

last mentioned course a distance of 209.50 feet to a point in the southwesterly side of Montclair Avenue; thence in a southeastwardly direction along the southwesterly side of Montclair Avenue on a line forming an interior angle of 84 degrees 35 minutes 30 seconds a distance of 125 feet to the point or place of beginning, the last course forming at the point of its intersection with the first court an interior angle of 95 degrees 24 minutes 30 seconds, being the easterly 17.80 feet of Lot 287, all of Lots 288, 289, 290, 291, 292 and 293 of Hendrie's Subdivision of part of Private Claim 387, City of Detroit, Michigan, also designated as Parcels I, II, and III, as shown by plat "Land proposed to be acquired through condemnation proceedings for the New Fairview Postal Station site at Detroit, Michigan," blueprint of which is attached hereto and by reference made a part hereof."

There are three parcels involved in the Taking, the description of which and ownership of which are as follows:

Parcel I: Being all of Lots 292 and 293, and the East 7 feet of Lot 291. Ownership: Empire Development Co. et al.

Parcel II: Being all of Lot 290, the east 29.10 feet of Lot 289 and the west 24.95 feet of Lot 291. Ownership: First National Bank-Detroit, B. C. Schram, Receiver, et al.

Parcel III: Being all of Lot 288, the easterly 17.80 feet of Lot 287, and the west 2.85 feet of Lot 289. Ownership: William Hillger Land Co., et al.

When the Government filed its Declaration of Taking, it deposited with the Clerk of the United States Court, the amount of money at which it valued the various parcels and we are informed that the owners of Parcels II and III are ready to accept the said amounts, whereas the owner of Parcel I proposes to contest the same. Before the Government can pay the owners of Parcels II and III it is necessary to secure a cancellation of the 1938 City taxes which did not become a lien against these parcels until after the "Taking" by the Government on June 11th last.

We, therefore, recommend, to your Honorable Body that you adopt the enclosed resolution. This Department will then enter into a formal stipulation to confess judgment with the Government.

Aside from the 1938 taxes so cancelled, there is no city alley and there are no city rights involved in the Taking.

Respectfully submitted,

JAMES H. LEE,

Asst. Corporation Counsel.

Approved:

RAYMOND J. KELLY,
Corporation Counsel.

By Councilman Sweeny:

Whereas, The United States of America did on June 11, 1938 file a formal Declaration of Taking of certain property for the purpose of building thereon the Fairview Post Office Site; and,

Whereas, Two of the parcels of said property known and described and owned as follows:

Parcel II: Being all of lot 290, the east 29.10 feet of lot 289 and the west 24.95 feet of lot 291; ownership: First National Bank-Detroit, B. C. Schram, Receiver et al.

Parcel III: Being all of lot 288, the easterly 17.80 feet of lot 287, and the west 2.85 feet of lot 289; ownership: William Hillger Land Company et al. have had 1938 City taxes assessed against them; and

Whereas, Said property was acquired by the Government by reason of such "Taking" previous to the assessment of said 1938 City taxes; and

Whereas, The property has been that of the Federal Government since June 11, 1938 and is not subject to taxation. Therefore, Be It

Resolved, That the City Assessors, the City Controller and the City Treasurer be and are hereby directed to take the proper procedure for the cancellation of the 1938 City taxes spread against the following described property and ownership:

Parcel II: Being all of lot 290, the east 29.10 feet of lot 289 and the west 24.95 feet of lot 291; ownership: First National Bank-Detroit, B. C. Schram, Receiver et al.

Parcel III: Being all of lot 288, the easterly 17.80 feet of lot 287, and the west 2.85 feet of lot 289; ownership: William Hillger Land Company et al. and be it further

Resolved, That a certified copy of this resolution be transmitted to the United States District Attorney, representing the United States of America.

Adopted as follows:

Yeas—Councilmen Breitmeyer, Dingeman, Kronk, Lodge, Smith, Sweeny, and the President Pro Tem.—7.

Nays—None.

From the Corporation Counsel

November 21, 1938.

To the Honorable, the Common Council:

Gentlemen—We are herewith submitting a report in the matter of the petition of the Bertha Daley Estate (1123) which was referred to the Corporation Counsel and the City Controller by your Honorable Body with definite instructions.

