

Water Construction Fund-Bond Proceeds—

Par Value, \$502,000; Due January 11, 1962 at 99.405; Yield: 2.38%; Cost, \$499,013.10.

Automobile Parking System Improvement Fund—

3¼% U. S. Treasury Notes; Par Value, \$473,000; Due November 15, 1962 at 100.234375; Yield: 3.01%, \$474,108.59, Acc. Int. to 10-13-61, \$3,049.44; Cost, \$477,158.03.

Redemption Fund—

Par Value, \$2,394,000; Due January 11, 1962 at 99.4125; Yield: 2.35%; Cost, \$2,379,935.25.

Par Value Total—\$5,064,000.

Cost Total—\$5,041,480.24.

During this period it was necessary to liquidate the following investments: Water Supply System Operation and Maintenance Fund: \$200,000 U. S. Treasury Bills due October 19, 1961, were sold at 99.9641667, resulting in proceeds of \$199,928.33 and a yield of 1.85% for period invested. Redemption Fund: \$2,394,000 U. S. Treasury Bills due January 15, 1962 were sold at 99.3994444, resulting in proceeds of \$2,379,622.70 and a yield of 3.01% for period invested.

The investments and sale for the Water Supply System Funds were authorized by Ordinance 63-F, effective October 8, 1955, as amended. The investments for the Sewage Disposal System Funds were authorized by Ordinance 517-E, effective November 9, 1950, as amended. The investment for the Automobile Parking System Improvement Fund was authorized by Ordinance 672-E, effective August 9, 1952, as amended. The remaining investments and sale were authorized under resolution adopted by your Honorable Body June 27, 1961.

Respectfully submitted,

H. P. DOWLING,

Controller.

Received and placed on file.

Corporation Counsel

October 16, 1961.

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,

ANTHONY P. MARCHESE, JR.,

Asst. Corporation Counsel.

By Councilman Wise:

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

Joseph Hicks, Public Works, \$36.00 per week (\$33.00 plus \$3.00 for one dependent).

Ila O. Hammond, Health Dept., \$33.00 per week.

Dorothy Peoples, Health Dept., \$33.00 per week.

Richard Shelburne, Health Dept., \$28.00 per week.

Frederick W. Brown, Parks & Rec., \$36.00 per week (\$33.00 plus \$3.00 for one dependent).

John Charochak, Water Supply, \$51.00 per week (\$33.00 plus \$18.00 for four dependents).

Approved:

WALTER E. VASHAK,

Acting Corporation Counsel.

Adopted as follows:

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

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 Carey, Connor, Patrick, Rogell, Smith, Van Antwerp, Wise, Youngblood and President Beck —9.

Nays—None.

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

The regular order was resumed.

Corporation Counsel

October 11, 1961.

Honorable Common Council:

Gentlemen—Under date of July 11, 1961, your Honorable Body adopted a resolution granting the petition of the Michigan Consolidated Gas Company (10825) for various encroachments in connection with their new building in the block bounded by Woodward, West Larned, Griswold and Jefferson.

In accordance with past procedure, you provided in the resolution that the Gas Company file a bond in the sum of \$50,000 together with a public liability policy in the sum of \$200,000.

I have been consulted by Mr. Ralph McElvenney, President, with respect to the necessity for filing such bond and policy where the liability will be assumed by the Michigan Consolidated Gas Company. In view of the fact that the net worth of the Gas Company is at least as good as that of some of the surety companies, it seems to me that the requirement is a needless expense which could well be dispensed with.

I recommend, therefore, that the liability provided for in the resolution of July 11, 1961 (J.C.C. 1456-7) be assumed by the Michigan Consolidated Gas Company and that the requirement for a surety company bond and policy be eliminated.

Respectfully submitted,

NATHANIEL H. GOLDSTICK,

Corporation Counsel.

By Councilman Wise:

Resolved, That resolution adopted July 11, 1961 (J.C.C. page 1456-7), granting permission to the Michigan Consolidated Gas Company, a Michigan corporation, to maintain various encroachments in connection with their new building at No. 1 Woodward Avenue, Detroit, Michigan, be and the same is hereby amended to permit the Michigan Consolidated Gas Company, a Michigan corporation to file with the City Controller an agreement in form approved by the Corporation Counsel, in place of the corporate surety bond and public liability insurance policy holding the City of Detroit free and blameless by reason of personal injury and property damage emanating from the granting of the said permission pursuant to the terms and provisions of said resolution; and

Provided Further, that the Michigan Consolidated Gas Company, a Michigan corporation, are hereby bound by the provisions and terms of the resolution of July 11, 1961.
Approved:

NATHANIEL H. GOLDSTICK,
Corporation Counsel.

Adopted as follows:

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

Nays—None.

Corporation Counsel

October 9, 1961.

Honorable Common Council:

Gentlemen—Your Honorable Body, by resolution, authorized acquisition of the following described properties:

Case No. 2433, in the Recorder's Court, entitled: In the Matter of Acquisition of Land for Street and Traffic Engineering and Other Municipal Public Purposes to Eliminate a Jog at Charlevoix and St. Clair Avenues.

The taking covers six improved parcels.

Case No. 2442, in the Recorder's Court, entitled: In the Matter of Acquisition of Perpetual Rights-of-Way for Sewer and Other Municipal Public Purposes located at West Lonyo Between Kirkwood and Henderson Avenues.

The taking covers seven improved parcels.

Mr. Dan Horgan has submitted an estimate of \$750.00 to make an appraisal and assemble the necessary information for Case No. 2442 and \$850.00 for Case No. 2433, plus \$50.00 per day for Court testimony.

If this meets with your approval, the attached resolution is submitted for your consideration.

Respectfully submitted,
BERT R. SOGGE,

Assistant Corporation Counsel.

By Councilman Patrick:

Resolved, That the City Controller

be and he is hereby authorized and directed to honor vouchers when presented, in accordance with the foregoing communication.

Approved:

NATHANIEL H. GOLDSTICK,
Corporation Counsel.

Adopted as follows:

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

Nays—None.

Corporation Counsel

October 10, 1961.

Honorable Common Council:

Gentlemen—You have asked us to comment upon the recent opinion of Judge McCree in which he held invalid the ordinance which prohibits tow trucks from towing disabled vehicles on the expressways between the hours of 6 a.m. and 9 a.m., and between the hours of 3 p.m. and 7 p.m.

In his opinion, the Judge recognized the right of the City through the Common Council to exercise reasonable control of the traffic on the expressways. In his opinion, the Judge further held that this particular ordinance is a prohibition against the use of the highway rather than a regulation; that it imposed a substantial burden upon the plaintiffs; and that it bore no reasonable relationship to traffic safety or to promoting the free flow of traffic within the City.

We respectfully disagree with the conclusions of the Circuit Judge, and the writer has been instructed by Mr. Nathaniel H. Goldstick, Corporation Counsel, to confer with your Honorable Body as to the advisability of an appeal to the Supreme Court of the State of Michigan.

Respectfully submitted,
ROBERT D. McCLEAR,

Assistant Corporation Counsel.

Approved:

NATHANIEL H. GOLDSTICK,
Corporation Counsel.

By Councilman Patrick:

Resolved, That the Corporation Counsel is hereby authorized and directed to appeal to the State Supreme Court, the opinion of Judge McCree, on the ordinance referred to in the foregoing communication.

Adopted as follows:

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

Nays—None.

Corporation Counsel

October 12, 1961.

Honorable Common Council:

Gentlemen — We are submitting herewith a resolution pursuant to your request of September 29, 1961. The resolution was prepared in ac-