

reconsider, which motion prevailed as follows:

Yeas—Councilman Carey, Lincoln, Patrick, Rogell, Van Antwerp, and President Beck—6.

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

June 30, 1958.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Bernard J. Gorski and Kramer Bros. Freight Lines, Inc., No. 7319, requesting the temporary closing of Ternes Avenue southerly of St. Stephens Avenue and the vacation of the east-west alley west of Ternes Avenue southerly of St. Stephens Avenue. The temporary closing of said Ternes Avenue and the vacation of said alley was approved by the City Plan Commission with the recommendation that sufficient land be deeded for street turnaround purposes to eliminate a dead-end in Ternes 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, on June 26, 1958, deposited with the City Treasurer the sum of \$350.00, Receipt No. B-42658, credited to the Detroit Police Department Fund Code No. 990-9418, said amount being the estimated cost of relocating Police Department communication installations necessitated by the temporary closing of said Ternes Avenue.

The petitioner also deposited with the City Treasurer the sum of \$500.00, Receipt No. B-42657, credited to the Public Lighting Commission Fund Code No. 990-9423, said amount being the estimated cost of relocating Public Lighting Commission communication installations necessitated by the temporary closing of Ternes Avenue.

The petitioner, on June 26, 1958, deposited with the Permit Division of the Department of Public Works the sum of \$1,400.00, Receipt No. GR-304, said amount being the estimated cost of paving the newly deeded street turnarounds necessitated by the temporary closing of Ternes Avenue.

An easement is reserved in the vacating resolution for the Department of Water Supply for the maintenance of its water mains located in said Ternes Avenue to be temporarily closed.

Proper provisions are incorporated into the vacating resolution protecting the City's interests in the sewer located in the above-mentioned alley to be vacated.

We are in receipt of a Warranty Deed from the Kramer Bros. Freight Lines, Inc., to land to be used for street turnaround purposes in accordance with the City Plan Commission's recommendation. Said deed was approved as to description by the City Engineer and is attached hereto for your Honorable Body's acceptance.

All other City departments and privately-owned utility companies reported that they will be unaffected by the temporary closing of Ternes Avenue and the vacation of said 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 Van Antwerp:

RESOLVED, That all that part of Ternes Avenue, 50 feet wide, southerly of St. Stephens Avenue, as platted in Lonyo Subdivision No. 1 of the south ½ of Lot 4, and the northerly 684.77 feet of Lot 3 of Commissioner's Subdivision of Louis Lonyo Estate of part of Private Claims 36 and 543, City of Detroit, Wayne County, Michigan, as recorded in Liber 45, Page 70 of Plats, Wayne County Records, lying west of and adjoining the west line of Lots 151 to 153, both inclusive, west of and adjoining the west line of the south 13.4 feet of Lot 150, east of and adjoining the east line of Lots 157 and 158, east of and adjoining the east line of the south 30 feet Lot 159, and east of and adjoining the east line of the 18-foot east-west alley lying south of and adjoining Lot 157, all of the above-mentioned subdivision, be and the same is hereby temporarily closed to traffic, subject to the following provisions:

1) An easement or right-of-way is hereby reserved in and over said Ternes Avenue, temporarily closed, for the purpose of maintaining, repairing, removing or replacing the water mains located in said street.

2) No building or structure of any nature shall be constructed over said Ternes Avenue.

3) The gates of the fence shall be so located as not to interfere with easy access to the water mains located in said Ternes Avenue, and further

PROVIDED, This resolution is revocable at the will, whim, or caprice of the Common Council, and the grantee acquires no implied or other privileges hereunder not expressly stated herein, and further

RESOLVED, That all of the east-west public alley, 18 feet wide, west of Ternes Avenue, southerly of St. Stephens Avenue, as platted in Lonyo Subdivision No. 1 of the south ½ of Lot 4 and the northerly 684.77 feet of Lot 3 of Commissioner's Subdiv-

ision of Louis Lonyo Estate of part of Private Claims 36 and 543, City of Detroit, Wayne County, Michigan, as recorded in Liber 45, Page 70 of Plats, Wayne County Records, lying north of and adjoining the north line of Lots 154 to 156, both inclusive, and southerly of and adjoining the southerly line of Lot 157 of the last-mentioned subdivision, be and the same is hereby vacated as a public 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 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 successors, 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 alley, 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, and further

RESOLVED, That the Warranty Deed of Kramer Bros. Freight Lines, Inc., a Michigan Corporation to the City of Detroit, a municipal corporation, deeding land for street turnaround purposes, said land being described as "The southerly 8.4 feet of the westerly 35 feet of Lot 149, the northerly 21.6 feet of the westerly 35 feet of Lot 150, the northerly 5 feet of the easterly 15 feet of Lot 159, and the easterly 15 feet of the southerly 25 feet of Lot 160, all being parts of Lonyo Subdivision No. 1 of the south  $\frac{1}{2}$  of Lot 4 and the northerly 684.77 feet of Lot 3 of Commissioner's Subdivision of Lonyo Estate of part of Private Claim 36 and Private Claim 543, City of Detroit, Wayne County, Michigan, as recorded

in Liber 45, Page 70 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, subject to the following provision:

PROVIDED, That the above-mentioned deed be approved as to form and execution by the Corporation Counsel.

Adopted as follows:

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

#### Department of Public Works

July 1, 1958.

Honorable Common Council:

Gentlemen—Submitted herewith for confirmation are contracts entered into as authorized and directed by your formal proceedings dated 6-17-58:

AC-6, Electric System Improvements Institute of Arts, Blackburn Electric 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 Carey, Connor, Lincoln, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—9.  
Nays—None.

#### Reconsideration

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

The regular order was resumed.

#### Department of Public Works

June 27, 1958

Honorable Common Council:

Gentlemen—The paving petitions listed below, which were referred to this office for report, are majority petitions upon which no prepayment has been made.

It is recommended that the petitions be granted, and that one course concrete paving be ordered under the Forced Paving clause of the City Charter.