

City Treasurer be and he is hereby authorized and directed to refund the same to the property owners, excluding therefrom any interest that may have been paid by the taxpayer upon said current tax; And Be It Further

Resolved, That the Board of Assessors furnish the City Treasurer with a statement showing the last assessed valuation of the condemned property after possession date; And Be It Further

Resolved, That the Real Estate Bureau, Corporation Counsel's Office, ascertain the amount of taxes due and payable and furnish same to the Controller; And Be It Further

Resolved, That the Controller be and is hereby authorized to draw his warrant in favor of the proper tax collector for said taxes, when due and payable.

Approved:

PAUL T. DWYER, Corp. Counsel.

Adopted as follows:

Yeas — Councilmen Beck, Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Mirani—9.

Nays—None.

Corporation Counsel

October 9, 1956.

Honorable Common Council:

Gentlemen—Herewith please find report regarding condemnation proceedings, File No. 2223, entitled, "In the Matter of Opening of Frisbee Avenue between Northrop and Redfern Avenues; and for the Opening of St. Martins Avenue from Houghton to Northrop and Public Walkway and Sewer Easement South of Pembroke into Frisbee Avenue."

Land required for the opening of Frisbee Avenue has been dedicated as per Common Council resolutions on March 22, 1955, (J.C.C. Page 502) and April 19, 1955, (J.C.C. Pages 721-2), and formal acceptance by your Honorable Body of the attached deeds, being parcels 3 and 4, is hereby requested. Parcels 1 and 2 in the subject condemnation were dedicated by the acceptance of a new plat known as the Patrician Heights Subdivision. A six-foot Sewer Easement, copy of which is attached hereto, was acquired from the owners, which easement falls within the ten-foot strip of land to be acquired for a Public Walkway.

Request is hereby also made to amend the proceedings to include the assessment district for the opening of St. Martins Avenue.

In view of the above circumstances, it is necessary to delete parcels 1, 2, 3 and 4 from the petition now on file. The attached resolution is submitted for your approval.

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

Approved:

PAUL T. DWYER, Corp. Counsel.

By Councilman Van Antwerp:

Resolved, That the resolutions adopted on May 11, 1954, (J.C.C. Pages 1193-4), and on June 29, 1954, (J.C.C. Page 1578), be amended to include the following described land as part of the assessment district for the opening of St. Martins Avenue between Northrop and Houghton Avenues:

The North 112 feet of lot 18, lots 19 to 31 inclusive, lots 32 to 44 inclusive, except Houghton Avenue as widened and except that part of lot 33 to be acquired for St. Martins Avenue, North 112 feet of Lot 45, and the North 112 feet of Lot 46 except Houghton Avenue as widened, of Redford Home Acres Subdivision, as recorded in Liber 32 of Plats, Page 5, Wayne County Records; lots 79 to 87 of Seven Mile Drive Subdivision, as recorded in Liber 34 of Plats, Page 19, Wayne County Records; lot 4 except the South 163.5 feet of Dubois Heights Subdivision as recorded in Liber 40 of Plats, Page 28, Wayne County Records; lots 1 to 10 inclusive, of Scherr Subdivision, as recorded in Liber 78 of Plats, Page 39, Wayne County Records; and also that part of the Southeast 1/4 of Section 4, Town 1 South, Range 10 East, lying between the West line of Seven Mile Subdivision and the East line of Dubois Heights Subdivision and North of the North line of Redford Home Acres Subdivision and South of and adjoining Pembroke Avenue excepting the portion to be acquired for the opening of Frisbee Avenue.

And Be It Further Resolved, That deeds covering dedications for the opening of Frisbee Avenue between Northrop and Redfern Avenues, being land required for parcels 3 and 4, and better described as:

Parcel 3 — All that part of the Southeast 1/4 of Section 4, Town 1 South, Range 10 East, City of Detroit, Wayne County, Michigan, described as follows: Beginning at a point distant North 89 degrees 39 minutes East, 200.22 feet from the southeast corner of Lot 3 of Dubois Heights Subdivision of part of the Northwest 1/4 of Southeast 1/4 of Section 4, Town 1 South, Range 10 East, as recorded in Liber 40 Page 28 of Plats, Wayne County Records; thence along a line North 89 degrees 39 minutes East, 44.68 feet to a point; thence along a line South 46 degrees 36 minutes 10 seconds East, 76.95 feet to a point; thence along a line South 1 degree 34 minutes 35 seconds East, 49.92 feet to a point; thence along a line South 88 degrees 57 minutes 17 seconds West, 22.45 feet to a point; thence along a line North 1 degree 36 minutes 10 seconds West, 1.46 feet to a point; thence along a line North 46 degrees 36 minutes 10 seconds West, 75.10 feet to a point; thence along a line South 89 degrees 39 minutes West, 23.33 feet to a point; thence along a line North 1 degree 49 minutes West, 50.02 feet to the point of beginning.