We have examined the abstract of title to the property which the City contemplates purchasing, described as:

Lot 23 and the south 35 feet of lot 22, Whitwood's Subdivision of the west part of Loranger Farm, south of Chicago Road, being a part of P. C.'s 338 and 474, in the City of Detroit, Wayne County, Michigan.

We find that Henrietta Wagner and Myrtle Maloney, successor trustees in the Estate of Bertha Daley, deceased, have a good and marketable title to the above described property.

We have been informed by letter from the Board of Assessors, that the assessed value of the above described property is as follows:

Lot 23: land, \$3,140.00; building, \$4,260.00. S. 35 ft. of lot 22: land, \$2,750.00. Total assessed value, \$10,150.00.

We have received a quit claim deed, dated October 29, 1938, from Henrietta Wagner and Myrtle Maloney, as successor trustees in the Estate of Bertha Daley, deceased, to the City of Detroit, conveying the above described property. This deed has been certified by Martin R. Fisher, Assistant City Engineer, as correct in description, and approved by the Corporation Counsel as correct in form and execution.

We have also received an affidavit executed by Henrietta D. Wagner and Myrtle Maloney, purporting to contain a complete list of property held or owned by the Bertha Daley Estate, as follows:

(1) Lots 1 and 2, Ward's Subdivision of the Loranger Farm, same being in Ward 10 on the north side of Bagley Street, between the Michigan Central Railroad and Baker Street, Detroit, Wayne County, Michigan.

(2) Lots 83 and 84, Grosfield and Schulte's Subdivision, Detroit, Wayne County, Michigan, same being situated in Ward 12, on the east side of West Grand Boulevard.

(3) East 27 feet of lot 8, Ward's Subdivision of part of the Loranger Farm, Detroit, Wayne County, Michigan, same being situated in Ward 10, on the south side of Chipman Street, between Michigan Central Railroad and Baker Street.

(4) Lots 144 and 145, J. W. Johnston's Subdivision of Porter and Campau Farms, being that part of east $\frac{1}{2}$ of Private Claim 78 lying north of Chicago Avenue, and all that part of Private Claim 21 and the western $\frac{7}{12}$ of Private Claim 20 lying north of Chicago Avenue and south of the rear 40 acres sold to Mark Feonagan, 1857, same being situated in Ward 12 on the west side of Tillman Street, Detroit, Wayne County, Michigan.

(5) Lot 52, Johnson's Dix Avenue Subdivision, Detroit, Wayne County, Michigan, same being situated in Ward 20 on the west side of Casper Street.

(6) Lot 23 and the south 35 feet of lot 22, Whitwood Subdivision of the west part of the Loranger Farm, Detroit, Wayne County, Michigan, as recorded in Liber 1, Plats, page 141, Wayne County Records, said property being located in Ward 10 on the east side of 20th Street.

We understand from the statement of the City Controller made before your Honorable Body on this date that the funds for paying the purchase price for this property are available in the City treasury.

We, therefore, respectfully submit to your Honorable Body for adoption the attached resolution for the purpose of closing this transaction.

Respectfully submitted,

JULIAN P. RODGERS,
Asst. Corporation Counsel.

Approved:

RAYMOND J. KELLY,
Corporation Counsel.

By Councilman Sweeny:

Resolved, That the quit claim deed from Henrietta Wagner and Myrtle Maloney, Successor Trustees in the Estate of Bertha Daley, deceased, dated October 29, 1938, conveying to the City of Detroit, Lot 23 and the south 35 feet of Lot 22, Whitwood's Subdivision of west part of Loranger Farm, south of Chicago Road, being a part of P. C.'s 338 and 474 in the City of Detroit, Wayne County, Michigan, be and the same is hereby accepted. And further

Resolved, That the City Controller be and he is hereby authorized to draw three warrants, totaling \$10,150.00, upon the proper funds available for paying the purchase price for the above described property, as follows: One warrant in favor of Albert E. Cobo, City Treasurer; one warrant in favor of Jacob P. Sumeracki, County Treasurer, covering the payment of all city taxes and all state and county taxes due and payable respectively upon the following described property:

(1) Lots 1 and 2, Ward's Subdivision of the Loranger Farm, same being in Ward 10 on the north side of Bagley Avenue, between the Michigan Central Railroad and Baker Street, Detroit, Wayne County, Michigan.

