

## Corporation Counsel

February 12, 1964.

Honorable Common Council:

Re: Petition 6861.

Gentlemen — In accordance with your directive as communicated to this office under date of February 7, 1964, I have prepared a resolution for your approval to permit the General Motors Corporation, a Delaware corporation, Argonaut Realty Division, to construct a pedestrian tunnel across Second Boulevard, south of Baltimore.

Respectfully submitted,  
LAWRENCE E. EATON,  
Asst. Corporation Counsel.

Approved:

ROBERT REESE,  
Corporation Counsel.

By Councilman Beck:

Resolved, that the Department of Public Works be and it is hereby authorized and directed to issue a permit to General Motors Corporation, a Delaware corporation, Argonaut Realty Division, hereinafter referred to as petitioner, to construct, maintain, and use an underground pedestrian tunnel crossing Second Boulevard, south of Baltimore, Detroit, Michigan, to connect General Motors Parking Deck No. 2 to the existing tunnel across Baltimore to the Argonaut "A" Building, east of Second Boulevard, Detroit, Michigan, said pedestrian tunnel to be beneath the surface of said Second Boulevard, at such depth and location as meets the approval of the various departments hereinafter provided.

Provided, that the said pedestrian tunnel shall be constructed, maintained, and operated at the sole cost and expense of the petitioner; and

Provided, that petitioner shall submit the plans and specifications of the said pedestrian tunnel to the City Plan Commission, Department of Buildings and Safety Engineering, Department of Public Works and Department of Streets and Traffic for review and approval; and said tunnel shall be constructed in accordance with the requirements of the Department of Streets and Traffic; and.

Provided, that the construction work is performed under the supervision and inspection of the Department of Public Works to insure that the construction is in accordance with the approved plans and specifications; and.

Provided, that petitioner at the time of obtaining said permit files with the City Controller an agreement in form approved by the Corporation Counsel, saving and protecting the City of Detroit harmless from any and all claims, damages, or expenses that may arise by reason of the issuance of said permit and the faithful performance by the petitioner of the terms thereof and, in addition, to pay all claims, damages, or expenses that may arise out of the construc-

tion, operation, or maintenance of the said pedestrian tunnel under the said Second Boulevard; and,

Provided, that no rights of the City of Detroit, in Second Boulevard shall be considered waived by this resolution, which resolution is adopted expressly on condition that the said pedestrian tunnel and all appurtenances in connection therewith shall be removed at the expense of the petitioner at any time when so directed by resolution of the Common Council, and that the public property affected shall be restored to a condition satisfactory to said Department of Public Works by said petitioner at its sole cost and expense; and,

Provided, that said petitioner shall be subject to any tax which may be levied against it, pursuant to law, with respect to pedestrian tunnel and its appurtenances; and,

Provided, that said pedestrian tunnel and its appurtenances shall be subject to such reasonable regulations and rules as promulgated by the Department of Public Works; and,

Provided, that in the event the City of Detroit shall desire to make use of said pedestrian tunnel for public pedestrian travel, that the said city may construct additional openings for ingress and egress to said pedestrian tunnel, and that the said petitioner shall permit such use of the tunnel without charge to the public but the City shall pay all costs of construction of such openings when same are constructed, and the City shall police the public portion of the pedestrian tunnel and shall contribute to the maintenance and operation of the pedestrian tunnel according to a formula to be negotiated at the time of constructing said opening, and further, provided that in the event the City of Detroit shall use said tunnel for public pedestrian traffic, petitioner shall not be subject to any taxes provided by law with respect to the pedestrian tunnel and its appurtenances; and,

Provided, that this resolution is revocable at the will, whim, or caprice of the Common Council, and petitioner hereby expressly waives any right to claim damages or compensation for property constructed hereunder or for the removal of same, and further, that petitioner acquires no implied or other privileges hereunder not expressly stated herein; and,

Provided, further, that this permit shall not be assigned or transferred without the written approval of the Common Council; and

Provided, further, that the filing of the indemnity agreement and the securing of the necessary permits referred to herein shall be construed as acceptance of the terms of this resolution by the petitioner.

Approved As To Form:

ROBERT REESE,  
Corporation Counsel.



Adopted as follows:

Yeas—Councilmen Beck, Brickley, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—7.

Nays—None.

**Reconsideration**

Councilman Wierzbicki 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, Brickley, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—7.

Nays—None.

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

The regular order was resumed.

**Corporation Counsel**

February 17, 1964.

Honorable Common Council:

Gentlemen—We recommend the adoption of the attached 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 Beck:

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

Guy Anderson, Public Works, at the rate of \$45 per week, (\$33 per week plus \$12 for three dependents).

Robert L. Barksdale, Public Works, at the rate of \$33 per week.

Gerald Domasicwicz, Public Lighting, at the rate of \$40 per week, (\$33 per week plus \$7 for two dependents).

Louis Kenyon, Water Supply, at the rate of \$57 per week, (\$33 per week plus \$24 for six dependents).

Raymond T. Krause, Public Lighting, at the rate of \$57 per week, (\$33 per week plus \$24 for seven dependents).

Mannie Anderson, Public Works, at the rate of \$45 per week, (\$33 per week plus \$12 for three dependents).

Angelo J. Merlo, Public Works, at the rate of \$36 per week, \$33 per week plus \$3 for one dependent).

Maurice J. Nuyttens, Water Supply, the rate of \$36 per week, (\$33 per week plus \$3 for one dependent).

Approved:

THOMAS H. GALLAGHER,

Acting Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—7.

Nays—None.

**Reconsideration**

Councilman Wierzbicki 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, Brickley, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—7.

Nays—None.

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

The regular order was resumed.

**Corporation Counsel**

February 17, 1964.

Honorable Common Council:

Gentlemen—Your Honorable Body on June 25, 1963 (J.C.C. Pages 1668-70) authorized acquisition of property in the University City Rehabilitation Project No. 1.

In conformance with our practice in these Urban Renewal Cases where the Housing and Home Finance Agency has authorized acquisition and made funds available and have agreed as to the appraised value we request authority to take deeds and make payment in advance of the regular trial on contested parcels.

The attached resolution is submitted for your consideration.

Respectfully submitted,

FRANK J. WENDT,

Asst. Corporation Counsel.

By Councilman Brickley:

Resolved, That the Corporation Counsel is authorized to accept deeds and authorize payment in conformance with the attached communication and further that the City Treasurer be authorized to prorate City Taxes as of the time of the taking.

Approved:

ROBERT REESE,

Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—7.

Nays—None.

**Corporation Counsel**

February 17, 1964.

Honorable Common Council:

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

Case No. 7806, in the Circuit Court for the County of Oakland, entitled: In the Matter of Acquisition of a Permanent Underground Easement and Right of Way for Drainage, and Other Public Purposes from the West Service Center Site at West Eight Mile Road and Kinloch Avenue.

The appraisal is for an easement 20 by 242 feet and for temporary use for construction purposes.

Mr. Daniel Horgan has submitted an estimate of \$150.00 to make an appraisal and assemble the necessary information, plus \$50.00 per day for court testimony.