

Corporation Counsel

July 14, 1970

Honorable Common Council:

(JCC pages 60-61), your Honorable Gentlemen—On January 20, 1970 Body adopted the Resolution of Necessity for the Acquisition of Land for the Selden Court Rehabilitation Project-Modified and other Municipal Public Purposes in the area bounded by Twelfth Street, Grand River, Brainard and Harrison.

This office is in receipt of a communication from the Detroit Housing Commission showing the withdrawal of certain parcels. These parcels being more fully described as follows:

Parcels 13, 15, 16, 17 and 27, which include Lots 113, 116, 117, 118 and 119, except the West 5 feet of the above mentioned Lots taken for the widening of Twelfth Street, also Lot 161, all of Albert Cranes Section of the Thompson Farm, being a part of Private Claim No. 227 late Springwells, now Detroit, Michigan, as recorded in Liber 1, Page 11 of Plats, Wayne County Records.

Request is hereby made to amend the Resolution concerning the Selden Court Rehabilitation Project-Modified, to reflect said withdrawals.

In furtherance thereof the attached Resolution is submitted for your approval.

Respectfully submitted,

RONALD R. SOGGE

Assistant Corporation Counsel

By Councilman Eberhard:

Resolved, That the Resolution adopted on January 20, 1970 (J.C.C. Pages 60-61) be amended to reflect the aforesaid parcel withdrawals and more particularly described as follows:

Parcels 13, 15, 16, 17 and 27, which include Lots 113, 116, 117, 118 and 119, except the West 5 feet of the above mentioned Lots taken for the widening of Twelfth Street, also Lot 161, all of Albert Cranes Section of the Thompson Farm, being part of Private Claim No. 227 late Springwells, now Detroit, Michigan, as recorded in Liber 1, Page 11 of Plats, Wayne County Records.

Approved:

ROBERT D. McCLEAR

Acting Corporation Counsel

Adopted as follows:

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

Nays—None.

Corporation Counsel

July 9, 1970

Honorable Common Council:

Re: Petition No. 852 of Colman Property to install oxygen line across unpaved public alley into building at 7250 Central Avenue, Detroit, Michigan.

Gentlemen — Pursuant to your request, this office has prepared the appropriate resolution granting the

above petition in accordance with recommendations of the City departments involved.

Respectfully submitted,

CHRISTINE M. ROSSI

Assistant Corporation Counsel

By Councilman Rogell:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue a permit to Colman Property, an Illinois Corp. owner, and Delta Associated Industries Corp. Lessee, a Michigan corporation, to encroach at 7250 Central Avenue, Detroit, Michigan, the property being described as:

“Lot No. 4 of Kosakowski Sub and lot No. 7 of Fox Quinn Sub.”

Encroachment to consist of a one inch copper oxygen line placed inside of a three inch iron pipe extending from oxygen storage unit on vacant lot 4 south across unpaved public alley into building at 7250 Central.

Provided, That the line be at least three (3) feet below the grade of alley and cross the alley at a point twenty-five (25) feet east of public walk; and

Provided, The oxygen line be maintained and operated at the sole cost and expense of the permittee; and

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

Provided, That the necessary permit be obtained from the Department of Public Works and that all work shall be done in accordance with rules and regulations of the Departments of Public Works, Buildings and Safety Engineering and the Fire Marshal, and in accordance with plans submitted to and approved by said departments; and

Provided, That permittee at the time of obtaining said permit file with the City Controller an indemnity 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 permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said permission; 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 oxygen line 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 for the removal of same, and further, that permittee acquires no implied or other privileges hereunder not expressly stated herein; and

Provided, That this permit 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 permit 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:

M. M. GLUSAC

Corporation Counsel

Adopted as follows:

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

Nays—None.

Corporation Counsel

July 7, 1970

Honorable Common Council:

Gentlemen — A report is herewith submitted in reference to the following: File No. 2553, Parcel 260, in the Recorder's Court, entitled: in the matter of acquisition of land for the Medical Center Rehabilitation Project No. 3, Mich. R-112, Group C, in area bounded by Brush Street, St. Antoine, Forest and Warren Avenues.

A portion of this case, which was referred to the writer for trial, has been completed and Judgment signed by the Honorable Henry Heading on July 7, 1970 in the amount of \$12,500.00. This taking consisted of one parcel (Parcel 260).

In order to make provision for payment and for the proration of taxes when confirmed, the attached resolution is submitted for your consideration.

Respectfully submitted,

RONALD R. SOGGE

Assistant Corporation Counsel

By Councilman Rogell:

WHEREAS, Judgment was rendered on July 7, 1970 in the amount of \$12,500.00, in the Recorder's Court on File No. 2553, Parcel 260, entitled: IN THE MATTER OF ACQUISITION OF LAND FOR THE MEDICAL CENTER REHABILITATION PROJECT NO. 3, MICH. R-112, GROUP C, IN AREA BOUNDED BY BRUSH STREET, ST. ANTOINE, FOREST AND WARREN AVENUES.

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 by the City of general taxes on a prorata basis upon properties acquired during the fiscal year of acquisition; and

WHEREAS, Act No. 207 of the Public Acts of 1965 provides that when any real property is acquired for public purposes by condemnation, general taxes should be prorated to the date compensation is made or secured.

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 Judgment, 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 and County, and to prorate current City and County taxes in accordance with Act 207, P.A.1965; 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 the proportion of the taxes levied by the City of Detroit upon the property involved in said proceeding, represented by the remaining prorata shares of the respective fiscal years from the date of confirmation to the end of the fiscal year; and in the event that the property owners have paid the City and County taxes in full covering their respective fiscal years, the Controller be and he is hereby authorized and directed to provide the necessary funds, the City Treasurer be and he is hereby authorized and directed to refund same to the property owners, excluding therefrom any interest that may have been paid by the taxpayer upon the said current taxes.