

Adopted as follows:

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

Nays—None.

Corporation Counsel

March 9, 1971

Honorable Common Council:

Re: Settlement of tax liability of Fighting Island intake between Township of Sandwich West, County of Essex, Ontario, Canada, and the City of Detroit Department of Water Supply.

Gentlemen—In February of 1967 your Honorable Body authorized this office to retain the Canadian legal firm of Bartlett, Richardes, Knight and Wilson for the purpose of contesting the property tax levied by the Township of Sandwich West, Ontario, Canada, on the Detroit Water Board's Fighting Island intake, situated on the Canadian side of the Detroit River.

The question of Detroit's liability for the tax was thereafter litigated through Canadian courts, including the Supreme Court of Canada, but without success other than to delete the assessments for the years 1965 and 1966, because of faulty assessment procedures thus effecting a tax savings of approximately \$165,000.

After the Supreme Court ruled the City liable in full for the back taxes as well as future taxes, we again entered into settlement negotiations with representatives of the Township as more fully set forth in the attached memorandum. Eventually, it was mutually agreed that the City would pay 47.5 percent of the back taxes and 45 percent of all future taxes plus interest and the costs of litigation. This settlement has been accepted by the Water Board and we respectfully request your Honorable Body to approve the same. 47.5 percent of the back taxes including interest amounts to \$248,656.94 and the costs to attorneys for the Township \$3,222.50. This does not include the balance of our Canadian attorneys' fee.

The attached resolution is submitted for your consideration.

Respectfully submitted,
ROBERT REESE

Asst. Corporation Counsel

Approved:

ROBERT D. McCLEAR,

Acting Corporation Counsel

By Councilman Wierzbicki:

Resolved, That the settlement of the matter set forth in the foregoing communication be and the same is hereby approved and the Controller authorized and directed to transfer funds and honor vouchers when presented pursuant thereto.

Adopted as follows:

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

Nays—None.

Corporation Counsel

March 9, 1971

Honorable Common Council:

Re: Petition No. 2117 of Smith, Hinchman & Grylls Associates, Inc., for encroachments in First and Fort Streets, right-of-way and for landscaping along Fort Street, Detroit, Michigan.

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,

Asst. Corporation Counsel

By Councilman Wierzbicki:

Resolved, That the Departments of Public Works and Buildings and Safety Engineering be and they are hereby authorized and directed to issue permits to Smith, Hinchman & Grylls Associates, Inc., a Michigan corporation, for various encroachments beyond the property line into public property in the installation of new facing proposed to be placed over the existing framework of the Cass Building located at the corner of Fort and First Streets, and for landscaping treatment along Fort Street, Detroit, Michigan, said encroachments to consist of the following:

1. Encroachment of 9 inches along the entire Fort Street and First Street property lines for glass panel facing for the 73-foot height of the building.

2. Encroachment of 3 inches into the alley south of Fort Street for the penthouse, starting 73 feet above grade and extending 18 feet in height and 60 feet in width.

3. Six movable masonry planter boxes 4 feet x 4 feet x 3 feet in height to be placed 3 feet from the Fort Street curb line.

Provided, That the necessary permits be issued by the Departments of Public Works and Buildings and Safety Engineering and that same shall be constructed and maintained under the rules and regulations of said departments and the City Plan Commission in accordance with plans submitted to and approved by them; that the necessary arrangements be made with the Department of Streets and Traffic to insure pedestrian traffic during remodeling of the building and installation of the encroachments; and

Provided, That landscape materials be submitted by permittee to the Department of Parks and Recreation for their approval and that the

landscaped area be maintained in a healthy, neat and orderly condition at all times by permittee; and

Provided, That permittee at the time of obtaining said permits file with the City Controller a public liability insurance policy in the amount of \$500,000.00 single liability, in which the City is named as a party insured, 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 encroachments; and

Provided, That any sign or signs to be placed on the exterior of the building shall be subject to the PCA zoning district requirements; and

Provided, That all construction costs occasioned by the approval to use said public property be borne by permittee; 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 encroachments 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 removal of encroachments 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 insurance policy 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:

JOHN R. MCKINLAY,
Acting Corporation Counsel

Adopted as follows:

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

Nays—None.

Detroit Aviation Commission

February 12, 1971

Honorable Common Council:

Re: Contract: AA-31, For: Aircraft Parking Area - Detroit City Airport. Adjusted Contract Price: \$84,781.52, Contractor: Hartwell Construction Company, Inc.

Gentlemen—This is to certify that all work required of the Contractor in the performance of this Contract has been fully completed and found acceptable under the terms and conditions thereof, and that the total value of such completed work, including all Contract Changes duly issued, is that stated above as the Adjusted Contract Price.

The Contractor has submitted an affidavit that all payrolls, material bills, and all other indebtedness incurred by him in connection with the work have been paid.

It is therefore recommended that the total value of the work, as above stated, less the total amounts previously paid on all progress payments, be paid to the Contractor with the understanding that such payment is made by the City and accepted by the Contractor under the Contract provisions covering final payment.

R. C. MONAHAN,
Engineer of Inspection

R. R. HICKS,
Acting City Engineer

R. L. RATHBUN,
Director

By Councilman Van Antwerp:

Whereas, from the foregoing communication, it appears that all work required to be performed by the Contractor under the Contract therein named has been fully completed; and

Whereas, the completed work has been found acceptable under the terms and conditions of said Contract by the department for whom the work was performed; therefore be it

Resolved, That the said Contract be and is hereby accepted.

Adopted as follows:

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

Nays—None.

Building and Safety Engineering

February 1, 1971

Honorable Common Council:

Re: Proposed Ordinance for Registration of Residential Builders

Gentlemen—For well over a year, our Department has been considering working on an ordinance which would require the registration of licensed residential builders and residential alteration and repair contractors, who are presently licensed under the provision of Act No. 383 of the State of Michigan, Public Acts of 1965.

In our letter to your Honorable