

cased 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 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.

Adopted as follows:

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

Nays—None.

Department of Public Works

November 29, 1955.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Cooper Supply Company, (No. 4625), requesting the vacation of Freeland Avenue, north of Joy Road and the east half of the east-west alley first north of Joy Road and west of Freeland Avenue. The vacation of said street and alley was approved by the City Plan Commission with the recommendation that the petitioner deed sufficient land for a new alley outlet into Mark Twain Avenue. 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.

The petitioner deposited with the Permit Division of the Department of Public Works the sum of \$317.56 Receipt No. 69650, said amount being the estimated cost of stoning the north-south alley north of Joy Road, between Mark Twain and Freeland Avenues.

The petitioner also deposited with the Permit Division of the Department of Public Works the sum of \$1,685.00 Receipt No. 69651, said amount being the estimated cost of removing seven posts, removing 40 feet of fence, stoning newly deeded alley, and to install return, apron and curb to the newly deeded alley north of Joy Road and east of Mark Twain Avenue.

The petitioner requested that the

paved return at the entrance to the vacated street remain in its present status as the petitioner plans to utilize same, and has agreed, by letter filed with the original petition, to pay all costs incidental to the removal of the return at such time in the future as the removal becomes necessary.

On November 28, 1955, the petitioner paid into the City Treasury the sum of \$914.25, Receipt No. C-15995, credited to Public Works Maintenance Fund Code No. 143-6221-1, to reimburse the City for the original cost of paving the north ½ of Joy Road at the intersection of Freeland Avenue.

We are in receipt of a Deed With Covenant whereby petitioner dedicates 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.

A proper provision is incorporated into the vacating resolution protecting the City's interests in the sewer located in the portion of alley to be vacated.

All other City departments and privately owned utility companies reported that they will be unaffected by the vacation of said street and alley or that they have reached satisfactory agreements with the petitioner 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 Freeland Avenue 60 feet wide, north of Joy Road, as platted in Karnatz Bonaparte Subdivision of Lot 4 of Beahmers Subdivision of Section 31, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 55, Page 29 of Plats, Wayne County Records, lying east of and adjoining the east line of lot 44 and east of and adjoining the east line of the 20 feet east-west public alley lying between lots 44 and 45 of the above mentioned subdivision.

Also, all that part of east-west public alley 20 feet wide north of Joy Road and west of Freeland Avenue, as platted in the above mentioned Karnatz Bonaparte Subdivision as recorded in Liber 55, Page 29 of Plats, Wayne County Records, lying north of and adjoining the north line of lots 40 to 44 both inclusive, north of and adjoining the north line of the east 11 feet of lot 39, and south of and adjoining the south line of lot 45 of the last mentioned subdivision.

Be and the same are hereby vacated

as a public street and 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 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 buuilding 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 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 sewers; and further

Resolved, That, Deed With Covenant of Gage W. Cooper, Trustee, to the City of Detroit deeding land for alley purposes, said land being described as "Part of Lot 3 of Beahmer's Subdivision of Sections 6 and 31, Town 1 South, Range 11 East, Greenfield Township, according to the plat recorded in Liber 19, Page 24 of Plats, Wayne County Records, described as commencing at the intersection of the west line of lot 48 of Karnatz Bonaparte Subdivision as recorded in Liber 55, Page 29 of Plats, Wayne County Records, with the south line of said Lot 3 and proceeding due north 20 feet, thence in a westerly direction parallel with the south line of said Lot 3, a distance of 167 feet more or less, to the west line of the property deeded by Ferdinand Porath, Jr., and Eva R. Porath, his wife, to party of the first part by deed dated November 5, 1953, recorded November 5, 1953, in Liber 11912, Page 322, Wayne County Records, said west line being the center line of Mark Twain Avenue if extended, thence S. 0d 00m 35s West, along said west line to the south line of Lot 3, thence N. 89d 59m 35s E., along the south line of said Lot 3 to

the place of beginning. 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 Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Pro Tem Beck—8.

Nays—None.

Department of Public Works
December 2, 1955.

Honorable Common Council:
Gentlemen—This is to certify that all paving work required of Julius Porath & Son Contractor, in the performance of these Contracts has been fully completed and found acceptable under the terms and conditions thereof, and that the total value of such completed work, including all Contract Changes duly issued, is that stated below as the Adjusted Contract Price.

The Contractors have submitted affidavits that all payrolls, material bills, and all other indebtedness incurred by them in connection with the work have been paid.

It is therefore recommended that the total value of the work, as stated below be paid to the Contractors with the understanding that such payments are made by the City and accepted by the Contractors under the Contract provisions covering final payment.

PW-2609F—Hillview, Ward to Meyers, adjusted contract price \$28,460.50.

PW-2584P—Vassar, Coyle to Marlowe, adjusted contract price \$13,059.75.

Respectfully submitted,
JOHN S. PERCIVAL,
Engineer of Tests & Inspection.
M. F. WAGNITZ,
City Engineer.
GLENN C. RICHARDS,
Commissioner.

By Councilman Connor:
Whereas, From the foregoing communication, it appears that all work required to be performed by the Contractors under the contracts therein named has been fully completed; and

Whereas, The completed work has been found acceptable under the terms and conditions of said contracts by the Department of Public Works; therefore be it

Resolved, That the said contracts be and are hereby accepted.

Adopted as follows:
Yeas—Councilmen Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Pro Tem Beck—8.

Nays—None.