

construct or reconstruct such sidewalks, crosswalks or driveways.

Adopted as follows:

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

Nays—None.

Department of Public Works
March 22, 1955.

Honorable Common Council:

Gentlemen—On February 23, 1955 Your Honorable Body confirmed Sidewalk Assessment Roll No. 364-C. Upon preparing a property split for an item in this roll we discovered that one parcel of property has been assessed for 139 sq. ft. of 4 in. thick sidewalk in excess of what had actually been constructed.

The proper assessment follows:

Roll 364-C-20, N. 132.5 ft. of 78, 79, exc. S. 132.5 ft. of W. 36 ft., North side Leewin bet. McIntyre and Berg Road—Order No. 15659—Item No. 18477.

1017.75 sq. ft. 4 in. walk at \$.435—
\$442.72.

To effect the proper assesment we offer the following resolution.

Respectfully submitted,

NEAL CUTLIFF,
Secretary.

By Councilman Rogell:

Resolved, That the City Treasurer be and he is hereby authorized to reduce the assessment contained in Roll 364-C to reflect the change as mentioned in the foregoing communication from the Secretary.

Adopted as follows:

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

Nays—None.

Department of Public Works
March 22, 1955.

Honorable Common Council:

Gentlemen — Contract PW-1433-34 is for the construction of Conant-Mt. Elliott Relief Sewer - Sections 2 and 3. Gargaro Company, Inc., is the Contractor.

During construction it was found necessary to construct 72.5 feet of 10-inch sanitary sewer for new service for 704 and 710 Mt. Elliott, and 24 feet of 6-inch sanitary sewer for 654 Mt. Elliott, and connect both of these new sewers to a sewer in Fort at Mt. Elliott.

The existing sewer services crossed Mt. Elliott and were at such depth as to interfere with the construction of the new Conant-Mt. Elliott Relief Sewer. The services could not be reconnected or tapped until the new outlets were constructed.

The Contractor has submitted the cost for this work in the amount of \$1,359.34. This cost has been checked

and found to be fair, correct, and reasonable for the work involved. It is recommended that this additional work be added as an extra to the existing Contract. Funds are available in Account No. 925-2390-935.

Respectfully submitted,

GLENN C. RICHARDS,
Commissioner.

By Councilman Smith:

Resolved, That the work of constructing the 6-inch and 10-inch sanitary sewers, as described in the foregoing communication, be added as an extra to the existing Contract for the construction of the Conant-Mt. Elliott Relief Sewer - Sections 2 and 3, Contract PW-1433-34, in the amount of \$1,359.34; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to honor vouchers when presented covering this additional work and charge them to Account No. 925-2390-935.

Adopted as follows:

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

Nays—None.

Department of Public Works

March 25, 1955.

Honorable Common Council:

Gentlemen — Submitted herewith for confirmation are contracts entered into as authorized and directed by your formal proceedings dated 3-8-55.

BH-45 — Nurses' Offices, Utility Rooms and Sterilization Equipment Infirmary Wards "A" and "B"—Maybury Sanatorium, The Richard Eiserman Company.

Respectfully submitted,

M. F. WAGNITZ,
City Engineer.

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, Lincoln, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Miriani—9.

Nays—None.

Department of Public Works

March 29, 1955.

Honorable Common Council:

Gentlemen — We are returning herewith the petition of the Archdiocese of Detroit (3850) requesting the vacation of a portion of the north-south alley and all of the 20 foot east-west alley in the block bounded by Cameron, State Fair, Hawthorne and Lantz Avenues. The vacatation of said alleys was approved by the City Plan Commission in their communication to your Hon-

orable Body on February 25, 1955 with the recommendation that petitioner deed an east-west alley outlet in lieu of the alley to be vacated. The petition was then referred to this office by your Committee of the Whole for investigation and report.

Our investigations are completed and they disclose that the Department of Public Works is the only City department affected by the changes as proposed.

A proper provision is incorporated into the vacating resolution protecting the City's interests in the sewer located in the north-south alley. The petitioner deposited the sum of \$217.09 into the City Treasury, Receipt A-38845, credited to Public Works Maintenance Fund Code 143-6221-1, to reimburse the City for the original cost of paving the west 1/2 of Hawthorne Avenue at the intersection of the alley to be vacated. The sum of \$1,275.00 was deposited with the Permit Division of the Department of Public Works, Receipt 62877, said amount being the estimated cost of removing the paved return at the entrance to the alley to be vacated, constructing a paved return at the entrance to the newly deeded alley and stoning the new alley. This satisfies the objections of the Department of Public Works.

