

ordinances of the City of Detroit for the year 1945.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That Section 3 of Chapter 165 of the Compiled Ordinances of the City of Detroit for the year 1945 be and the same is hereby amended to read as follows:

Sec. 3. No person shall be guilty of using indecent or immoral language nor be guilty of any indecent or immoral conduct or behavior in any public street, lane, alley, square, park or space in said City, and SHALL ANY person improperly, lewdly, wantonly or wrongfully accost, ogle, insult, annoy, follow, pursue, lay hands on, or by gesture, movement of body or otherwise wrongfully molest any person in any public street, lane, alley, square, park, PUBLIC VEHICLE, or space in said City.

Sec. 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 3. This Ordinance is hereby declared necessary for the preservation of the peace, health, safety and welfare of the people of the City of Detroit, and is hereby given immediate effect.

Approved as to form:

P. T. DWYER, Corporation Counsel.
Read twice by title.

Councilman Van Antwerp moved that inasmuch as this was an emergency measure, the ordinance be placed on the order of third reading.

THIRD READING OF ORDINANCE.

The title to the ordinance was read a third time.

The ordinance was then read.

The question being "Shall this ordinance now pass?", the ordinance was passed, a majority of the councilmen present voting therefor as follows:

Yeas—Councilmen Beck, Connor, Garlick, Kronk, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—9.

Nays—None.

Title to the ordinance was confirmed.

Corporation Counsel

April 30, 1953.

Honorable Common Council:

Gentlemen—Attached hereto please find resolution of necessity and public improvement in reference to the acquisition of additional land for Parks and Recreational and other Municipal Public Purposes, located on the south side of Seven Mile Road between St. Louis and Mt. Elliott Avenues, as requested by your Honorable Body on April 14, 1953, (J. C. C. Page 780).

Respectfully submitted,

E. A. WALINSKE, Director,
Bureau of Real Estate.

Approved:

PAUL T. DWYER,
Corporation Counsel.

By Councilman Kronk:

Whereas, The Common Council did by resolution on April 14, 1953, (J. C. C. Page 780), approve the acquisition of land for Parks and Recreational and other Municipal Public Purposes, Now, Therefore, Be It

Resolved, That it is hereby declared necessary by the Common Council of the City of Detroit to make the following described improvements in said City, and that the same is for the use or benefit of the public, viz: Acquisition of additional land for Parks and Recreational and other Municipal Public Purposes, and that they deem it necessary to take private property for the purpose of making such improvement, which said property is situated in said City of Detroit and located on the south side of Seven Mile Road between St. Louis and Mt. Elliott Avenues, and described as follows:

Lots 1 to 11, both inclusive, Church Subdivision of Northeast 5 acres of Northwest ¼ of Northwest ¼ of Section 9, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 47 of Plats, Page 62, Wayne County Records.

And Be It Further Resolved, That the Corporation Counsel be and he is hereby directed to institute the necessary proceedings on behalf of the City of Detroit in the Recorder's Court of the City of Detroit to carry out the object of this resolution in regard to taking private property by said City.

Approved:

PAUL T. DWYER,
Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Garlick, Kronk, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—9.

Nays—None.

Corporation Counsel

April 21, 1953.

Honorable Common Council:

Gentlemen—Condemnation proceedings for the Opening of Beaverland Avenue between Vassar and Frisbee Avenues were ordered on July 22, 1952, (J.C.C. Pages 1754-5).

This office is in receipt of three Warranty Deeds covering parcels of land required for this proposed improvement. The balance of the land needed for this opening is City-owned by virtue of approval of the "Plat of Laudicina Subdivision of part of Northwest ¼ of Southeast ¼ of Section 4, Town 1 South, Range 10 East, City of Detroit, Wayne County, Michigan", which was duly accepted by your Honorable Body on April 7, 1953, (J.C.C. Page 763).

It is now requested that the aforementioned deeds be accepted and that that part of the resolution of July 22, 1952, (J.C.C. Pages 1754-5), ordering condemnation proceedings for the Opening of Beaverland Avenue between Vassar and Frisbee Avenues be rescinded.

Respectfully submitted,
E. A. WALINSKE, Director,
Bureau of Real Estate.

