

and is hereby authorized and directed to honor vouchers when presented covering this additional work.

Adopted as follows:

Yeas—Councilmen Connor, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Pro Tem Beck—7.
Nays—None.

Reconsideration

Councilman Connor moved to reconsider the vote by which the resolution was adopted.

Councilman Rogell moved to suspend Rule 23 for the purpose of indefinitely postponing the motion to reconsider, which motion prevailed as follows:

Yeas—Councilmen Connor, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Pro Tem Beck—7.
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

May 14, 1954.

Honorable Common Council:

Gentlemen—Under the date of April 19, 1954, it was recommended that the Contract for the construction of Lateral Sewer No. 6837 in the blocks bounded by Auburn, Grandville, South of Kirkwood and Kirkwood Ave., Contract PW-2122, be awarded to the Stocco Excavating Company of Hazel Park, Michigan in the amount of \$3,112.40.

On April 27 (J.C.C. Page 956), you authorized and directed the Commissioner of Public Works to enter into Contract as recommended.

The proposal as received indicated that the bid was that of a Egidio Stocco, an individual doing business as the Stocco Excavating Company. The bid bond accompanying the proposal also so indicated.

In the process of having the Contract executed it was discovered by a certificate issued by the Clerk of Wayne County that the name Stocco Excavating Company was registered as a firm name of a co-partnership consisting of Egidio Stocco and Mary Anna Stocco. The Corporation Counsel's Office has advised that a Contract cannot be entered into with the Stocco Excavating Company as the assumed name of an individual since that name is the registered name of a partnership. The Corporation Counsel's Office further advised that it would be necessary to have an assignment from Egidio Stocco, as an individual, to the Stocco Excavating Company, as a partnership.

Attached hereto is a copy of a letter signed by Egidio Stocco, as an individual, requesting authorization to assign this Contract to the Stocco

Excavating Company, a partnership. The Saint Paul Mercury Indemnity Company, surety on the bid bond, has also signed this letter agreeing to this assignment and that the bid bond previously issued may be held as covering the proposed assignee.

It is, therefore, recommended that such assignment be authorized.

Respectfully submitted,

CARL D. WARNER,
Commissioner.

By Councilman Youngblood:

Resolved, That in connection with the construction of Lateral Sewer No. 6837 in the blocks bounded by Auburn, Grandville, South of Kirkwood and Kirkwood Avenues, Contract PW-2122, that an assignment is hereby authorized from Egidio Stocco, an individual doing business as the Stocco Excavating Company, to the Stocco Excavating Company, a co-partnership consisting of Egidio Stocco and Mary Anna Stocco, at no change in the Contract price and in accordance with the foregoing communication.

Adopted as follows:

Yeas—Councilmen Connor, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Pro Tem Beck—7.
Nays—None.

Department of Public Works

May 10, 1954.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of St. Stephen's Parish, et al (No. 7480), requesting the vacation of a portion of the 18 foot north-south alley west of Central Avenue and south of St. Stephens. The vacation of said alley was approved by the City Plan Commission.

We wish to advise that our investigations are completed.

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 Youngblood:

Resolved, That all that part of north-south public alley, 18 feet wide, west of Central Avenue and south of St. Stephens Avenue as opened by dedication, said deeds having been

accepted by the Common Council of the City of Detroit on June 13, 1916, and which alley is in fact the west 18 feet of the East 118 feet of Lots 13 and 14 of Quinn's Subdivision of Lot 2 (except the north 120 feet), of part of H. Haggerty's Subdivision of part of P.C. 543 and Lots 14 and 15, P.C. 60, City of Detroit, Wayne County, Michigan, as recorded in Liber 25, Page 60 of plats, Wayne County Records, 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 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; and further

4) PROVIDED, 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.

Adopted as follows:

Yeas—Councilmen Connor, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Pro Tem Beck—7.
Nays—None.

Department of Public Works

May 18, 1954.

Honorable Common Council:

Gentlemen—On December 8, 1953, your Honorable Body adopted a resolution vacating a portion of Parker and Moffat Avenues and certain alleys adjoining, on petition of Sears, Roebuck and Company. A condition of the vacation was that the petitioner deeds to the City certain property to

be used for street and alley purposes within 30 days after the adoption of the vacating resolution.

The petitioner could not complete its negotiations with the owners of the property to be deeded for its purchase within the 30 day period and thus failed to comply with the provision of the resolution of December 8, 1953. The City Plan Commission, in its communication to your Honorable Body of May 4, 1954 recommended a change in the property to be used for a certain alley.

Under the circumstances, we feel it advisable to rescind the resolution of December 8, 1953 and adopt a new resolution effecting the changes. The petitioner has heretofore filed a surety bond in the amount of \$25,000.00 to guaranty the performance of certain conditions as stated in the previous communication to your Honorable Body and has now stipulated to keep the bond in full force.

We recommend the adoption of the attached resolution.

Respectfully submitted,

CARL D. WARNER, Commissioner.

By Councilman Youngblood:

Resolved, That Common Council resolution of December 8, 1953, J.C.C. pages 2753 to 2755, both inclusive, and as amended on December 22, 1953, J.C.C. page 2872, be and the same is hereby rescinded for the purpose of correction.

Adopted as follows:

Yeas—Councilmen Connor, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Pro Tem Beck—7.
Nays—None.

By Councilman Youngblood:

Resolved, That all that part of Parker Avenue, 60 feet wide, south of Gratiot Avenue as platted in Walch's Subdivision of Outlots 12, 13, 14, and 15, Subdivision of the Van Dyke Farm, P. C.'s 100 and 679, between Gratiot and Mack Avenues as recorded in Liber 21, Page 82 of Plats, Wayne County Records, lying between the south line, extended easterly, of Lot 79 of last mentioned subdivision and a line extending from the northwest corner of Lot 44 of last mentioned subdivision to the existing northeast corner of Lot 1 of Nicholas Walch's resubdivision of Lots 92 to 98, both inclusive, also vacated alley in rear of lots 93 to 98, of Walch's Subdivision of Outlots 12, 13, 14 and 15, Subdivision of the Van Dyke Farm, P. C. 100 and 679 between Gratiot and Mack Avenues as recorded in Liber 28, Page 12 of Plats, Wayne County Records, said existing northeast corner of Lot 1 being in the south line of Gratiot Avenue as now established at this point; Also, all of Moffatt Avenue, 60 feet wide, between Parker and Maxwell Avenues, as platted in said Walch's Subdivision, lying south of