

Approved:

PAUL T. DWYER, Corp. Counsel.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, and President Miriani—8.

Nays—None.

Corporation Counsel

June 18, 1956.

Honorable Common Council:

Gentlemen—From time to time in the past, this office has sought the counsel of Charles S. Rhyne, General Counsel, National Institute of Municipal Law Officers, Washington, D. C., in regard to matters involving the supply and cost of natural gas in the Detroit area.

One case in particular, City of Detroit, v. Federal Power Commission, was an appeal from the ruling of the Federal Power Commission, which allowed pipe lines producing their own gas to charge the field price for the gas, a radical departure from the historic method of pricing such gas.

Mr. Rhyne's office handled the appeal for the City of Detroit to the Third District Court of Appeals in conjunction with this office, and succeeded in reversing the Federal Power Commission. There were no charges to the City for these services.

However, the Federal Power Commission and the pipe line involved, namely, Panhandle Eastern Pipe Line Company, have now sought review of the Court's decision to the United States Supreme Court.

Mr. Rhyne is under no obligation to continue on to the U. S. Supreme Court with this case. He is, we believe, reluctant, and understandably so, to put the time and effort which will be necessary in such proceeding without some compensation for his work.

Inasmuch as the case is of such grave concern to the Detroit consumers of natural gas, and Mr. Rhyne's office is in the best position to handle the second appeal, having handled the first, we request authority from your Honorable Body to retain the services of Mr. Rhyne for this case and related dockets before the Federal Power Commission, tending to have an impact on gas rates in this community, to be compensated at the rate of \$25.00 per hour, as the time and services therefor may be approved by the Corporation Counsel. Funds are available in the amount of \$2,000.00 in the current budget of this department, having been appropriated by the Council for contractual services in conjunction with public utility rate cases. If your Honorable Body concurs in the foregoing recommendation, we submit herewith proper resolution to effectuate the same.

Respectfully submitted,

PAUL T. DWYER,
Corporation Counsel.

By Councilman Connor:

Resolved, That the Corporation Counsel be and he is hereby authorized to employ Charles S. Rhyne, in accordance with the foregoing communication; and be it further

Resolved, That the City Controller and the City Treasurer be, and they hereby are authorized and directed to honor vouchers as approved by the Corporation Counsel in payment for such services.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, and President Miriani—8.

Nays—None.

Corporation Counsel

June 18, 1956.

Honorable Common Council:

Gentlemen — We recommend the adoption of the following resolution in order to pay employees of the City of Detroit, injured in the course of their employment, Workmen's Compensation as provided by law.

Respectfully submitted,

WILLIAM J. KENT,

Asst. Corporation Counsel.

Approved:

WALTER E. VASHAK,

Acting Corporation Counsel.

By Councilman Lincoln:

Resolved, That the Controller be and he is hereby instructed to draw his warrant upon the proper fund in favor of:

Curtis Miller, Health Department, at the rate of \$32.00 per week.

Marion Langstaff, Public Welfare Department, at the rate of \$32.00 per week.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, and President Miriani—8.

Nays—None.

Reconsideration

Councilman Connor moved to reconsider the vote by which the resolution was adopted.

Councilman Rogell moved to suspend Rule 23 for the purpose of indefinitely postponing the motion to reconsider, which motion prevailed as follows:

Yeas—Councilmen Beck, Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, and President Miriani—8.

Nays—None.

Councilman Van Antwerp then moved that the motion to reconsider be indefinitely postponed, which motion prevailed.

The regular order was resumed.

Corporation Counsel

June 7, 1956.

Honorable Common Council:

Gentlemen — We are attaching hereto communications received from Cinder Block, Incorporated; Horn Fuel and Supply Company and Horn

Land Company, Incorporated (No. 6086), transmitting deeds covering property for the Ellis-Robson Greenbelt and the Widening of Ellis Avenue, in accordance with resolution dated July 21, 1953, (J.C.C. Pages 1693-4) and as amended February 2, 1954, (J.C.C. Page 190).

This resolution provided that an adjustment be made on the 1953-54 property taxes for that part of land dedicated on a prorated basis when the deed is accepted.

