

easement or 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, Wise and President Beck—8.

Nays—None.

Department of Public Works

January 12, 1959.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of the Archdiocese of Detroit, No. 2927, requesting the vacation of east-west public alley and a portion of the north-south public alley east of Dwyer between Robinwood Avenue and Seven Mile Road East. The vacation of this alley was approved by the City Plan Commission with the recommendation that the petitioner dedicate sufficient land to provide a new 20-foot alley outlet into Dwyer 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 and they disclose the following City department to be affected by the vacation of said alleys.

Department of Public Works: The petitioner on January 7, 1959, deposited with the Permit Division of the Department of Public Works the sum of \$1,500.00, Receipt No. 4.R.1764, said amount being the estimated cost of removing the paved alley return to the entrance of the alley to be vacated, constructing straight curb and sidewalk incident to such removal, installing paved alley returns for the newly dedicated alley, and stoning and grading the surface of the newly dedicated alley.

Proper provisions are incorporated

into the vacating resolution protecting the City's interests in the sewers located in the alleys to be vacated.

We are in receipt of a Quit Claim deed from the petitioner to the City of Detroit deeding land for alley purposes in accordance with the City Plan Commission's recommendation. Said deed was approved by the Corporation Counsel as to form and execution and as to the description by the City Engineer and is attached for your Honorable Body's acceptance.

All other City departments and privately owned utility companies reported that they will be unaffected by the vacation of said alleys 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 Wise:

Resolved, That all of the east-west public alley, 20 feet wide, east of Dwyer Avenue between Robinwood Avenue and Seven Mile Road East, which alley was deeded to the City of Detroit on April 6, 1954, J.C.C. Page 799, said alley being in fact the north 20 feet of lot 245, of Kern Heights, Louis N. Hilsendegens Subdivision of part of the N.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Section 9, T. 1 S., R. 12 E., Hamtramck Township, Wayne County Michigan, as recorded in Liber 36, Page 24 of Plats of Wayne County Records.

Also all that part of the north-south public alley 20 feet wide, east of Dwyer Avenue between Robinwood Avenue and Seven Mile Road East, as platted in said Kern Heights, Louis N. Hilsendegen's Subdivision, lying east of and adjoining the east line of the north 15 feet of lot 243, and east of and adjoining the east line of lots 244 and 245 of the above-mentioned subdivision.

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, re-routed 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 the repair of said broken sewers; and further

Resolved, That the Quit Claim deed of Alexander Zaleski, Administrator of the Roman Catholic Archdiocese of Detroit to the City of Detroit deeding land for alley purposes, said land being described as, "The southerly 20 feet of lot 243 of Kern Heights Louis N. Hilsendegen's Subdivision of part of the N.W. ¼ of the N.W. ¼ of Section 9, T. 1 S., R. 12 E., Hamtramck Township, Wayne County Michigan, as recorded in Liber 36 Page 24 of Plats of Wayne County Records," be and the same is hereby accepted and the City Controller is hereby directed to record said deed in the Office of the Register of Deeds for Wayne County.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Wise and President Beck—8.

Nays—None.

Purchases and Supplies

January 20, 1959.

Honorable Common Council:

Gentlemen — The Department of Purchases and Supplies recommends that contracts be entered into with the firms or persons as detailed in the following communications:

FILE NO. 8933

Two bids were received as a result of two solicitations, as per tabulation:

for furnishing the Department of Health with Fruits and Vegetables, Fresh & Frozen. Prices as on file in Office of City Clerk.

To: Cusumano Bros. Produce Co. of Detroit—

33 Items—All U.S.D.A. graded, except frozen foods; for delivery January 23 and January 27, 1959, all for the sum of \$1,302.57.

Prices are firm and F.O.B. delivered.

Terms: Net—30 days.

The approval of your Honorable Body and waiver of reconsideration is requested.

Respectfully submitted,
MARVIN F. KLANG,
Secretary.

Purchases and Supplies

January 20, 1959.

Honorable Common Council:

Gentlemen — We submit for confirmation the contracts entered into as authorized and directed by your formal proceedings dated below:

December 2, 1958—Ann Arbor Foundry Company, Castings, Pipe Fittings, Grey Iron.

December 23, 1958—W. D. Gale, Inc., Luminaires, Street Lighting, Fluorescent.

December 30, 1958—Tarnow Electric Supply Company, Standards, Lighting, Street; Rusgreen Mfg. Company, Bus Supports and Wall Bushings—Porcelain; Fife Electric Supply Company, Conduit, Fibre; Ann Arbor Foundry Company, Castings, Frames and Covers, Grey Iron; Wolverine X-Ray Sales & Service Company, Equipment, X-Ray.

January 13, 1959—Weldit, Inc., Rods, Welding, Mild Steel; The G. A. Ingram Company, Syringes; Cusumano Bros. Produce Company, Fruits & Vegetables, Fresh and Frozen.

Respectfully submitted,
MARVIN F. KLANG,
Secretary.

By Councilman Rogell:

Resolved, That the Dept. of Purchases and Supplies be and is hereby authorized and directed to enter into contract with Cusumano Bros. Produce Co. for furnishing the Dept. of Health with Fruits and Vegetables on terms as outlined in the foregoing communication; and further

Resolved, That contracts as listed above be and the same are hereby confirmed.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Wise and President Beck—8.

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, Wise and President Beck—8.

Nays—None.

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

The regular order was resumed.