

employer shall pay the injured employees at the rate of 66 2-3 per cent of their average weekly wages, not to exceed \$18 per week, nor more than 500 weeks from the date of injury. To the end that the above be paid, we suggest the adoption of the following resolution.

Respectfully submitted,

WILLIAM J. KENT,

Assistant Corporation Counsel.

By Councilman Van Antwerp:

Resolved, That the Controller be and he is hereby instructed to draw his warrant upon the proper fund in favor of Peter Tulock, Elias John and John Foley, employees Department of Public Works; Remi DeCainy and Seamon Laird, employees Department of Water Supply at the rate of 66 2-3 per cent of their average weekly wages, not to exceed \$18 per week, said sum to be paid during the period of disability not to exceed 500 weeks from the date of the injury.

Adopted as follows:

Yeas—Councilmen Bradley, Castator, Ewald, Jeffries, Kronk, Lodge, Van Antwerp, and the President—8.
Nays—None.

From the Corporation Counsel

July 12, 1937.

To the Honorable, the Common Council:

Gentlemen—The petition filed by the Brotherhood of Maintenance of Way Employees, respecting the question of title to the alley located directly in the rear of the Maccabees Building, and which alley runs south from Putnam Avenue, was referred to the undersigned. I am familiar with this situation as a similar petition was filed several years ago but no formal action taken by your body.

I have checked the record and find that the petitioners purchased the property on March 11, 1913, and that the grantor under the deed, one James H. Flynn et al., included in the description of the property conveyed the west seven and one-half feet of what is now the paved alley. Said grantor had fenced in this portion of the land conveyed and had claimed title thereto by adverse possession.

The petitioners have paid City and County taxes as set forth in the petition. The total amount of City taxes paid between the years 1914 and 1936 inclusive is the sum of \$1,711.73. The petitioners have also paid State and County taxes for said period. Regardless of the matter of title to this seven and one-half feet, the fact remains that petitioner has been assessed for taxes by the City and has paid such taxes.

Petitioners propose to give a quit claim deed to the City of Detroit in accordance with the form of quit claim deed attached to the petition, petitioners to give such deed and the

City to pay to them the sum of \$2,000 and cancel the 1937 City Taxes. Petitioners' proposal incorporates two features:

1. Quit claim deed to the property, and

2. If the City were to refund the taxes paid, with interest thereon, then total amount refunded would be the sum of approximately \$2,300.00.

Under all of the circumstances and as a result of our investigation and many conferences had with petitioners' representative, we believe that this offer is a very fair one and we recommend its adoption. If the City became involved in litigation, either through a condemnation proceedings or an ouster proceedings, which petitioners may start, the cost of such litigation plus the taxes paid the City would greatly exceed the proposal made. The City is now assessing this seven and one-half feet of frontage in the total sum of \$3,500.00. We therefore recommend that your Honorable Body adopt the enclosed resolution.

Very truly yours,

JAMES H. LEE,

Asst. Corporation Counsel.

Approved:

RAYMOND J. KELLY,
Corporation Counsel.

By Councilman Van Antwerp:

Whereas, the Brotherhood of Maintenance of Way Employees has filed a petition with this body proposing to accept the sum of \$2,000 and to convey to the City, by quit claim deed, the westerly seven and one-half feet of the alley running south from Putnam Avenue to the cross alley, and which alley is located directly in the rear of the Maccabees Building, and property to the south thereof; and

Whereas, the petitioner has been assessed for taxes upon this property and has paid taxes as set forth in said petition from 1914 to 1936 inclusive; and

Whereas, the City did open and pave said alley in 1927; and

Whereas, the Corporation Counsel after careful investigation of the records and the allegations set forth in said petition, has advised this body that said proposal is equitable and for the best interests of the City of Detroit. Therefore, be it

Resolved, that the City Treasurer and the City Controller be and are hereby directed to draw a voucher upon the proper fund in the sum of \$2,000.00 payable to the Brotherhood of Maintenance of Way Employees and upon the receipt from said payees of a quit claim deed in form as set forth in said petition, and properly executed, that said sum be paid by said Treasurer, acting with the Corporation Counsel's Department, to said petitioner; and be it further

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Resolved, that the City taxes for the year 1937 spread against the westerly seven and one-half feet of said alley, as described in said petition, be and the same are hereby cancelled as part consideration for such conveyance.

Approved:
RAYMOND J. KELLY,
Corporation Counsel.

Adopted as follows:
Yeas—Councilmen Bradley, Castator, Ewald, Jeffries, Kronk, Lodge, Van Antwerp, and the President—8.
Nays—None.

From the Department of Public Works

July 13, 1937.

To the Honorable, the Common Council:

Gentlemen—In reference to the matter of replacement of the retaining wall on the south side of West Jefferson Avenue, adjacent to the D. T. & I. Railroad, which was pushed out during the construction of Section 12 of the Detroit River Interceptor, and the restoration of the street, I beg to advise as follows:

So as to get the street opened at the earliest possible moment, I recommend that the City assume half the cost of the construction of the wall, pending final determination of liability. The contractor is to proceed at once, ordering the materials and getting the wall installed.

Further, the assumption of cost by either the contractor or the City is without prejudice, pending the final determination of the division of cost by either agreement, arbitration or action in court of law.

Respectfully submitted,
L. G. LENHARDT,
Commissioner.

By Councilman Van Antwerp:

Resolved, That the Commissioner of Public Works be and he is hereby authorized and directed to enter into an agreement with the S. A. Healy Co. for the construction of the retaining wall on the south side of West Jefferson Ave., adjacent to the D. T. & I. R. R., one-half the cost to be assumed each by the city and by the contractor, the assumption of cost by either to be without prejudice pending the final determination of the division of the cost; the contractor to proceed at once, ordering the materials and installing the wall as soon as possible.

Adopted as follows:
Yeas—Councilmen Bradley, Castator, Ewald, Jeffries, Kronk, Lodge, Van Antwerp, and the President—8.
Nays—None.

From Department of Buildings and Safety Engineering

July 2, 1937.

To the Honorable, the Common Council:

Gentlemen—Re: 19011-29 Klinger Avenue, Lots 42-43, Ford Conant Park sub. No. 2, Section 7, Hamtramck, 1½ story frame barn.

The building at the above location has been vacant and abandoned for some time and as a result has suffered considerable deterioration from vandalism. Parts of the supporting members have been removed so that the structure has partially collapsed.

The owner of record cannot be located, although a diligent search has been made.

In view of the dangerous and dilapidated character of the building, I would respectfully recommend that the Department of Public Works be authorized to remove this building as a public nuisance.

Respectfully yours,
JOS. P. WOLFF,
Commissioner.

From Department of Buildings and Safety Engineering

July 2, 1937.

To the Honorable, the Common Council:

Gentlemen—Re: 5221 Twelfth St., Lot No. 157, W. B. Wesson's Sub., Thompson Farm, P. C. 227, 1 story frame dwelling.

The building at the above location has been abandoned and deserted for considerable time and as a result has suffered considerable deterioration from wear and tear and vandalism. The doors, windows and parts of the structure have been destroyed, and the frame work is badly in need of repair.

The owner of record cannot be located, although a thorough inquiry has been made.

Since the building is in such a dangerous condition, and is, in our opinion, beyond any feasible repair, I would respectfully recommend that the Department of Public Works be authorized to remove this building as a public nuisance.

Respectfully yours,
JOS. P. WOLFF,
Commissioner.

By Councilman Castator:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to remove the following dangerous and dilapidated buildings as public nuisances, charging the cost of the work against the property:

1½ story frame barn at 19011-29 Klinger Ave.