Due to litigation involving a portion of the property to be dedicated, the petitioners were unable to deliver the deeds until now.

The petitioners have requested an adjustment or reimbursement of taxes paid by them since they did not have the use of the portion covered by the deeds.

The original offer to dedicate the property was the result of the petition filed April 1, 1947 by L. S. Lester (No. 4727), for the opening of Westfield and Ellis Avenues. This petition was amended on April 28, 1947, requesting Greenbelt instead of Streets. Both matters were referred to the City Plan Commission.

The petitioners, by Walter W. Horn, in letter dated March 24, 1948 (copy attached), offered to dedicate the land required for the greenbelt and Ellis Avenue upon the condition that they be exempt from any assessment for street paving, green strip planting, etc.

They further requested that a new property line and fence line be determined by survey.

The City Plan Commission, on May 6, 1948, reported on the petition of L. S. Lester and was authorized to process the acquisition of the property for greenbelt purposes and widening of Ellis Avenue under Ordinance 86-E.

The petitioners on September 8, 1948 directed a communication (copy attached) to your Honorable Body requesting immediate survey so that they could erect a fence on the new proposed property line. The City Surveyors established the new fence or property lines. The new fence was constructed shortly thereafter and on October 21, 1948 a description and blueprints were forwarded to the Cinder Block, Incorporated, requesting deeds be forwarded to the Common Council for formal acceptance.

The processing under Ordinance 86-E for the acquisition of the balance of property needed to complete the Greenbelt, after many delays, was finally adopted on May 8, 1951, (J.C.C. Pages 974-6). Verdict in the condemnation proceedings (Recorder's Court File No. 2127) was confirmed on June 16, 1952.

The petitioners filed (No. 6086) a review of their previous offers and requested easements across the prop-

erty to be dedicated for emergency egress and ingress into Robson and Ellis Avenues. The City Plan Commission, in a report to your Honorable Body dated July 16, 1953, recommended the request be granted and that adjustment of the 1953-54 taxes be made as mentioned above and approved July 21, 1953, (J.C.C. Pages 1693-94).

The development of the entire Greenbelt was held up, after the acquisition on June 16, 1952, pending the receipt of the deeds from the petitioners.

This office informed your Honorable Body the deeds were being held up due to deaths and complications in the title of the property to be deeded and resolution of May 12, 1953 (J.C.C. Page 1142) authorized the Department of Parks and Recreation to proceed immediately with the development. The Department of Parks and Recreation has advised the first work was done on the project during week ending July 19, 1953.

The petitioners have had no physical use of the property since the erection of the fence in September of 1948.

The prorated taxes on the portion dedicated, based on the tax paid by the petitioners from July 1, 1953 through June 30, 1956, would be approximately \$330.00 for street purposes and \$820.00 for Greenbelt, or a total of \$1,150.00.

If the request for a reimbursement is approved by your Honorable Body, the Department of Public Works and the Department of Parks and Recreation should be authorized to take the necessary steps and the City Controller be authorized to provide the necessary funds.

We have examined the City and County Records and find the petitioners have paid all taxes through June 30, 1956 and, therefore, recommend the deeds be accepted and the City Controller be authorized to record same.

And further, the City Assessors and the City Treasurer be authorized to take the necessary steps to cancel taxes on the City-owned portion, effective as of July 1, 1956, and that the City Assessor take necessary steps to exempt the City portion from future taxation.

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

Approved:
PAUL T. DWYER,
Corporation Counsel.

By Councilman Lincoln:
Resolved, That quit claim deeds of Cinder Block, Inc., Horn Fuel and Supply Co., and Horn Land Co., Inc., Michigan corporations, to the City of Detroit covering land dedicated for

greenbelt, street widening and other purposes, described as:

