

pend Rule 23 for the purpose of indefinitely postponing the motion to reconsider, which motion prevailed as follows:

Yeas — Councilmen Carey, Rogell, Smith, Wise and President Pro Tem Lincoln—5.

Nays—None.

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

The regular order was resumed.

Department of Public Works

November 24, 1958.

Honorable Common Council:

Gentlemen—Submitted herewith for confirmation are contracts entered into as authorized and directed by your formal proceedings dated 11-5-58:

PW-2106, Algonquin Avenue Outlet Sewer, S. A. Healy Company and Gargaro-Company, Inc.

Respectfully submitted,

GLENN C. RICHARDS,

Commissioner.

By Councilman Rogell:

Resolved, That contracts as listed in the foregoing communication be and the same are hereby confirmed.

Adopted as follows:

Yeas — Councilmen Carey, Rogell, Smith, Wise and President Pro Tem Lincoln—5.

Nays—None.

Reconsideration

Councilman Rogell 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, Rogell, Smith, Wise and President Pro Tem Lincoln—5.

Nays—None.

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

The regular order was resumed.

Department of Public Works

November 22, 1958.

Honorable Common Council:

Gentlemen—We are returning herewith the request of the Department of Parks and Recreation to vacate Ohio Avenue between Norfolk and Chippewa Avenues and the north-south alleys east and west of Ohio Avenue between Norfolk and Chippewa Avenues. The vacation of said street and alleys was approved by the City Plan Commission and was then referred to this office by your Committee of the Whole for investigation and report.

Our investigations are completed and they disclose that several City departments are affected by the va-

cation of said street and alleys.

An easement is reserved in the vacating resolution for the Department of Water Supply for the maintenance of its water main located in Ohio Avenue.

The Fire Department agreed to the retention of two fire hydrants within the vacated area as per the petitioner's request on the condition that free and unobstructed use thereof may be had at all times.

The Department of Public Works requested that the paved returns at the entrances to the vacated street and alleys be removed and straight curbing and sidewalks be constructed. The petitioners expressed their desire to use the street return at the intersection of Chippewa and Ohio Avenues as an entrance to the recreational area. The Department of Parks and Recreation issued an interdepartmental purchase order (No. B-27731), in the amount of \$1,080.00, in favor of the Department of Public Works, to cover the costs of removing the remaining paved street and alley returns and constructing straight curb and sidewalks incident to such removal necessitated by the vacation of street and alleys.

The petitioners issued an interdepartmental purchase order (No. B-27732), in the amount of \$885.00, in favor of the Public Lighting Commission, to cover the costs of removing and rerouting PLC facilities necessitated by the vacation of the alley east of Ohio Avenue between Norfolk and Chippewa Avenues.

Proper provisions are incorporated into the vacating resolution protecting the City interests in the sewers located in the alleys 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 alleys.

As the vacation of the street and alleys 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 Rogell:

Resolved, That all of Ohio Avenue, 50 feet wide, between Norfolk and Chippewa Avenues, as platted in Detroit Gardens Subdivision of part of the W. 1/2 of the N.W. 1/4 of Section 4, T 1 S., R 11 E., Greenfield Township, Wayne County, Michigan as recorded in Liber 35, Page 77 of Plats Wayne County Records, lying west of and adjoining the west line of Lots 21 to 40 both inclusive and east of and adjoining the east line the above mentioned subdivision, be of Lots 83 to 102 both inclusive of 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 30 feet of said vacated Ohio Avenue for the purpose of maintaining, repairing, removing or replacing the 6-inch water main located in said street.

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.

3) The park fence shall be so located as not to interfere with easy access to the fire hydrants located in vacated Ohio Avenue.

4) The Department of Parks and Recreation shall maintain, at its own expense, two fire hydrants at their present location in vacated Ohio Avenue, and further

Resolved, That all of the north-south public alley, 18 feet wide, in the block bounded by Wisconsin, Ohio, Norfolk and Chippewa Avenues as platted in said Detroyal Gardens Subdivision as recorded in Liber 35, Page 77 of Plats, Wayne County Records, lying west of and adjoining the west line of Lots 83 to 102 both inclusive and east of and adjoining the east line of Lots 143 to 162 both inclusive of the above - mentioned subdivision.

Also, all of the north-south public alley, 18 feet wide, south of Norfolk Avenue between Ohio and Cherrylawn Avenues, the west 1/2 of which was platted in said Detroyal Gardens Subdivision as recorded in Liber 35, Page 77 of Plats, Wayne County Records, and the east 1/2 of which was platted in Detroyal Gardens Subdivision No. 1 as recorded in Liber 42, Page 27 of Plats Wayne County Records, lying east of and adjoining the east line of Lots 21 to 35 both inclusive and east of and adjoining the east line of the north 2.50 feet of Lot 36 of said Detroyal Gardens Subdivision, and west of and adjoining the west line of Lots 536 to 550 both inclusive and west of and adjoining the west line of the north 2.50 feet of Lot 535 of said Detroyal Gardens Subdivision No. 1.

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 alleys, 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, That in the event that the sewers located in said alleys, 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 sewers waive all claims for damages to such construction and agree to pay all costs incident to repair of said broken sewers.

Adopted as follows:

Yeas — Councilmen Carey, Rogell, Smith, Wise and President Pro Tem Lincoln—5.

Nays—None.

Department of Public Works

November 21, 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:

(Price is Adjusted Contract Price.)

PW-3319F—Eldon, Van Dyke, Morgan, Lynch; A. J. Smith Contracting Co., Inc.; \$2,602.60.

PW-3432F — Ardmore, Stansbury, Seven Mile, Cambridge; A. J. Smith Contracting Co., Inc.; \$2,888.20.

PW-3323F — Campbell, Junction, Jefferson, Reeder; J. C. Sachs Company; \$5,444.65.

PW-3371W — Goddard, Arlington, Davison, Victoria; J. C. Sachs Company; \$7,428.30.