Parcel 4—All that part of the South-east  $\frac{1}{4}$  of Section 4, Town 1 South, Range 10 East, City of Detroit, Wayne County, Michigan, described as follows: Beginning at the Northwest corner of Lot 32 of Redford Homes Acres Subdivision, part of the South-east  $\frac{1}{4}$  of Section 4, Town 1 South, Range 10 East, as recorded in Liber 32 of plats, Page 5, Wayne County Records, thence along the north line, extended westerly, of said Lot 32, South 88 degrees 57 minutes 17 seconds West, 27.55 feet to a point; thence along a line North 1 degree 34 minutes 35 seconds West, 49.92 feet to a point; thence along a line South 46 degrees 36 minutes 10 seconds East, 38.93 feet to a point; thence along a line South 1 degree 36 minutes 10 seconds East, 22.66 feet to the place of beginning. Be and they are hereby accepted; And Be It Further

Resolved, That the Corporation Counsel be and he is hereby authorized to amend the petition in Recorder's Court, File No. 2223, by deleting parcels 1, 2, 3 and 4 in accordance with the foregoing communication.

Approved:

PAUL T. DWYER, Corp. Counsel.

Adopted as follows:

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

Nays—None.

Corporation Counsel

October 25, 1956.

Honorable Common Council:

Gentlemen—On July 27, 1956, D.P.W. Commissioner Glenn C. Richards requested your Honorable Body to amend resolution of July 17, 1956, J.C.C. p. 1510, to reduce spur track bond of the Murray Corporation of America from \$10,000.00 to \$5,000.00. Your Honorable Body referred a copy of said letter to this office and requested that we prepare necessary ordinance amendment to require a surety bond in the amount of \$10,000.00 instead of \$5,000.00 for a single spur track.

In conformity with your request we have prepared an ordinance amending certain sections of the spur track ordinance, which we enclose herewith in duplicate.

Additional changes were made in said ordinance with the concurrence of representatives of the D.P.W. and the Controller's Office, for clarification of certain parts of the ordinance, to give the City greater protection, and for greater efficiency in the administration of said ordinance. Generally, they include:

(1) The spur track and agreement required by the ordinance will save the City of Detroit harmless from

personal injury and property damage claims or losses which may arise through accidents or otherwise from the use of public streets, alleys or public places, or by reason of the issuance of the permit;

(2) The amount to be stated in the spur track bond and agreement will be governed in each case by a schedule to be approved by your Honorable Body at the time of the adoption of this ordinance. The said schedule will require the furnishing of a bond and agreement in the amount of \$10,000.00 by each industry where only one spur track crossing is involved, but other spur track crossings up to six may also be included in the same bond if they are closely related and cross the same street, alley or other public place. Where seven to ten crossings are involved, the amount of the bond and agreement required will be \$15,000.00. For spur tracks crossing any street, alley or other public place at any location, each industry, under such schedule, will be required to furnish a bond in the amount of \$10,000.00 for each spur track crossing, but the same bond may include up to four such spur tracks. Where more than four spur track crossings are involved, the bond required will be increased up to \$50,000.00 for nineteen or more crossings;

(3) The bond required by the ordinance to secure a permit to ship or receive freight cars on spur tracks owned by others has been increased from \$1,000.00 to \$5,000.00;

(4) The liability under both types of bonds is made continuous as long as spur tracks cross streets, alleys or other public places;

(5) The bonds now on file must be replaced with new ones in conformity with said schedule on or before May 31, 1957;

(6) The permittee may with Council approval include new spur tracks in bonds on file in the Controller's Office, or include under one bond several spur tracks previously maintained under several bonds, the amount of the new bond to be governed by the aforesaid schedule;

(7) Successors to spur track or transfer of freight car permittees will be required to secure permits therefor in their own names and to file their own bonds and/or bonds and agreements with the Controller;

(8) The Controller will be authorized to give partial and/or final releases from bonds and/or bonds and agreements to principals and their sureties thereon under certain conditions subject to Council approval; and

(9) Two new sections will be added to Chapter 385, namely Sections ten and eleven, to repeal conflicting ordinances and to provide a saving clause, respectively.

We also enclose herewith duplicate