

could be a reason to disqualify a bidder as not responsible.

Mr. Welch secured a copy of the transcript of the testimony in the preliminary examination of the case of the People of the State of Michigan vs. M. Warren Duncan, No. 34510, held before Douglas Leo Patterson, J. P., in the Justice Court of the City of Grosse Pointe, commencing on April 30, 1957. This transcript contained the testimony of the president and other stockholders of DCP in which it was brought out that payments were made by DCP to the Mayor of River Rouge in order to obtain paving contracts. The testimony further disclosed the following:

DCP first submitted a bid on bituminous concrete paving to the City of River Rouge in 1949. This bid was presumably low, but DCP was not awarded the contract, as, at that time, they were not prequalified by the Michigan State Highway Department for this type of work which was a requirement for doing work in River Rouge.

Prior to submitting a bid for work in 1950, DCP had become prequalified by the Michigan State Highway Department. Before bidding in 1950, the Mayor of River Rouge told the President of DCP that there were three requirements for being awarded a contract (Page 270):

- 1) All contractors must be prequalified by Michigan State Highway Department.
- 2) Bid must be low.
- 3) Bidder must agree to kickback to the Mayor a "buck a ton on asphalt laid."

After being told of these conditions, the President of DCP talked the matter over with the Secretary of the Corporation and since "business was hard to get" decided "to submit a bid and see what happens." Their bid was low, and DCP was awarded the contract. DCP was, subsequently, invoiced by the Downriver Letter Service Company on behalf of the Mayor for "printing," which they did not receive, in an amount equivalent to "a buck a ton" and which they paid by a Corporation check.

DCP were low bidders, and awarded contracts in the City of River Rouge in 1951 through 1956. DCP continued to pay "a buck a ton" in each of these years on invoices from various concerns owned or controlled by the Mayor for materials which were never received. The last payment in January, 1957 for work done in 1956 was paid in cash in the amount of \$4,000.

The other stockholders of DCP, brothers of the President, while, possibly, not aware of the kickback at first, each testified that he knew and made no objections to the payments made over the period of years.

After the testimony had been read by Messrs, Welch and Kepler, the

matter was discussed with Paul Dwyer, Commissioner Richards, M. F. Wagnitz, and it was decided that DCP should not be recommended as the "lowest responsible" bidder on these two contracts.

M. J. K.,

Office Engineer.

By Councilman Wise:

Resolved, That the lowest bids received on Contracts PW-2858 and PW-2859 for Pavement Recapping Group RC 57-1, be and are hereby rejected for reasons stated in the foregoing communication; and be it further

Resolved, That the Commissioner of Public Works be and is hereby authorized and directed to enter into Contracts PW-2858 and PW-2859 in Pavement Recapping Group RC 57-1, as listed above, and in the amounts stated in the foregoing communication; and be it further

Resolved, That the Controller be and is hereby authorized and directed to honor vouchers when presented, said vouchers to include the cost of advertising, inspection, field engineering, and minor changes, as well as the contract costs.

Objected to and laid over under the rules.

Department of Public Works

August 6, 1957.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Civic Center Commission requesting the vacation of Woodbridge Street between Griswold and Woodward Avenues and all the alleys bounded by Griswold, Woodward, Jefferson, and Atwater Avenues. The vacation of said street and alleys was approved by the City Plan Commission and the petition was 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 Water Supply, the Public Lighting Commission and the Department of Public Works have substantial installations affected by the proposed vacations and reimbursement to said Departments involve large sums of money. As in the past, the matter of reimbursing the City Departments affected can be disposed of at such time as the affected Department is requested by the Civic Center Commission to relocate its facilities.

All other City Departments and privately owned utility companies reported that they will be unaffected by the vacation of said street and alleys.

We recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,

Commissioner.

