

as a result of Milton Craft's past employment with the City of Detroit and that said amount be paid upon presentation by the Law Department of a redemption order approved by the Workmen's Compensation Department of the State of Michigan.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

#### Law Department

September 5, 1974

Honorable City Council:

Re: Eddie Frazier vs. City of Detroit.

The Law Department has reviewed the above entitled Workmen's Compensation matter, the facts and particulars of which are contained in the attached memorandum.

From that review, it is our opinion that a redemption in the amount of \$7,500.00 is in the best interests of the City of Detroit.

Respectfully submitted,

THOMAS L. WALTERS

Assistant Corporation Counsel

Approved:

ELLIOTT S. HALL

Corporation Counsel

By Council Member Eberhard:

Resolved, That the Finance Director be and he is hereby authorized and directed to draw his warrants upon the proper fund in favor of Eddie Frazier and Glotta, Adelman and Dinges, his attorneys, in the total sum of \$7,500.00 in full payment of any and all claims which they may have against the City of Detroit by reason of injuries or occupational diseases and their resultant disabilities incurred or sustained as a result of Eddie Frazier's past employment with the City of Detroit and that said amount be paid upon presentation by the Law Department of a redemption order approved by the Workmen's Compensation Department of the State of Michigan.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

#### Law Department

September 13, 1974

Honorable City Council:

Re: Petition No. 1006, D.A.R.C., Guild Gift Shop, for tree planter encroachment at 51 W. Hancock.

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,

RICHARD L. MINTER

Assistant Corporation Counsel

By Council Member Henderson:

RESOLVED, That the Department of Environmental Protection and Maintenance be and it is hereby authorized and directed to issue permits to the Detroit Association for Retarded Children Guild Gift Shop, for permission to encroach at 51 West Hancock, Detroit, Michigan, property being described as

"Lots 44 thru 46, E. 20 ft. of 47, Stimson's Sub. L. 1, p. 246, plats WCR, Item 946-8."

Encroachment to consist of one concrete planter box to be placed in the 6 ft. area adjacent to the building.

PROVIDED, That the necessary permits be obtained from the Department of Environmental Protection and that same shall be constructed and maintained under its rules and regulations and in accordance with plans submitted to and approved by said department and the Recreation Department; and

PROVIDED, That permittee at the time of obtaining said permits file with the Finance Department an indemnity agreement in form approved by the Law Department, 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 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 expenses of the permittee at any time when so directed by the City Council, and that the public property affected shall be restored to a condition satisfactory to said department by said permittee at its expense; and

PROVIDED, That this resolution is revocable at the will, whim or caprice of the City Council and permittee hereby expressly waives any right to claim damages or compensation for removal of encroachment, 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 City Council; and

PROVIDED, That the filing of the indemnity agreements 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:

**ELLIOTT S. HALL**

Corporation Counsel

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

#### Law Department

September 16, 1974

Honorable City Council:

Re: Petition of Standard Forge Company to Amend Original Petition of April 29, 1974, J.C.C. Pages 1030-1031, Petition No. 430, To Correct the Four References in the Resolution Shown as 15 ft. Beyond the Property Line and 51 ft. Beyond the Property Line, to Correctly Read .15 ft. Beyond the Property Line and .51 ft. Beyond the Property Line.

After consultation with the Department of Environmental Protection, this office has prepared the above petition to accomplish the change.

Respectfully submitted,

**JAMES C. COBB, JR.**

Assistant Corporation Counsel

By Council Member Hood:

Resolved, That Resolution adopted April 29, 1974, J.C.C. Pages 1030-1031, granting Petition No. 430 of Standard Forge Company for change of name on existing encroachment permit at 258 St. Aubin, Detroit, Michigan, to be amended for the purpose of correcting the four References in the Resolution shown as 15 ft. beyond the property line and 51 ft. beyond the property line, to correctly read .15 ft. beyond the property line and .51 ft. beyond the property line; and

Resolved, That a certified copy of the Resolution be referred to the Department of Environmental Protection for recording with the Office of the Wayne County Register of Deeds to correct the record.

Approved:

**ELLIOTT S. HALL**

Corporation Counsel

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

#### Law Department

September 20, 1974

Honorable City Council:

Re: Rendered Judgment of the Court and Jury Verdict, Civil Action 73-254-110-CC.

A report is herewith submitted in reference to the following: Civil Action 73-254-110-CC, entitled:

**IN THE MATTER OF ACQUISITION OF LAND FOR CADILLAC SQUARE REHABILITATION PROJECT AND OTHER MUNICIPAL**

**PUBLIC PURPOSES IN THE AREA BOUNDED BY CADILLAC SQUARE, MONROE AVENUE, FARMER STREET AND BATES STREET.**

A portion of this case, which was referred to the writer for trial, has been completed and a Judgment of the Court and Jury Verdict were rendered on September 5, 1974 in the grand total of \$2,047,268.00. The Judgment and Jury Verdict consisted of 12 fees, costs on 5 fees, 25 fixture awards and costs on 15 fixture awards. The tentative date of confirmation is October 10, 1974.

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 Council Member Mahaffey:

WHEREAS, Judgment of the Court and Jury Verdict were rendered on September 5, 1974, in the grand total of \$2,047,268.00, in the Circuit Court on Civil Action 73-254-110-CC, entitled: **IN THE MATTER OF ACQUISITION OF LAND FOR CADILLAC SQUARE REHABILITATION PROJECT AND OTHER MUNICIPAL PUBLIC PURPOSES IN THE AREA BOUNDED BY CADILLAC SQUARE, MONROE AVENUE, FARMER STREET AND BATES STREET.**

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 as continued by Section 13-106 of the 1973 Charter of the City of Detroit; 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 Finance Department 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 six (6%) 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 Finance Department be and they are hereby directed to make and file duplicate