

Resolved, That an easement of the full width of the alley be reserved for the Michigan Bell Telephone Company and that a key be made available to said company if a gate is put up across the entrances of said vacated alley; and further

Resolved, That at any time in the future the removal of the paved alley returns to the entrances of said vacated alley becomes necessary, the entire cost of such removal shall be paid by the petitioners, their heirs, executors, administrators and assigns.

Adopted as follows:

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

Nays—None.

#### Department of Public Works

September 3, 1959.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Ace Wiping Cloth Company, et al, No. 4465, requesting the vacation of a portion of the north-south public alley south of Majestic between Central and Bryden Avenues. The vacation of said alley was approved by the City Plan Commission with the recommendation that the petitioner dedicates to the City a new alley outlet into Bryden 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.

As per our directive the petitioner deposited with the Permit Division of the Department of Public Works, the sum of \$712.00, Receipt No. GR-2968, said amount being the estimated cost to construct 120 square feet of 4-inch sidewalk at Majestic Avenue, construct alley return at entrance of the newly deeded alley, and to stone and grade the newly deeded alley.

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

We are in receipt of a Warranty Deed from the petitioner to the City of Detroit deeding land for a new alley outlet in accordance with the City Plan Commission's recommendation. Said deed was approved as to form and execution by the Corporation Counsel and as to 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 alley or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

We recommend the adoption of the attached resolution.

GLENN C. RICHARDS,  
Commissioner,

By Councilman Patrick:

Resolved, That all that part of the

north-south public alley, 18 feet wide, south of Majestic and east of Central Avenues as platted in Forys Subdivision of Lot 10 of Fox and Quinn Subdivision of West 49 acres of S.E. ¼ of Section 4, T. 2 S., R. 11 E., City of Detroit, Wayne County, Michigan as recorded in Liber 45, Page 32 of Plats, Wayne County Records, lying east of and adjoining the east line of Lots 1 and 2 and lying west of and adjoining the west line of Lots 5 and 6, all of the above-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 buildings 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 Warranty Deed of Ace Wiping Cloth Company, to the City of Detroit deeding land for alley purposes, said land being described as: "The south 20.00 feet of Lot 10 of Makowski Subdivision of Lot 9 of Fox and Quinn Subdivision of westerly 49 Acres of S.E. ¼ of Section 4, T. 2 S., R. 11 E., City of Detroit, Wayne County, Michigan as recorded in Liber 45, Page 11 of Plats, 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,

Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—8.  
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, Connor, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—8.

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

September 4, 1959

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.

Contract PW-3297F(R) — Title: Alley Paving—Eastlawn, Philip, Edsel Ford Expressway, Harper; Contractor, Colwell Construction Company; Adjusted Contract Price, \$13,082.00.

Contract PW-3509F — Title: Alley Paving—Archdale, Rutland, Whitlock, Warren; Contractor, Fort Wayne Coal and Construction Company; Adjusted Contract Price, \$5,159.60.

DONALD B. WARD,  
Acting Engineer of Tests

& Inspection  
M. F. WAGNITZ,  
City Engineer

GLENN C. RICHARDS,  
Commissioner

By Councilman Patrick:

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 terms and 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, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—8.

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, Connor, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—8.

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

September 8, 1959

Honorable Common Council:

Gentlemen — Submitted herewith for confirmation are contracts entered into as authorized and directed by your formal proceedings of 8-4-59:

MH-52K—Painting Convention, Exhibit Building, Cobo Hall, Austin's.

Respectfully submitted,

M. F. WAGNITZ  
City Engineer

By Councilman Patrick:

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

Adopted as follows:

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

#### 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, Connor, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—8.

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

September 2, 1959

Honorable Common Council:

Gentlemen—In response to published advertisements, five bids were received on September 1, 1959, for Ashland Relief Sewer—Sections I, II, and III, Contracts PW-3050-51-52. A tabulation of the bids received is attached hereto.