By Councilman Kronk:

Resolved, That the following warranty deeds to the City of Detroit covering property dedicated for street purposes (Beaverland Ave.), be and the same are hereby accepted and the City Controller is hereby authorized to record said deeds in the office of the Register of Deeds for Wayne County: :

John Gillanders and Stella Gillanders, his wife—"all that part of lot 8 of Dubois Sub. of part of the N. W. ¼ of the S. E. ¼ of Sec. 4, T. 1 S., R. 10 E., as recorded in Liber 40 of plats, page 28, Wayne County Records, described as follows: beginning at a point in the northwest corner of lot 20 of Progresso Sub. of part of W. ½ of S. E. ¼ of Sec. 4, T. 1 S., R. 10 E., as recorded in Liber 60, page 39 of plats, Wayne County Records; thence along the north line of last mentioned sub. S. 89 deg. 10 min. 50 sec. W., 60.00 ft. to a point in the northeast corner of lot 21 of last mentioned sub.; thence along a line N. 2 deg. .07 min. 40 sec. W., 82.24 ft. to a point; thence along a line N. 89 deg. 11 ft. 17 sec. E., 60.00 ft. to a point; thence along a line S. 2 deg. .07 min. 40 sec. E., 82.23 ft. to the place of beginning.

Julius M. Rosenberg and Helen Rosenberg, his wife—"all that part of lot 8 of Dubois Heights Sub., etc." described as follows: beginning at a point distant N. 2 deg. .07 min. 40 sec. W., 82.23 ft. from the northwest corner of lot 20 of Progresso Sub., etc.; thence along a line N. 2 deg. .07 min. 40 sec. W., 164.47 ft. to a point; thence along a line S. 89 deg. 11 ft. 51 min. W., 60.00 ft. to a point; thence along a line S. 2 deg. .07 min. 40 sec. E., 164.48 ft. to a point; thence along a line N. 89 deg. 11 min. 17 sec. E., 60.00 ft. to the place of beginning."

Sam Rubenstein and Esther Rubenstein, his wife—"all that part of lot 8, Dubois Heights Sub., etc.," described as follows: beginning at a point distant N. 2 deg. .07 min. 40 sec. W., 246.70 ft. from the northwest corner of lot 20 of Progresso Sub., etc.," thence along a line N. 2 deg. .07 min. 40 sec. W., 82.23 ft. to a point in the north line of said lot 8; thence along the north line of lot 8, S. 89 deg. 12 min. 25 sec. W., 60.00 ft. to a point; thence along a line S. 2 deg. .07 min. 40 sec. E., 82.24 ft. to a point;

thence along a line N. 89 deg. 11 min. 51 sec. E., 60.00 ft. to the place of beginning;" and further

Resolved, That that part of resolution adopted July 22, 1952 (J.C.C. pp. 1754-5), instructing the Corporation Counsel to institute the necessary proceedings to acquire the necessary opening and widening of Beaverland Ave. between Vassar and Frisbee Avenues and the same is hereby rescinded in accordance with the foregoing communication.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Garlick, Kronk, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—9.

Nays—None.

Corporation Counsel

April 30, 1953.

Honorable Common Council:
Gentlemen—Your Honorable Body ordered acquisition of land 25 ft. x 722 ft. between Schoolcraft and Davison for the widening of Auburn Avenue.

As far as we have been able to ascertain, this property was part of a large tract of land purchased by the B. E. Taylor Corporation, who subdivided the property. Conveyances of the property immediately adjoining, recite B. E. Taylor's Brightmoor Industrial Unit No. 1 on unrecorded plat lying south of Grand River.

It appears that though never actually dedicated or platted, this property under condemnation was originally intended to be part of the street.

The B. E. Taylor Corporation has been dissolved. However, Mr. B. E. Taylor, Jr. and his wife succeeded to all assets of the corporation which was all owned by Mr. B. E. Taylor, Sr., who is deceased.

Mr. B. E. Taylor, Jr. and his wife have given the city a deed to this property which is attached hereto for your acceptance.

If the deed is accepted by the City, it is our belief that this will dispose of the condemnation case and the matter may be discontinued.

Respectfully submitted,

BERT R. SOGGE,

Asst. Corporation Counsel.

Approved:

PAUL T. DWYER,

Corporation Counsel.

