

Adopted as follows:
 Yeas — Councilmen Browne, Eberhard, Hood, Levin, Tindal, Van Antwerp, Wierzbicki, and President Ravitz
 —8.
 Nays—None.

Department of Public Works
 February 12, 1970

Honorable Common Council:
 Re: Petition No. 9303 requesting Paving of North-South Residential Alley in the Block Bounded by Algonquin, Springle, Forest, and Warren.

Gentlemen—Returned herewith is Petition No. 9303 requesting the paving of the North-South residential alley in the block bounded by Algonquin, Springle, Forest, and Warren. Also returned is a communication from over half of the signers of Petition No. 9303, requesting withdrawal of their signatures from the petition.

Inasmuch as many signers of the petition to pave have requested removal of their names, thereby reducing the petition to pave to a minority petition, we recommend that Petition No. 9303 be denied.

Respectfully submitted,
CHARLES E. McCARTHY
 Deputy Commissioner

By Councilman Eberhard:

Resolved, That Petition No. 9303 of Mr. Wilfred Bergeron, etal be and the same is hereby denied.

Adopted as follows:
 Yeas — Councilmen Browne, Eberhard, Hood, Levin, Tindal, Van Antwerp, Wierzbicki, and President Ravitz
 —8.
 Nays—None.

Department of Public Works
 February 9, 1970

Honorable Common Council:
 Re: Petition No. 9212, Peters Sausage Company, 5454 W. Vernor Highway, Alley first north of W. Vernor between Junction and Morrell, vacation.

Gentlemen—The above petition requests the vacation of a portion of the east-west public alley 20 feet wide first north of W. Vernor Highway between Junction and Morrell.

The requested vacation was recommended by the City Plan Commission. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

The petitioner has made the following deposits with the City Treasurer, which have been credited to the departments and accounts named, for the purposes indicated:

Detroit Metropolitan Water Services (Sewer Maintenance Div.) Fund 500(0000) (6229) 001, Receipt No. C-31426, \$800.00. For the estimated cost of installing drainage in the portion

of alley to remain open.
 DPW Intersection Fund 143-6241. Receipt No. C-31428, \$123.00. For the original cost of paving the easterly one-half of Junction Avenue at the intersection of the alley to be vacated.

The petitioner has also requested that the paved return at the entrance to the alley to be vacated remain in its present status as the petitioner plans to utilize same, and had agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be located in the public right-of-way to be vacated.

All other involved City departments and privately-owned utility companies reported that they have no objection to the proposed vacation or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CHARLES E. McCARTHY
 Deputy Commissioner

By Councilman Eberhard:

Resolved, That all that part of the east-west public alley, 20 feet wide, first northerly of West Vernor Highway, between Junction and Morrell Avenues as platted in John C. Williams' Subdivision of lot 40, Private Claim 30, Springwells (now Detroit), Wayne County, Michigan, as recorded in Liber 4, Page 57, Plats, Wayne County records, lying northerly of and, abutting the northerly line of lot 1, lying southerly of and abutting the southerly line of the westerly 27.07 feet of lot 6 of the above mentioned subdivision,

Be and the same is hereby vacated to become a part and parcel of the abutting property subject to the following provisions:

1. Provided, That by reason of the vacation of the above property, the City of Detroit does not waive any rights to the sewers located or to be located therein, and, at all times, shall have the right to enter upon the premises, if found necessary to repair said sewers, alter, service or install same; and further

2. Provided, That no building shall be constructed over said sewers without the prior approval of such building construction by the Sewer Design Section of the Detroit Metropolitan Water Services and the Department of Buildings and Safety Engineering; and further

3. Provided, In the event that the sewer located or to be 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

4. Provided, That if the sewer located or to be 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 accordance with Provision 2, mentioned above), then in such event, the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged sewer; and be it further

Resolved, That all that part of the east-west public alley, 20 feet wide, first northerly of West Vernor Highway, between Junction and Morrell Avenues as platted in John C. Williams Subdivision of lot 40, Private Claim 30, as recorded in Liber 4, Page 57, Plats, Wayne County records, lying southerly of and abutting the southerly line of the easterly 110.18 feet of lot 6, lying northerly of and abutting the northerly line of lots 2, 3, 4 and the westerly 20.18 feet of lot 5, all inclusive of the above mentioned subdivision;

Be and the same is hereby vacated to become a part and parcel of the abutting property.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Tindal, Van Antwerp, Wierzbicki, and President Ravitz —8.

Nays—None.

Department of Public Works

February 6, 1970

Honorable Common Council:

Gentlemen—Under date of May 22, 1945, J.C.C. Page 1097, permission was granted to Frederick B. Stevens, Petition No. 5097, to transfer freight cars across Kales, east of Beecher.

We have been advised by the petitioner that the Fisher Freeway has taken this land, and the track can no longer be used.

We, therefore, recommend rescinding of the original grant and further, that the Office of the City Controller be directed to release the bond on file, in accordance with their established procedure.

Respectfully submitted,
CHARLES E. MCCARTHY,

Deputy Commissioner

By Councilman Tindal:

Resolved, That the grant for transfer of freight cars, referred to in the foregoing communication, be and the same is hereby rescinded, and the City Controller is hereby directed to release the related bond on file in accordance with established procedure.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Tindal, Van Antwerp, Wierzbicki, and President Ravitz —8.

Nays—None.

Department of Public Works

February 6, 1970

Honorable Common Council:

Gentlemen—Your Honorable Body took action on June 4, 1968, J.C.C. page 1168, rescinding a grant for a spur track to Macon-Kalin Coal and Coke Company.

This Department has removed the track at your direction, and has submitted a billing for charges which have been paid by the bonding company.

Inadvertently Department of Public Works bills 2065 and 2066 in the amount of \$25.00 each, or a total of \$50.00, were not submitted for billing.

Since this has been removed from public property, and the labor costs have been paid, the Department of Public Works recommends cancellation of our spur track bills in order to clear our records.

Respectfully submitted,

CHARLES E. MCCARTHY,

Deputy Commissioner

By Councilman Tindal:

Resolved, That Department of Public Works bills 2065 and 2066 in the amount of \$25.00 each issued to Macon-Kalin Coal and Coke Co. be and the same are hereby cancelled in accordance with the foregoing communication.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Tindal, Van Antwerp, Wierzbicki, and President Ravitz —8.

Nays—None.

Department of Public Works

February 10, 1970

Honorable Common Council:

Gentlemen—Submitted herewith for confirmation are contracts entered into as authorized and directed by your formal proceedings dated below:

Contract No. MH-113R; for Penthouse Reroofing and Coping — Veterans Memorial Building, Contractor: P. F. LaDuke & Son Roofing and Sheet Metal Company. Award Authorized: 10-21-69.

Respectfully submitted,

ALFRED BERARDUCCI,

City Engineer.

By Councilman Van Antwerp:

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

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Tindal, Van Antwerp, Wierzbicki, and President Ravitz —8.

Nays—None.