located in said streets and alleys, if built upon, shall break causing damage to any construction above, the petitioners and its assigns by acceptance of the permit for building over said sewers 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 the City Controller be and he is hereby authorized and directed to issue a Quit Claim deed to the land above described as being deeded to the City of Detroit for turn-around purposes, deed for which was accepted on March 25, 1952, J.C.C. Page 606, to the owners in fee of lots 20 and 21 of the aforesaid Tumey-Hafeli Subdivision.

Adopted as follows:

Yeas — Councilmen Beck, Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, and President Miriani—8.

Nays—None.

Department of Public Works

December 29, 1954.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report, the petition of the Cooper Supply Company (No. 3222), requesting the vacation of a