

Public Purposes Located on the West Side of Russell between Palmer Avenue and Edsel Ford Expressway.

Whereas, Act No. 24 of the Public Acts of 1947 provides that the unit of government that is the petitioner in the condemnation proceeding, pay the taxes and special assessments on property that is acquired after the date the assessment roll is required to be completed and before the tax is due and payable; and

Whereas, Section 35, Chapter IV, Title VI of the Charter of the City of Detroit authorized the adoption of a resolution to provide for the payment rata basis upon property acquired by the City of general taxes on a pro-rating the fiscal year of acquisition; and

Whereas, Money is available for the payment of said verdict, Now, Therefore, Be It

Resolved, That the City Controller and City Treasurer take all necessary steps to provide for the transfer of the sum necessary to pay the amount of said verdict, when confirmed, together with interest thereon, at the rate of five (5%) per cent per annum from the date of confirmation to the date of posting of the sum for payment thereof; And Be It Further

Resolved, That the City Treasurer be and he is hereby directed to make and file duplicate certificates showing the amount of money that is in the treasury for the payment of the award, as provided by the Charter of the City of Detroit; And Be It Further

Resolved, That the City Treasurer be and he is hereby authorized to deduct from the payment of said award, all taxes and special assessments levied upon the property acquired therein, including State, County and taxes levied by the City of Detroit for the fiscal year beginning July 1, 1960, and ending June 30, 1961, shall be deducted for that proportion represented by that part of the fiscal year beginning July 1, 1960, and ending at date of confirmation; And Be It Further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the City Treasurer for that proportion of the taxes levied by the City of Detroit upon the properties involved in said proceedings, represented by the remaining portion of the fiscal year from date of confirmation to June 30, 1961; and in the event that the property owners have paid the City Taxes for said portion of the year, the 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.

Approved:

WALTER E. VASHAK,

Acting Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Connor, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—7.

Nays—None.

#### Reconsideration

Councilman Smith 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 Connor, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—7.

Nays—None.

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

The regular order was resumed.

#### Corporation Counsel

August 9, 1960.

Honorable Common Council:

Gentlemen — We are submitting herewith a proposed resolution for your consideration directing the Department of Public Works and the Department of Buildings and Safety Engineering to issue permits to Composite Forging, Inc., owner of premises known as 2300 W. Jefferson between W. Jefferson Avenue and W. Fort Street, west of Fifteenth Street, to construct and maintain a pedestrian bridge across the alley between W. Jefferson and W. Fort Street, west of Fifteenth Street, provided the bridge be at a minimum of 15 feet above the grade of the existing east-west alley.

Respectfully submitted,

ROBERT D. McCLEAR,

Assistant Corporation Counsel.

By Councilman Patrick:

Resolved that the Department of Public Works and the Department of Buildings and Safety Engineering be and the same are hereby authorized and directed to issue permits to Composite Forging, Inc., (7730) a Michigan corporation, owner of premises known as 2300 West Jefferson between West Jefferson Avenue and West Fort Street, west of Fifteenth Street, to construct and maintain a pedestrian bridge across the alley between West Jefferson and West Fort Street, west of Fifteenth Street, provided the bridge be at a minimum of fifteen (15) feet above the grade of the existing east-west alley.

Provided, that said pedestrian bridge encroachment shall be constructed and maintained in accordance with the ordinances of the City of Detroit and the rules and regulations of the Department of Public Works and the Department of Buildings and Safety Engineering in accordance with plans submitted to and approved by those departments: and further

Provided, that the permittee, for itself, its successors, assigns, and representatives shall accept such permit on the condition hereby imposed, and with the further distinct understanding that during the life of said encroachments the permittee will assume full liability for any and all damages which may be sustained by the City arising by reason of the granting of said permit, and that said permittee will, before the issuance of said permit, file with the City Controller an agreement to indemnify and save harmless the City of Detroit from any and all loss or damage, claim, suit, or demand, including loss or damage emanating from personal injury and property damage, costs and expenses it may suffer arising during the life of said encroachment by reason of the issuance of said permit; and that, in addition, said permittee will, before the issuance of said permit, file with the City Controller a good and sufficient surety bond in a surety company approved by him in the amount of \$10,000.00, naming the City of Detroit as obligee therein, to insure the faithful performance of the agreement to save the City of Detroit harmless. The said agreement and bond shall be approved by the Corporation Counsel as to form and execution before filing same with the City Controller; and further

Provided, that the permittee shall acquire no implied or other privileges hereunder not expressly stated herein; that no rights in the public streets, alleys, or other public property shall be considered waived by this permission, which is granted expressly on the condition that the encroachment hereby permitted shall be removed at the expense of the permittee at any time said structure or installation is remodeled, rebuilt, or otherwise changed, so that the street, alley, or other public property affected thereby shall remain free of such encroachment; and further

Provided, that said permit shall be issued only after a certified copy of this resolution has been duly recorded in the office of the Wayne County Register of Deeds, by and at the permittee's expense; and further

Provided, that this resolution is revocable at the will, whim, or caprice of the Common Council, and that at any time said permit is revoked by the Common Council the said encroachment shall be removed by the permittee within the time directed, and that upon failure to do so, the Commissioner of the Department of Buildings and Safety Engineering or his agents may enter into and upon the premises and remove at permittee's expense any part of said structure or installation which encroaches into or upon a street, alley, or other public property; and further

Provided, that the permittee hereby

waives any right to claim damages or compensation from the City of Detroit, or from any official agent thereof, due to the trespass or damage resulting from removing any such encroachment upon a street, alley, or other public property; and further

Provided, that this permit is not assignable.

Approved as to form:

WALTER E. VASHAK,

Acting Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Connor, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—7.

Nays—None.

**Controller**

August 5, 1960

Honorable Common Council:

Gentlemen—Pursuant to your recent request relative to a gift from the Kresge Foundation for an addition to the Art Museum, we are forwarding the following information.

Attached is a letter from the Detroit Institute of Arts saying that the total cost of construction of this project including Architects fees will be slightly less than the \$140,000 gift from the Kresge Foundation and an assurance from Mr. K. T. Keller, President of the Commission, that the entire cost of construction will be paid from private funds. Mr. Bostick, Secretary and Business Manager of the Detroit Institute of Arts has verbally assured us that there is no intention to ask for any personnel to staff the additional area so that the only cost to the City will be for heat, light, and power. No estimates are available but it is anticipated that this annual cost will be nominal.

Respectfully submitted,

HENRY P. DOWLING,

Controller.

**Arts Commission**

July 7, 1960

Honorable Common Council:

Gentlemen—In accordance with the attached letter from the Detroit Museum of Art Founders Society, the Arts Commission has been offered an addition to the Institute of Arts, which, when completed, will be valued at \$140,000. This addition involves renovation, roofing and flooring of an interior court which will be designated as the Kresge Court after completion, since it is a gift of the Kresge Foundation.

We are attaching a copy of the offer of the gift hereto.

In accordance with the provisions of the Charter relating to the acceptance of such gifts (Sec. 7(e), Chapter 19, Title 4) we are requesting the approval of the Common Council, to take and hold such gift in the name