By Councilman Wise:

Resolved, That all of Woodbridge

Street, 50 feet wide, between Griswold and Woodward Avenues, and all of the alleys in the blocks bounded by Griswold, Woodward, Jefferson and Atwater Avenues, all being the same as platted in Governor and Judges Plan, be and the same are hereby vacated as a public street and alleys to become a part and parcel of the adjoining property; and be it further

Resolved, That an easement or right-of-way is hereby reserved in and over the vacated street and alleys for the Department of Public Works, Department of Water Supply, and the Public Lighting Commission for the purpose of maintaining sewers, water mains, and P.L.C. installations therein until such time as their removal or relocation becomes necessary.

Adopted as follows:

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

Nays—None.

Department of Public Works

August 8, 1957.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Department of Parks and Recreation requesting the vacation of a portion of Braden Avenue south of Kirkwood Avenue within the limits of a recreational site. The vacation of said portion of street was approved by the City Plan Commission with the recommendation that sufficient land be allocated from the recreational site for street and alley turnarounds. Also, that the costs for improving the newly allocated street and alley turnarounds be charged against such funds that may be involved in accordance with the resolution adopted October 3, 1950, J.C.C. Pages 2802 and 2803, by your Honorable Body. 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.

An easement is reserved in the vacating resolution for the Department of Water Supply for the maintenance of its water main located in the portion of Braden Avenue to be vacated.

All other City departments and privately-owned utility companies reported that they will be unaffected by the vacation of said portion of street or that they have reached satisfactory agreements with the petitioners regarding their installations therein.

As the vacation of said portion of street is necessary for the proper utilization of the recreational site, we recommend the adoption of the attached resolution.

Respectfully submitted,
GLENN C. RICHARDS,
Commissioner.

By Councilman Wise:

Resolved, That all that part of Braden Avenue, 25 feet wide, south of Kirkwood Avenue as platted in Stephen Pratt Subdivision of Lot 2 of Plat of Edward Martin Estate on P.C. 719 and parts of Lots 5 and 7 of the Estate of Wm. Larkins, being the center part of P.C. 719, City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 81 of Plats, Wayne County Records, lying east of and adjoining the east line of lots 28 to 35, both inclusive, and east of and adjoining the east line of the north 7.26 feet of lot 36 of the above-mentioned subdivision, be and the same is hereby vacated as a public street to become a part and parcel of the adjoining property, subject to the following provisions:

1) An easement or right-of-way is hereby reserved in and over the east 20 feet of the west 23 feet of vacated portion of Braden Avenue for the purpose of maintaining, repairing, removing or replacing the water main located in said portion of street; and further

2) No building or structure of any nature whatsoever shall be constructed over said easement unless prior approval is obtained from the Department of Water Supply; and further

Resolved, That all that part of lots 36 to 39, both inclusive, of Stephen Pratt Subdivision of Lot 2 of Plat of Edward Martin Estate on P.C. 719 and parts of lots 5 and 7 of the Estate of Wm. Larkins, being the center part of P.C. 719, City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 81 of Plats, Wayne County Records, more particularly described as follows: "Beginning at a point in the east line of lot 36 of said Stephen Pratt Subdivision, said point being S. 30° 57' E., 7.26 feet from the northeast corner of said lot 36; thence on a curve to the left, radius of said curve being 45.00 feet and chord bearing S. 23° 42' 40" E., 89.28 feet, a distance on the arc of 104.13 feet to a point; thence on a curve to the right, radius of said curve being 15.00 feet and chord bearing S. 68° 42' 42" E., 18.37 feet, a distance on the arc of 19.77 feet to a point in the west line of Braden Avenue." Also, all that part of Lot 3 of Plat of Edward Martin Estate in P.C. 719, T. 1 S., R. 11 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 451, Pages 566 and 567 of Deeds, Wayne County Records, more particularly described as follows: "Beginning at southwest corner of lot 1 of Stephen Pratt Subdivision, as recorded in Liber 55, Page 81 of Plats, Wayne County Records, thence along the south line of said lot 1 N. 60° 11' E., 25.00 feet to a point; thence along a line S. 29° 49' E., 20.00 feet to a point; thence along