

tion of easements of said surplus street right-of-way was approved by the City Plan Commission and 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. In reply to our inquiries, all City departments and privately owned utility companies reported that they will be unaffected by the vacation with reservation of easements of said surplus street right-of-way provided proper provisions are incorporated into the vacating resolution protecting their interests in their installations located in and/or over the above-mentioned street to be vacated.

We recommend the adoption of the attached resolution.

Respectfully submitted,
GLENN C. RICHARDS,
Commissioner.

By Councilman Wierzbicki:

Resolved, That all that part of Harper Avenue Right-of-Way easterly of Mt. Elliott Avenue, being more particularly described as follows: Beginning at a point on the Easterly line of Mt. Elliott Avenue, 66 feet wide, said point lying Southerly on a course S. 26d 15m E., 219.75 feet (measured along the Easterly line of Mt. Elliott Avenue) from the intersection of said Easterly line of Mt. Elliott Avenue, 66 feet wide, with the Northerly line of Lot 5 of Jerome and Daly's Private Plot of Lot 27, Leib Estate, being the East part of Southwest $\frac{1}{4}$ of Section 28, T.1S., R. 12 E., City of Detroit, Wayne County, Michigan; thence running in a South and Easterly direction on a curve to the left 131.27 feet (measured along the arc of said curve) to a point of tangent, the above curve having a radius of 72.00 feet, central angle of 104d 28m, and a tangent distance of 92.93 feet; thence N. 49d 17m E., along the northerly line of Harper Avenue 73.53 feet to a point of angle in Harper Avenue; thence continuing Northeasterly on a course N. 45d 27m E., along the northerly line of Harper Avenue as shown on the above-mentioned Jerome and Daly's Private Plot 694.00 feet to a point; thence S. 33d 03m E., 22.00 feet to a point; thence S. 35d 01m 28s W., 184.77 feet to a point; thence S. 45d 27m W., on a line 55.00 feet (measured at right angles) South and Easterly of and parallel to the original Northerly line of Harper Avenue as shown on said Jerome and Daly's Private Plot, and said line extended 630.83 feet to a point; thence N. 89d 33m W., 28.29 feet to a point; thence N. 44d 33m W., 116.07 feet to a point; thence N. 26d 15m W., 19.25 feet to the point of beginning.

Be and the same is hereby vacated as a public street to become a part

and parcel of the adjoining property subject to the following reservations.

1) Easements are hereby reserved within the vacated street hereinabove described for public utility purposes.

2) The right of ingress and egress to and over said easements for the purpose of installing, maintaining, repairing, removing or replacing public utilities in, under, through and across said vacated street.

3) No buildings or structures of any nature whatsoever shall be built upon the vacated street hereinabove described or any part thereof and that said vacated street shall be forever accessible for the maintenance of the public utilities.

Adopted as follows:

Yeas — Councilmen Beck, Brickley, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Pro Tem Connor—8.

Nays—None.

Department of Public Works

October 8, 1963.

Honorable Common Council:

Gentlemen — We are returning herewith the petition of the Nicholson Transit Co., No. 4024, requesting the vacation of Dubois Street between Atwater Street and the Detroit River. The vacation of said street 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 paid into the City Treasury, the sum of \$262.50, Receipt No. A-17171, credited to the Public Works Maintenance Fund Code, No. 143-6241, said amount being the original cost of paving the south one-half of Atwater Street at the intersection of Dubois Street to be vacated.

The petitioner also deposited with the Permit Division of the Department of Public Works, the sum of \$1,465.00, Receipt No. GR-10133, said amount being the estimated cost of removing the paved street return, constructing new curb and walk, and backfilling where necessary at the entrance of Dubois Street to be vacated.

Proper provisions are incorporated in the vacating resolution protecting the City's interests in the sewer located in the street to be vacated.

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

Resolved, That all of Dubois Street south of Atwater Street being all that Part of Private Claim 91, City of Detroit, Wayne County, Michigan, which was opened through condemnation proceedings on March 12, 1898, lying between the south line of Atwater Street, 50 feet wide, and the U. S. Harbor Line of the Detroit River, be 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) Provided, That by reason of the vacation of the above-described street 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 street, 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.

Adopted as follows:

Yeas — Councilmen Beck, Brickley, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Pro Tem Connor—8.

Nays—None.

Purchases and Supplies

October 22, 1963.

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. 4423

One bid was received as a result of four solicitations for furnishing the Department of Health (Hospitals) with Fruits and Vegetables, Fresh and Frozen.

Items and prices as are on file in

the Office of the City Clerk.

To: Cusumano Bros. of Detroit—

31 Items—All to be U.S.D.A. graded except frozen foods for delivery October 24, 1963 through October 30, 1963.

This purchase is estimated at \$1,200.00.

Prices are firm and F.O.B. delivered. Terms: Net — 80 days.

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

Respectfully submitted,
ARTHUR F. STONE,
Commissioner.

By Councilman Rogell:

Resolved, That the Dept. of Purchases & Supplies be and it is hereby authorized and directed to enter into contract with Cusumano Bros., for furnishing the Department of Health (Hospitals) with Fresh and Frozen Fruits and Vegetables in amounts, kinds and at prices and terms in accordance with the foregoing communication designated as File No. 4423 and list on file in the Office of the City Clerk.

Adopted as follows:

Yeas — Councilmen Beck, Brickley, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Pro Tem Connor—8.

Nays—None.

Reconsideration

Councilman Ravitz 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 Beck, Brickley, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Pro Tem Connor—8.

Nays—None.

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

The regular order was resumed.

Purchases and Supplies

October 22, 1963.

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. 4167

Five bids were received as a result of thirty-three solicitations, as per tabulation for furnishing the Department of Public Works and Public Lighting Commission with Trucks, Special Body.

To: Downtown Ford Sales of Detroit—

3 Only Trucks, Aerial Lift, with hydraulically operated aerial basket with two-section boom, Model 5TD-48PBR1 Hi-Ranger tower mounted on