We are in receipt of a Warranty Deed from Edward Mooney, Roman Catholic Archbishop of the Archdiocese of Detroit, to the City of Detroit deeding land to be used for alley purposes in accordance with the 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 it is attached hereto for your Honorable Body's acceptance.

We recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,

Commissioner.

By Councilman Van Antwerp:

Resolved, That all that part of north-south public alley 16 feet wide in block bounded by Cameron, State Fair, Hawthorne, and Lantz Avenues, as plated in Lindale Gardens Subdivision No. 1 of part of the N. 1/2 of E. 1/2 of E. 1/2 of S. W. 1/4 of Section 1, T 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 35, Page 3 of plats, Wayne County Records, lying west of and adjoining the west line of lots 794, and 795, west of and adjoining the west line of the south 20 feet of lot 793, west of and adjoining the west line of the north 10 feet of lot 796, east of and adjoining the east line of lots 846 and 847, east of and adjoining the east line of the south 20 feet of lot

848, and east of and adjoining the east line of the north 10 feet of lot 844 all of the above mentioned subdivision.

Also, all of the east-west public alley 20 feet wide in block bounded by Cameron, State Fair, Hawthorne, and Lantz Avenues, which alley was deeded to the City of Detroit, said deed having been accepted by the Common Council of the City of Detroit on July 6, 1926, and which alley is in fact the south 20 feet of lot 795 of Lindale Gardens Subdivision No. 1 of part of N. 1/2 of E. 1/2 of S. W. 1/4 of Section 1, T 1 S., R. 11 E., Greenfield Twp., Wayne County, Michigan, as recorded in Liber 35, Page 3 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 alley 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, 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 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 alleys, if built upon, shall break causing damage to any construction above, the petitioner 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 Warranty 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 796, of Lindale Gardens Subdivision No. 1 of part of N. 1/2 of E. 1/2 of S. W. 1/4 of Section 1, T 1 S. R 11 E., Greenfield Twp., Wayne

County, Michigan, as recorded in Liber 35 Page 3 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, Lincoln, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Miriani—9.

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 Beck, Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, 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

March 21, 1955.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petition of Anthony T. Kolarik, No. 4609, Peter Bondarek, No. 4730, Wm. C. Brick, No. 4731 and M. Haddad, No. 4410, for permission to maintain garage or side-drive encroachments unto the easements in the side or rear of their property.

A review of the petitions indicates that in each case the encroachment was inadvertently made and that it would be a hardship for the petitioners if the encroachments were ordered to be abated. We likewise feel that no undue hardship would be suffered by the City of Detroit if a permit to maintain the encroachment was granted subject to the usual conditions.

The resolution of November 16, 1954, reserves discretionary powers in matters peculiar to these petitions to your Honorable Body only. We are attaching a resolution granting the petitioners' requests to be adopted only if your Honorable Body desires to grant the petitions.

Respectfully submitted,

GLENN C. RICHARDS,
Commissioner.

By Councilman Wise:

Resolved, That permission be and the same is hereby granted to the owners of:

a) Lot 226 of Warrendale Warsaw

Subdivision, located at 9390 Auburn Avenue to maintain sidedrive encroachment into the easement in the side of said lot, (Anthony T. Kolarik, No. 4609).

b) South 44 feet of Lot 68 of Reimway Manor Subdivision, located at 18643 Gilchrist Avenue to maintain garage encroachment into the easement in the rear of said lot, (Peter Bondarek, No. 4730).

c) North 40 feet of Lot 60 of St. Martin's Subdivision, located at 19431 Burt Road to maintain garage encroachment of approximately 12 inches into the easement in the rear of said lot, (Wm. C. Brick, No. 4731).

d) Lot 131 of Radio Subdivision No. 1, located at 18265 Vaughn Avenue to maintain garage encroachment of 11 inches into the easement in the rear of said lot, (Mike Haddad, No. 4410).

The above grants are subject to the following provisions:

1) That no right in the public easement shall be considered waived by this permission which is granted expressly on the condition that the garages and sidedrives and all obstructions in connection therewith shall be removed at the expense of the grantees at any time when so directed by the Common Council; and further

2) If at any time in the future it becomes necessary to repair or replace the sewers or other utilities located or to be located in said easement, by the acceptance of this permission, the owners for themselves, their heirs and assigns waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the Department of Public Works at the owners expense; and further

3) This resolution is revocable at the will, whim, and caprice of the Common Council, and the grantees by the acceptance of this permission, waive any right to claim damages or compensation for any garages or sidedrives constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges not expressly stated herein:

Adopted as follows:

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

Nays—None.

Department of Public Works

March 29, 1955.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Allen Industries, Inc. (No. 4333), requesting the vacation of a portion of Leland Avenue