(2) Lots 83 and 84, Grosfield and Schulte's Subdivision, Detroit, Wayne County, Michigan, same being situated in Ward 12, on the east side of West Grand Boulevard.

(3) East 27 feet of Lot 8, Ward's Subdivision of part of the Loranger Farm, Detroit, Wayne County, Michi-

gan, same being situated in Ward 10, on the south side of Chipman Street, between Michigan Central Railroad and Baker Street.

(4) Lots 144 and 145, J. W. Johnston's Subdivision of Porter and Campau Farms, being that part of East ½ of Private Claim 78 lying north of Chicago Avenue, and all that part of Private Claim 21 and the western 7-12 of Private Claim 20 lying north of Chicago Avenue and south of the rear 40 acres sold to Mark Feonagan, 1857, same being situated in Ward 12 on the west side of Tillman Street, Detroit, Wayne County, Michigan.

(5) Lot 52, Johnson's Dix Avenue Subdivision, Detroit, Wayne County, Michigan, same being situated in Ward 20 on the west side of Casper Street.

(6) Lot 23 and the south 35 feet of Lot 22, Whitwood Subdivision of the west part of the Loranger Farm, Detroit, Wayne County, Michigan, as recorded in Liber 1, Plats, page 141, Wayne County Records, said property being located in Ward 10 on the east side of 20th Street.

And the third warrant in favor of Henrietta Wagner and Myrtle Maloney, Successor Trustees in the Estate of Bertha Daley, deceased, and Philip Neudeck, attorney, for whatever balance may be left out of the purchase price after the payment of the taxes as herein provided.

Approved:

RAYMOND J. KELLY,
Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Breitmeyer, Dingeman, Kronk, Lodge, Smith, Sweeny, and the President Pro Tem.—7.

Nays—None.

From the Corporation Counsel

November 21, 1938.

To the Honorable the Common Council:

Gentlemen—In re: Mrs. Sophie Zingesser, Petition 7842, Claim 9381, Public Works, Sewer.

Claimant claims that on October 13, 1937, at about 9:20 P. M., she stepped into an uncovered sewer on the south side of Tuxedo Avenue, just east of the intersection of Petoskey Avenue, sustaining a dislocation of the left ankle and injuries to the left leg and foot.

This matter was referred to your Honorable Body under date of March 10, 1938, with our recommendation "Deny; to be reopened if satisfactory adjustment can be made".

Claim was filed in the sum of \$350.00.

Suit was started in the Circuit Court for the County of Wayne, same being Circuit Court No. 207566, and is now ready for trial.

An offer of settlement has been made, subject to your approval, in the sum of \$200.00. This we deem advantageous to the City of Detroit and recommend the adoption of the following resolution.

Very truly yours,

JAMES R. WALSH,
Asst. Corporation Counsel.

Approved:

WALTER BARLOW,
Acting Corporation Counsel.

By Councilman Sweeny:

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the proper fund in favor of Mrs. Sophie Zingesser in the sum of \$200.00, same being payment in full for any and all claims which she may have because of injuries sustained on or about October 13, 1937, at about 9:20 P. M. when she stepped into an uncovered sewer on the south side of Tuxedo Avenue, just east of the intersection of Petoskey Avenue, said injuries consisting of a dislocation of the left ankle and injuries to the left leg and foot; and be it further

Resolved, That said sum be paid upon presentation of release, properly executed by the said Mrs. Sophie Zingesser, approved by the Corporation Counsel, and discontinuance of Circuit Court suit No. 207566, Sophie Zingesser, plaintiff, vs. City of Detroit, defendant.

Adopted as follows:

Yeas—Councilmen Breitmeyer, Dingeman, Kronk, Lodge, Smith, Sweeny, and the President Pro Tem.—7.

Nays—None.

From the Corporation Counsel

November 15, 1938.

To the Honorable, the Common Council:

Gentlemen—You referred the petition of the Detroit Baseball Company (No. 4043) to this office, in which request is made for an ordinance prohibiting peddling and handbill distribution, etc., in the vicinity of Briggs Stadium, and you ask our opinion as to whether or not the Common Council has the power to enact such a provision in the ordinance.

Kindly be advised that we are of the opinion that such a provision in the ordinance would be valid and within the authority of the Common Council to enact.

We are submitting herewith proposed amendments to existing ordi-