

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 successor, or assigns; and further

3) Provided, That no building 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, That in the event that the sewer located in said street, if built upon, shall break causing damage to any construction above, the petitioner 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 said broken sewer.

Adopted as follows:

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

Nays—None.

Department of Public Works

November 10, 1958.

Honorable Common Council:

Gentlemen—This is to certify that all work required of the Contractors 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.

Alley Paving—

PW-3368W, Crane, Rohns, Marcus, Edgewood, Colwell Construction Co., Adjusted Contract Price \$3,375.60.

PW - 3365W, Erwin, McClellan, Woodlawn, Traverse, J. C. Sachs Com-

pany, Adjusted Contract Price \$9,-599.00.

PW-3320F, John R., Acreage, Rob-inwood, Hollywood, A. J. Smith Contracting Co., Inc., Adjusted Contract Price, \$1,442.40.

Street Paving—

PW-3302FW, Heyden from Tireman to Belton, G. Toccalino & Sons, Adjusted Contract Price, \$12,696.65.

PW-3355W, Burgess from Acacla to Lyndon, G. Toccalino & Sons, Adjusted Contract Price \$11,493.45.

PW-3388W, Winthrop from Thatcher to Curtis, G. Toccalino & Sons, Adjusted Contract Price \$10,778.65.

PW-3442, Berg Road from Frisbee to Eight Mile Road, G. Toccalino & Sons, Adjusted Contract Price \$67,-038.00.

Sidewalk Paving—

PW-2389, In District TTW, Sub-urban Cement Company, Adjusted Contract Price \$10,731.42.

JOHN S. PERCIVAL,

Engineer of Tests & Inspection.

M. F. WAGNITZ,

City Engineer.

GLENN C. RICHARDS,

Commissioner.

By Councilman Smith:

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 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 Carey, Connor, Lincoln, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—9.

Nays—None.

Reconsideration

Councilman Patrick 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 Carey, Connor, Lincoln, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—9.

Nays—None.

Councilman Connor then moved that the motion to reconsider be indefinitely postponed which motion prevailed.

The regular order was resumed.

Department of Public Works

November 10, 1958.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report petitions requesting the conversion into easements of the alleys described in the

attached resolution.

The conversion of the alleys into easements was approved by the City Plan Commission at an earlier date.

We wish to advise that our investigations are completed. In reply to our inquiries, all City departments and privately-owned utility companies reported that they will be unaffected by the changes or that they have no objection to the conversion of the alleys into easements provided that proper provisions are incorporated into the vacating resolution protecting their interests in the installations located in the alleys.

We recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,
Commissioner.

By Councilman Smith:

Resolved, That all that part of the east-west public alley, 9 feet wide, east of Ilene Avenue between the Pere Marquette Railroad and Grand River Avenue, as platted in Westlawn Sub. No. 4 of part of the S.E. $\frac{1}{4}$ of Section 29, Greenfield Township, Wayne County, Michigan, as recorded in Liber 32, Page 26 of Plats, Wayne County Records, lying south of and adjoining the south line of Lot 83 of the above-mentioned subdivision. A. Sotraitis, et al, Petition No. 1725.

Also, all of the east-west public alley, 18 feet wide, north of Outer Drive between Moenart and Bloom Avenues, as platted in Amended Ostrowski Park Subdivision of part of S.W. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ of Section 5, T. 1 S., R. 12 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 56, Page 90 of Plats, Wayne County Records, lying north of and adjoining the north line of Lots 46 to 51, both inclusive, south of and adjoining the south line of Lots 45 and 52 and north of and adjoining the south line of the 18-foot easement lying between Lots 52 and 45, all of the above-mentioned subdivision. Jos. Rucinski, et al, Petition No. 2176.

Also, all of the north-south public alley, 20 feet wide, bounded by Ethel, Bassett, Downing and Omaha Avenues, as platted in Marion Park Subdivision No. 2 of part of P.C.'s 669 and 75, City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 26 of Plats, Wayne County Records, lying easterly of and adjoining the easterly line of Lots 854 to 875, both inclusive, and westerly of and adjoining the westerly line of Lots 925 to 946, both inclusive, of the above-mentioned subdivision. Bruce Scott, et al, Petition No. 2177.

Also, all of the east-west public alley, 20 feet wide, southerly of Miami Avenue between Ethel and Bassett Avenues, as platted in Marion Park Subdivision No. 1 of part of P.C.'s 669 and 75, City of Detroit, Wayne

County, Michigan, as recorded in Liber 55, Page 25 of Plats, Wayne County Records, lying southerly of and adjoining the southerly line of Lots 248 to 260, both inclusive, northerly of and adjoining the northerly line of Lots 204 and 205 and northerly of and adjoining the northerly line of the 20-foot easement lying between Lots 204 and 205, all of the above-mentioned subdivision. Charles Cooper, et al, Petition No. 2523.

Be and the same are vacated as public alleys and are hereby converted into public easements of the full width of the alleys, which easements shall be subject to the following covenants and agreements, uses, reservations and regulations which shall be observed by the owners of the lots abutting on said alleys and by their grantees and assigns, and their heirs, executors, administrators, and assigns forever, to-wit:

First, said owners hereby grant to and for the use of the public an easement of right-of-way over said vacated public alleys hereinabove described for the purpose of installing, maintaining, repairing, removing or replacing any sewer, conduit, telephone, telegraph, electric light or other poles or things usually placed or installed in a public alley in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purposes above set forth.

Second, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built or placed upon said easements.

Third, that if at any time in the future the owners of any lots abutting on said vacated alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, such owners upon whose property the poles or other utilities are located shall pay all costs incident to such removal and/or relocation, unless such charges are waived by the utility owners.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—9.
Nays—None.

Department of Public Works

November 7, 1958.

Honorable Common Council:

Gentlemen—Your Committee of the Whole referred to this office for investigation and report the petitions of Mary McKernan, No. 2530; Sam Cohen, No. 2583; John Adams, No. 2638; H. Cecil Edgar, No. 2640; and G. D. Bennett, No. 2804, requesting permission to construct or maintain encroachments over the easements in the rear or side of their lots. The