

Kern Block Parking Facility account in the Capital Fund; and

Whereas, Said accounts in the Controller's Office will be reimbursed following delivery of said bonds;

Now, Therefore, Be It Resolved, That the sum of \$45,000 be temporarily loaned from Account No. 140-0414-111, Salaries, to General Public Improvement — Kern Block Area Parking Facility, Account No. 195-9090-916, in order to make current payments, which loan will be repaid from proceeds of the bond sale authorized October 13, 1970; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to transfer funds and honor vouchers to carry out the intent of this resolution.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki and President Ravitz—9.

Nays—None.

Controller

October 30, 1970

Honorable Common Council:

Gentlemen—By resolution of January 30, 1968, J.C.C. page 146, your Honorable Body authorized cancellation of taxes on certain parcels of real estate which had reverted to the State of Michigan for delinquent taxes.

One of these parcels was subsequently redeemed by payment of all taxes with interest to date of redemption. This left a credit balance on the Treasurer's records. In order to clear the records, we recommend that the taxes be reinstated on the following parcel:

Ward 3, Item 1281.2, 1967 and Prior Taxes \$1,798.26.

Respectfully submitted,

W. I. STECHER

Deputy Controller

By Councilman Wierzbicki:

Resolved, That the City Treasurer be and he is hereby authorized and directed to reinstate the taxes in the amount as shown above, and be it further

Resolved, That the Controller prepare the necessary journal entries.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki and President Ravitz—9.

Nays—None.

Corporation Counsel

October 26, 1970

Honorable Common Council:

Re: Petition No. 1481 of Nelson Iron Works, Inc., to construct a trolley beam system over public alley at rear of 6350 Benham Avenue, Detroit, Mich.

Gentlemen — Pursuant to your request, this office has prepared the appropriate resolution granting the above petition in accordance with the recommendations of the City departments involved.

Respectfully submitted,

CHRISTINE M. ROSSI

Assistant Corporation Counsel

By Councilman Hood:

Resolved, That the Department of Public Works and the Department of Buildings and Safety Engineering be and are hereby authorized and directed to issue permits to Nelson Iron Works, Inc., a Michigan corporation, to construct a trolley beam system over public alley, commencing at rear of building on the south side of Benham and extending directly across alley to outside storage area on the north side of Varney, property being described as:

"Lots 61 thru 70 inclusive, and Lots 96 and 97 of H. L. Bakers Sub., known as 6350 Benham Avenue, Detroit, Michigan."

Encroachment to consist of a trolley beam supported by metal framework measuring approximately seven (7) feet wide and five (5) feet high with trolley being twenty (20) feet above crown of alley, and approximately 150 feet west of Ackley Avenue.

Provided, That permittee at the time of obtaining said permits file 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 permits, and the faithful performance by the permittee of the terms thereof, and in addition, to pay all claims, damages or expenses that may arise out of the maintenance of said encroachment; and

Provided, That the necessary permits be obtained from the Department of Public Works and the Department of Buildings and Safety Engineering, and that the work shall be constructed and maintained under the rules and regulations of those departments, in accordance with plans approved by them; and

Provided, That permittee obtain all necessary utility clearances prior to the issuance of any permits; and

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said trolley beam and all obstructions in connection therewith shall be removed at the expense of the permittee at any time when so directed by the Common Council, and that the public property affected shall be restored to a condition satisfactory

to said Departments by said permittee at its expense; and

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

Provided, That these permits shall not be assigned or transferred without the written approval of the Common Council; and

Provided, 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 permittee; and

Provided, That a certified copy of this resolution shall be recorded with the office of the Register of Deeds for Wayne County by and at permittee's expense.

Approved:

MICHAEL M. GLUSAC

Corporation Counsel

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki and President Ravitz—9.

Nays—None.

Corporation Counsel

October 5, 1970

Honorable Common Council:

Re: Nannie Pack and James Pack, Her Husband, v. City of Detroit and Charles Carlson and James Lozon, Its Agents, Circuit Court Civil Action No. 101621

Gentlemen — The Office of the Corporation Counsel has carefully reviewed the above-entitled lawsuit, the particulars of which are contained in the attached memorandum. The suit claims damages in the amount of \$375,000.00.

Based on that review, it is the considered opinion of this office that the payment of \$26,500.00 in full settlement of all claims involved in the lawsuit is in the best interest of the City of Detroit.

We therefore request your Honorable Body to direct the Controller to draw his warrant upon the proper account and the City Treasurer to issue his check to Nannie Pack, James Pack, her husband, and Leo B. McTigue, their Attorney, in the amount of \$26,500.00, conditioned upon the receipt of a properly executed release and discontinuance of the lawsuit, in accordance with the attached resolution.

Respectfully submitted,

WILLIAM P. DORAN

Assistant Corporation Counsel

By Councilman Tindal:

Resolved, that the City Controller be and he is hereby authorized and directed to draw his warrant upon the proper account and the City Treasurer is hereby directed to issue his check in favor of Nannie Pack, James Pack, and Leo B. McTigue, their Attorney, in the amount of \$26,500.00 in full settlement of any and all claims which the said Nannie Pack and James Pack may have against Charles Carlson, James Lozon, and the City of Detroit and all of its other agents, servants and employees in connection with the alleged injuries to Nannie Pack on the 24th day of July 1967 and that the said amount be paid upon the presentation of a release approved by the Office of the Corporation Counsel and discontinuance of pending litigation with reference to all such claims.

Approved:

MICHAEL M. GLUSAC

Corporation Counsel

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Tindal and President Ravitz—7.

Nays — Councilmen Van Antwerp and Wierzbicki—2.

Corporation Counsel

October 27, 1970

Honorable Common Council:

Gentlemen—This is to advise that an action brought to cancel real property taxes of the City of Detroit and Wayne County has been resolved following a hearing and a decision partially in favor of Holy Trinity (Suataya Troytee) Old Believers Russian Orthodox Greek Catholic Church of Detroit, a Michigan Ecclesiastical Corporation, resulting in a judgment entered on August 28, 1970, by Honorable Edward F. Bell.

This corporation sought cancellation of 1966 through 1970 City of Detroit real property taxes and cancellation of 1967 through 1970 County of Wayne real property taxes on the basis that the above corporation was a tax exempt religious organization.

At a hearing on the merits, it was determined that Holy Trinity Church was an incorporated religious organization, that it owned and occupied the said premises for religious purposes, that the church had never validly applied for an exemption, and that was entitled to such relief as allowed by statute. Accordingly, a judgment was entered that assessments and taxes be cancelled for the years 1968, 1969 and 1970, but that prior years taxes must be paid. These prior taxes were paid in full on September 14, 1970.

You are therefore requested to authorize cancellation of real property assessments and taxes for 1968, 1969 and 1970 for the two lots in