

cher on the proper fund in the sum of \$25.00, payable to Attorney Benjamin S. Pagel.

Adopted as follows:

Yeas—Councilmen Bradley, Breitmeyer, Dingeman, Ewald, Kronk, Lodge, Sweeny, and the President—8.
Nays—None.

Corporation Counsel

May 16, 1938.

To the Honorable, the Common Council:

Gentlemen—Some time in 1930 the City of Detroit, acting under the forced paving provision of the City Charter, paved Evergreen road north from the 7 Mile road for a distance of approximately one-half mile. On the east side of Evergreen road, abutting the portion paved by the city is a farm owned by the Stahelin family.

The City surveyor in staking Evergreen avenue for the paving, found a fence encroaching on the east side of the street approximately 15 feet west of the highway line at the northerly point, and running down to St. Martins in the form of a triangle. An injunction was obtained by Hattie Stahelin Peekus, Ella Stahelin and Elsie Stahelin against the City, restraining the Department of Public Works from removing the fence or paving that portion of the highway lying east of the fence. This injunction and bill of complaint were filed upon the theory that the fence having been there over 50 years, that title to that portion of the highway within the fence had been obtained by the owners of the abutting farm by adverse possession. We have not been able to secure any evidence which would refute that assertion, and we so advised the Department of Public Works.

The original injunction case was dismissed for lack of progress, and we subsequently advised the Department of Public Works to proceed with the paving. However, before they could proceed, another injunction was obtained in 1936 and the work was again tied up. This last case has just now been called on the Circuit Court docket. Mr. S. Baer Keldan, attorney for the Stahelins, has agreed to withdraw this case and permit the City to proceed with the paving if the City will pay the plaintiffs \$250 for this strip of land.

Inasmuch as it is extremely doubtful whether we would be able to win the injunction case, in which event it would be necessary for the city to condemn this strip of land at a cost of probably \$400 to \$500 even if a 6c verdict were obtained, our office deems it advisable for the City to accept this settlement, and we believe the city will be saving money by so doing.

We therefore recommend that your Honorable Body authorize this office to agree to this proposed settlement.

Respectfully yours,

VANCE G. INGALLS,
Asst. Corporation Counsel.

Approved:

RAYMOND J. KELLY,
Corporation Counsel.

H. E. BEYSTER,

Commissioner of Public Works.

By Councilman Breitmeyer:

Resolved, that in accordance with the recommendation of the Corporation Counsel's office in the foregoing communication, the Controller is hereby authorized and directed to purchase from the owners thereof the strip of land adjoining the Stahelin farm on Evergreen road for the sum of \$250; and be it further

Resolved, that the Corporation Counsel is authorized to settle the injunction case of Hattie Stahelin Peekus et al vs. City of Detroit for the terms aforesaid.

Adopted as follows:

Yeas—Councilmen Bradley, Breitmeyer, Dingeman, Ewald, Kronk, Lodge, Sweeny, and the President—8.
Nays—None.

Department of Public Works

April 25, 1938.

To the Honorable, the Common Council:

Gentlemen—To enable this department to reimburse Mr. Chas. Ungermann and Mr. Robert Dysard, for use of private cars at the rate of \$.04 per mile, it will be necessary to provide the sum of \$300.00.

These men have been doing investigating work, deemed necessary by myself; also locating properties that can be used as dumps.

I, therefore, request approval of the following resolution.

Respectfully submitted,

H. E. BEYSTER,
Commissioner.

Approved:

RICHARD W. READING,
Mayor.

Approved:

J. N. DALEY,
Controller.

By Councilman Bradley:

Resolved, That the City Controller be and he is hereby authorized and directed to transfer the sum of \$300.00 from the Allotment Surplus Account No. 902, General Road Fund, to the fourth allotment of Account No. 18-E, Private Car Rental, same fund.

Adopted as follows:

Yeas—Councilmen Bradley, Breitmeyer, Dingeman, Ewald, Kronk, Lodge, Sweeny, and the President—8.
Nays—None.