"All that part of the S. W. $\frac{1}{4}$ of Sec. 31, T. 1 S., R. 11 E., City of Detroit, Wayne County, Michigan, and all that part of lct 269 of Plymouth Gardens Subdivision of part of the S. W. $\frac{1}{4}$ of Sec. 31, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 48 of plats, page 39, Wayne County Records, described as follows: beginning at a point in the southwest corner of lot 269 of last mentioned subdivision; thence along the south line of said lot 269 W. 89 deg. 49 min. 40 sec. E., 45.03 ft. to a point; thence along a line S. 0 deg. 13 min. W. 32.45 ft. to a point in the north line of Frischkorn's West Chicago Boulevard Sub. No. 1; thence along the north line of last mentioned subdivision N. 89 deg. 27 min. 32 sec. E. 950.12 ft. to a point; thence along a line N. 0 deg. 05 min. 10 sec. E. 46.59 ft. to a point; thence along a line S. 89 deg. 49 min. 40 sec. W. 965.00 ft. to a point in lot 269; thence along a line 30 ft. east of and parallel to the east line of Robson Ave. N. 0 deg. 09 min. E. 555.19 ft. to a point; thence along a line S. 89 deg. 50 min. W. 30 ft. to a point in the east line of Robson Ave. 60 ft. wide, as now established; thence along the east line of Robson Ave., S. 0 deg. 09 min. W. 575.46 ft. to the place of beginning. Reserving easements for emergency egress and ingress over the above described premises and located specifically as follows:

(a) a strip of land 12 ft. wide over the so-called greenbelt strip, 30 ft. wide, on the east side of Robson Ave., the south line of the said 12 ft. strip being 206.7 ft. north of the north line of the said greenbelt along the north side of Ellis Ave.; and

(b) a strip of land 12 ft. wide over the so-called greenbelt strip, 30 ft. wide, on the north side of Ellis Ave., the west line of the said 12 ft. strip being 228.60 ft. from the east line of the said greenbelt along the east side of Robson Ave.,

Be and the same are hereby accepted, and the City Controller is hereby directed to record said deeds in the office of the Register of Deeds for Wayne County; and further

Resolved, That the recommendations of the Corporation Counsel, Bureau of Real Estate, as outlined in the foregoing communication be and the same are hereby approved and concurred in, and the departments concerned are hereby instructed to take the necessary steps to provide the funds and refund the taxes on the dedicated land for the period from July 1, 1953, through June 30, 1956; and further

Resolved, That the City Treasurer be and he is hereby authorized and directed to cancel the taxes on the above-described dedicated property

for the year 1956, and the Board of Assessors be and it is hereby authorized and directed to exempt said property from future taxation.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, and President Miriani—8.

Nays—None.

Corporation Counsel

June 11, 1956.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of St. Marys of Redford Church (No. 6758), to purchase property being a portion of the so-called "Greenbelt" lying east and west of Archdale Avenue, south of Glendale Avenue.

The petitioners have requested permission to purchase four (4) lots at the westerly end of the Greenbelt, adjoining property now owned by them, and have offered the sum of \$2,800.00 for same, which the petitioner states is the cost to the City for the acquisition and the improvement of the said lots.

The Greenbelt, consisting of a total of eleven (11) lots, was acquired in condemnation proceedings, Recorder's Court File No. 2062, for Greenbelt Purposes under Ord. No. 86-E, on February 20, 1952, in accordance with resolution of August 16, 1949, (J.C.C. Page 2407), as amended January 29, 1952, (J.C.C. Pages 106-7). The total award for the four (4) lots in this matter was \$2,600.00 and the entire cost of eleven (11) lots in the above case was \$7,300.00, with incidental condemnation cost of \$229.40 or a total acquisition cost of \$7,529.40.

The Department of Parks and Recreation reported the development cost was \$3,624.28 and resolution of February 10, 1953, (J.C.C. Page 271), authorized the Board of Assessors to prepare an assessment roll in that amount. We find the majority of the persons assessed in this roll have paid their pro-rata shares in full.

The Bureau of Real Estate has made a field investigation and finds very little actual development as a greenbelt on the four (4) lots to be conveyed.

Attorneys for the petitioners and the Association, together with representatives of the City Plan Commission, Department of Parks and Recreation, Corporation Counsels Office, met in the office of the Bureau of Real Estate on Monday, May 28th, 1956. Discussion was held relative to the terms and conditions of the conveyance of the property and the development of the so-called "Greenbelt" in the southerly 8 feet and the westerly one-half of the vacated alley of the land to be conveyed to the petitioners. There was some differences in opinion as to the retention of the southerly 8 feet and the westerly one-