

above premises.

In the meantime, the construction order was routinely issued to the City contractor on May 16, 1963, and because the Survey Division had assigned a special crew, our contractor inadvertently placed this walk on May 23, 1963, prior to the arrival of the petitioner's private contractor.

We feel that the Department contributed to the error and, therefore, recommend that assessment be made to the petitioner in the amount of \$0.46 per square foot, rather than the current \$0.55 per square foot. This will result in a reduction of the bill from \$859.65 to \$718.98, a difference of \$140.67.

Respectfully submitted,  
**GLENN C. RICHARDS,**  
 Commissioner.

By Councilman Beck:

Resolved, That the Department of Public Works be and is hereby authorized and directed to make the necessary adjustment providing for the reduction of cost in sidewalk installation assessment for work performed at 14630 Riverside Dr. in accordance with the foregoing communication.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

**Department of Public Works**  
 June 23, 1963.

Honorable Common Council:  
 Gentlemen—Submitted herewith for confirmation is contract entered into as authorized and directed by your formal proceedings dated below:

Contract No. PW-4366, Description Removal and Replacement of Curbs, Gutters and Sidewalks, Contractor's name Fort Wayne Coal & Constr., Award Authorized 6-4-63.

Respectfully submitted,  
**GLENN C. RICHARDS,**  
 Commissioner.

By Councilman Beck:

RESOLVED, That contract as listed in the foregoing communication be and the same is hereby confirmed.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

**Department of Public Works**  
 June 26, 1963.

Honorable Common Council:  
 RE: Petition No. 4935.

Gentlemen—We return herewith petition of Jerome J. Derewitz, 15700 W. Parkway, Detroit 23, Michigan, requesting the forced construction of sidewalks at the following described locations:

Lot 82, E.S. W. Parkway between Midland and Pilgrim, side on Pilgrim only. Approx. 116 Lin. Ft.

Lot 75, W.S. Beaverland between Pilgrim and Midland, side on Pilgrim only. Approx. 64 Lin. Ft.

There is approximately 180 lineal feet of concrete sidewalks to be constructed; the approximate cost of this new local improvement would be \$594.00, the cost and expense to be assessed against such lots or parcels of real estate to be benefitted by such local improvement in proportion to the probable benefit to be derived therefrom.

As these are original sidewalks and can only be ordered constructed by a formal resolution as a forced account under the provisions of Chapter 264, as amended May 3, 1949, of the Compiled Ordinances, we recommend the adoption of the attached resolution.

Respectfully submitted,  
**GLENN C. RICHARDS,**  
 Commissioner.

By Councilman Brickley:

The Common Council of the City of Detroit deems it necessary to construct or reconstruct cement or concrete sidewalks, crosswalks, or driveways upon the descriptions of the property heretofore described in the aforesaid communication, therefore;

RESOLVED, That The Department of Public Works be and is hereby instructed to serve notices upon the owners or agents of the property heretofore described, to construct or reconstruct cement or concrete sidewalks, crosswalks, or driveways, and in default thereof by them The Department of Public Works proceed to construct or reconstruct such sidewalks, crosswalks or driveways.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

**Department of Public Works**  
 June 24, 1963.

Honorable Common Council:  
 Gentlemen—We are returning herewith the petition of the Marathon Oil Company, No. 3162, requesting the vacation of the east-west public alley north and south of Toronto Avenue, west of Fort Street and Greyfriars Avenue south of Toronto Avenue. The vacation of said street and alleys was approved by the City Plan Commission and 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 City Treasurer, the sum of \$750.00, Receipt No. A-46963, credited to the Public Lighting Commission Fund Code No. 990-9423, said amount being the estimated cost of removing and relocating P.L.C. installations from the area to be vacated.

The petitioner also deposited with the City Treasurer, the sum of

\$275.00, Receipt No. A46964, credited to the Public Lighting Commission Fund Code No. 990-9423, to cover the cost of relocating one fire alarm box at the corner of Toronto and Greyfriars.

The petitioner also paid into the City Treasury the sum of \$453.15, Receipt No. A-46962, credited to the Department of Public Works Street Maintenance Fund Code No. 143-6241, said amount being the original cost of paving the south one-half of Toronto Avenue at the intersection of Greyfriars Avenue to be vacated.

The petitioner has requested that the paved street and alley returns remain in their present status as the petitioner plans to utilize same, and has agreed by letter filed with the original petition to pay all costs incidental to the removal of said returns at such time in the future as the removal becomes necessary.

Proper provisions are incorporated in the vacating resolution protecting the City's interest in the sewer located in the alley 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 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 Ravitz:

Resolved, That all of Greyfriars Avenue, 60 feet wide, south of Toronto Avenue, as platted in Oakwood Homes Subdivision of Part of P.C. 119 and P.C. 524, Oakwood Village (now City of Detroit), Wayne County, Michigan as recorded in Liber 34, Page 26 of Plats Wayne County Records lying east of and adjoining the easterly line of Lot 229, west of and adjoining the westerly line of Lot 230, all of the above-mentioned subdivision.

Be and the same is hereby vacated as a public street to become a part and parcel of the adjoining property; and further

Resolved, That all of the east-west public alley, 20 feet wide, south of Toronto Avenue, west of Fort Street, the southerly 11.00 feet as opened through condemnation proceedings on March 2, 1948, J.C.C. Page 453, the northerly 9.00 feet as platted in Oakwood Homes Subdivision as recorded in Liber 34, Page 26 of Plats Wayne County Records, lying south of and adjoining the southerly line of Greyfriars Avenue, 60 feet wide, south of and adjoining the southerly line of Lots 230 to 240, both inclusive, south of and adjoining the southerly line of the westerly 12.92 feet of Lot 241, all of the above-mentioned subdivision;

Also, all that part of the east-west

public alley, 18 feet wide, west of Fort Street, north of Toronto Avenue, as platted in Oakwood Homes Subdivision as recorded in Liber 34, Page 26 of Plats Wayne County Records lying south of and adjoining the southerly line of Lots 183 and 184, south of and adjoining the southerly line of the westerly 12.62 feet of Lot 185, north of and adjoining the northerly line of the westerly 12.62 feet of Lot 186, north of and adjoining the northerly line of Lots 187 and 188, all 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 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 pipes of the same size, rerouted or enclosed 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 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 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 at any time in the future the removal of the paved street and alley returns at the entrance of the street and alley to be vacated become necessary, the entire cost of such removal shall be paid by the Marathon Oil Company, its heirs, executors, administrators or assigns.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.