By Councilman Youngblood:

Whereas, the City has commenced proceedings to acquire the following described property for street purposes

All that part of the West ½ of the West ¼ of the Northwest ¼ of Section 26, Town 1 South, Range 10 East, City of Detroit, Wayne County, Michigan, being the East 25 feet of that part of private plat known as B. E. Taylor's Brightmoor Industrial

May 5

Unit No. 1 lying between the South line of the alley South of Schoolcraft Avenue and the South line, extended Westerly, of Davison Avenue, 80 feet wide as now established, more particularly described as follows: Beginning at a point in the Southeast corner of B. E. Taylor's Brightmoor Industrial Subdivision as recorded in Liber 48 of Plats, Page 99, Wayne County Records; thence along the West line of B. E. Taylor's Brightmoor Carlin Subdivision as recorded in Liber 51 of Plats, Page 50, Wayne County Records, South 1 Degree 53 Minutes East, 722.00 feet to a point in the extended South line of Davison Avenue, 80 feet wide as now established, thence along the extended South line of said Davison Avenue, South 88 Degrees 25 Minutes West, 25.00 feet to a point; thence along a line North 1 Degree 53 Minutes West, 722.00 feet to a point in the South line of B. E. Taylor's Brightmoor Industrial Subdivision as recorded in Liber 48 of Plats, Page 99, Wayne County Records, thence along the South line of last mentioned subdivision, North 88 Degrees 25 Minutes East, 25.00 feet to the place of beginning, and

Whereas, Mr. Burt Eddy Taylor, Jr. and Doreen Wessel Taylor, his wife, who are successors to the assets of the B. E. Taylor Corporation, now dissolved, have conveyed to the City of Detroit a deed to the above described premises, It Is Hereby

Resolved, That the deed to the above described property be accepted by the City and the Corporation Counsel is directed to discontinue the condemnation proceedings.

Approved:

PAUL T. DWYER,
Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Garlick, Kronk, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—9.

Nays—None.

Corporation Counsel

April 22, 1953.

Honorable Common Council:

Gentlemen—A report is submitted relative to Case No. 2173, Recorder's Court for the acquisition of land for recreational purposes, located at the southeast corner of Manson and Plumer.

At the trial of this case, the necessity for which being contested by respondent trucking company, the City presented six witnesses for necessity. However, Mr. Mueller, of the City Plan Commission, testified that the subject matter was never referred to the City Plan Commission; therefore, no action was taken by the Commission. However, the site was examined by him, that he attended

the hearing before the Common Council and that his recommendation was that the site should not be acquired.

Title IV, Chapter X, Section 7 (f) of the Charter relative to powers and duties of the City Plan Commission, provides as follows:

"(f) Shall have power to determine whether property shall be acquired for park and boulevard and recreational purposes, or condemned for the enlarging of any park or the widening or extension of any boulevard, and no property shall be so acquired or condemned without the approval of the commission; and shall have power to pass upon the acceptance of all plats of land within and for a distance of three miles beyond the limits of the city."

In view of this provision and the testimony that the acquisition was not approved by the City Plan Commission, together with the statement that it was not approved by the City Planner, the jury had practically no choice but to bring in a verdict of no necessity, which they did.

Respectfully submitted,

BERT R. SOGGE,
Asst. Corp. Counsel.

Approved:

PAUL T. DWYER,
Corporation Counsel.
Received and placed on file.

Corporation Counsel

April 22, 1953.

Honorable Common Council:

Gentlemen—A report is submitted relative to Case No. 1997 Recorder's Court, re Acquisition of land for Park located on South side of Warren between Lovett and Scotten Avenues.

The land sought to be acquired consisted of 310 feet of Warren Avenue frontage which was to adjoin the Watson playground across the alley to the south. The jury rendered a verdict of no necessity.

From our analysis of the trial and talking to the jurors, they were influenced in their verdict by two factors:

First, the presence of several playgrounds in the area; and

Second, the cost of the acquisition.

Testimony was offered in the form of an offer to purchase seven of the inside 20 ft. lots for the sum of \$20,000.00.

The jury of freeholders believed this established the market value and that the land did not justify the expenditures for playground purposes.

A motion for a new trial was made but denied by the Court.

Respectfully submitted,
BERT R. SOGGE,
Asst. Corp. Counsel.

Approved:

PAUL T. DWYER,
Corporation Counsel.
Received and placed on file.