

We recommend the adoption of the attached resolution.

Respectfully submitted,
GLENN C. RICHARDS,
Commissioner.

By Councilman Beck:

That all of the north-south public alley 18 feet wide, east of Mt. Elliott Avenue north of Heintz Street as platted in Charles Heintz Subdivision of Part of the S.E. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Section 21, T. 1 S., R. 12 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 29, Page 5 of Plats, Wayne County Records, lying east of and adjoining the easterly line of Lot 8, west of and adjoining the westerly line of Lot 43, 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.

Adopted as follows:

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

Nays—None.

Department of Public Works

September 3, 1964.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Stanley E. Kence, et al, No. 7018, requesting the vacation of a portion of Antwerp Avenue south of Yolanda Avenue. The vacation of said portion of 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 \$299.88, Receipt No. A-14725, 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 Yolanda Avenue at the intersection of Antwerp Avenue to be vacated.

The petitioner has requested that the paved street return at the entrance to the street to be vacated remain in its 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 the return 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 portion of street to be vacated.

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

Resolved, That all that part of Antwerp Avenue south of Yolanda Avenue, as platted in Dis Grandchamps Outer Drive Subdivision of Part of East one-half of S.W. $\frac{1}{4}$ of Section 3, T. 1 S., R. 12 E., City of Detroit, Wayne County, Michigan as recorded in Liber 49 Page 24 of Plats Wayne County Records lying east of and adjoining the easterly line of Lot 65, west of and adjoining the westerly line of Lot 64, 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 subject to the following provisions:

1. That by reason of the vacation of the above property, 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 sewer to repair, alter or service same; and further

2. 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

3. 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, 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 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 petitioner, their successors, or assigns; and further

4. Provided, In the event that the sewer located in said property shall break, causing damage to any construction, property or materials above the petitioners and their assigns, by acceptance of the permit for construction over said sewer, waive all claims for damages; and further

5. Provided, That if the sewer located in said property shall break or be damaged, as a result of any action on the part of the petitioner, or assigns, (by way of illustration but not limitation, such as storage of excessive weights of materials, or any construction not in accord with provision 2, mentioned above) then in such event, the petitioner or assigns shall be liable for all costs incident to the repair of such broken or damaged sewer.

Resolved, That at any time in the future the removal of the paved street return at the entrance to the street to be vacated becomes necessary, the

entire cost of such removal shall be paid by the petitioner, his heirs, executors, administrators or assigns.

Adopted as follows:
Yeas—Councilmen Beck, Brickley, Connor, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—8.
Nays—None.

Department of Public Works September 10, 1964.

Honorable Common Council:
Gentlemen—This is a further report on Petition No. 8504, "A petition in opposition to the construction of a lateral sewer and for relief from assessment thereon," submitted by Grant Southern Iron and Metal Company.

On Friday, September 4, your Honorable Body recommended that no final decision be made at that time, and further recommended that the attorneys for the Shatterproof Glass Corporation, the Grant Southern Iron and Metal Company, and the Short Freight Company attempt to come to an agreement on sharing the costs for an assessed sewer that would service the three properties.

The legal representative of the Shatterproof Glass Corporation advised the City Engineer, on September 9, that the attorneys met and no compromise could be reached. The Grant Southern Iron and Metal Company and the Short Freight Company mutually agreed not to willingly participate in the costs of an assessment sewer.

Further, because no agreement can be reached for all parties concerned to participate in the costs of an assessed sewer, the Shatterproof Glass Company has requested that they be permitted to construct a private sewer sufficiently large to service only their own property.

We feel that further delay will work a hardship on The Shatterproof Glass Corporation since there is a need to start construction on their expansion program.

Therefore, it is my recommendation that the Shatterproof Glass Corporation (Petition No. 6179), be permitted to construct a private sewer of such a size to accommodate their own requirements.

Respectfully submitted,
GLENN C. RICHARDS,
Commissioner.

By Councilman Beck:

Whereas, the Department of Public Works has plans to construct an assessed lateral sewer to serve an area west of Cabot Street and north of John Kronk Avenue, and

Whereas, the plans to construct said sewer have been opposed by certain of the properties to be assessed therefor, and

Whereas, a sewer is required by the Shatterproof Glass Company to facilitate a proposed plant expansion, and said company agrees to construct said sewer as a private sewer, now, therefore, be it

Resolved, That the Commissioner of Public Works be and is hereby directed to abandon its plan to construct said sewer as an assessed lateral sewer, and further, be it

Resolved, That resolution adopted October 29, 1963 (JCC p. 2736), directing the City Engineer to take preliminary action for the installation of an assessment lateral sewer in a right-of-way to be granted by petitioner in property on the west side of Cabot Ave., north of John Kronk, be and the same is hereby rescinded, and the City Treasurer is hereby authorized and directed to refund to Shatterproof Glass Corp., 4815 Cabot Ave., Detroit 10, Mich., the amount which it deposited pursuant to said resolution, and further

Resolved, That the Commissioner of Public Works be and is hereby authorized to issue a permit to the Shatterproof Glass Corporation for connection of a private sewer to the public sewer system as provided by Ordinance for such case.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—8.
Nays—None.

Department of Public Works September 9, 1964.

Honorable Common Council:

Gentlemen—This is to certify that all work required of the Contractors in the performance of these Contracts has been 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 Contractor has submitted an affidavit that all payrolls, material bills, and all other indebtedness incurred by him in connection with the work have been paid except items specifically listed as unpaid. The Surety has given written consent to final payment notwithstanding such unpaid items.

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.

ALLEY PAVING:

Contract PW-4049-F, Vaughan, Evergreen, Grand River, Verne, Contractor Hartwell Constr. Co., Adjusted Contract Price \$3,451.60.

Contract PW-4103-F, Schaefer, Hartwell, Lyndon, Chalfonte, Contractor Hartwell Constr., Adjusted Contract Price \$18,583.71.

Contract PW-4673-F, Whitcomb, Sussex, Fenkell, Keeler, Contractor