

June 10

his warrant upon the proper fund in favor of Felix Radcliffe, Robert Su-  
pernois, Joseph Slock, Rufus James  
and Peter Schmidt, employees De-  
partment of Public Works; Ann Her-  
man, employee Department of Health;  
William Bracken and John Brown,  
employees Department of Street Rail-  
ways, at the rate of 66 2-3 per cent  
of their average weekly wages, not to  
exceed \$18 per week, said sum to be  
paid during the period of disability,  
not to exceed 500 weeks from the  
date of the injury.

Adopted as follows:

Yeas—Councilmen Dorals, Garlick,  
Lodge, Sweeney, Van Antwerp, and the  
President—6.

Nays—None.

From the Corporation Counsel

June 6, 1941

To the Honorable, the Common  
Council:

Gentlemen—We are returning here-  
with petition (6072) of Grand Trunk  
Western Railroad Company to vacate  
portions of certain streets and alleys  
described therein as parcels 1, 2, 3,  
4 and 5, respectively, in accordance  
with the intent of the agreement for  
grade separation at John R and Seven  
Mile Road. (J.C.C. July 27, 1937, pages  
1619-1624).

In exchange for such vacation, the  
petition, as the same has been modi-  
fied by subsequent correspondence,  
provides that the Grand Trunk West-  
ern Railroad Company, shall deed to  
the City of Detroit for alley purposes  
certain parcels of land designated in  
said petition and on blueprint at-  
tached thereto as Parcels A, B and C.  
Such deeds may contain a condition  
that in event the public alley ad-  
jacent to any such parcel shall be  
vacated, the land conveyed shall re-  
vert to the grantor together with the  
other abutting portion of the alley as  
vacated. These particular parcels are  
to be utilized by property owners  
abutting on the alleys which have  
been closed at one end because of  
the vacation of a portion of the  
same.

In regard to Parcel No. 6 as desig-  
nated in the petition and on blue-  
print attached, it has been agreed  
that the Grand Trunk Western Rail-  
road Company will accept an ease-  
ment upon this parcel of land  
limited to the use of the same as a  
sloped embankment or a retaining  
wall for lateral support of the Rail-  
road right-of-way.

The petition, as thus modified, in  
our opinion, expresses the true intent  
and purpose of the grade separation  
agreement in regard to the exchange  
of land between the City and the  
Grand Trunk Western Railroad Com-  
pany required or necessary to con-  
struct and maintain this grade sep-  
aration.

The descriptions of the parcels to

be exchanged have been certified as  
correct by the City Engineer and we  
recommend that your Honorable  
Body will grant the prayer of said  
petition as modified herein by adop-  
tion of the resolution attached  
hereto.

Respectfully submitted,

JULIAN P. RODGERS,  
Asst. Corporation Counsel.

Approved:

JAMES R. WALSH,  
Acting Corporation Counsel.

By Councilman Van Antwerp:

Resolved, That in accordance with  
the true meaning and intent of the  
grade separation agreement between  
the Michigan State Highway Depart-  
ment, The City of Detroit, and the  
Grand Trunk Western Railroad Com-  
pany, approved July 27, 1937, (J.C.C.  
pages 1619 to 1624), the following  
portions of streets and alleys as desig-  
nated and described in Petition  
(6072) of the Grand Trunk Western  
Railroad Company, in parcels as fol-  
lows:

Parcel No. 1:

All that part of Margaret Avenue  
and of alleys in Kiefer Homes Sub-  
division of part of the S. E.  $\frac{1}{4}$  of the  
N. W.  $\frac{1}{4}$  of Section 12 and part of  
the N. E.  $\frac{1}{4}$  of the S. W.  $\frac{1}{4}$  of Sec-  
tion 12, T. 1 S., R. 11 E., in the City  
of Detroit, Wayne County, Michigan,  
recorded in Liber 34 of Plats on Page  
14, in the Office of the Register of  
Deeds for Wayne County, Michigan,  
extending from the northerly line of  
Savannah Avenue to the southerly  
line of Greendale Avenue and lying  
between the westerly right of way  
line of the Grand Trunk Western  
Railroad Company as now existing  
and a line which is parallel with  
and 63 feet westerly, measured at  
right angles, from the center line of  
the said Railroad Company's west-  
bound main track, and more par-  
ticularly described as follows: Com-  
mencing at a point on the northerly  
line of Savannah Avenue, said point  
being distant easterly 56.75 feet from  
the S. W. corner of Lot No. 389  
of the said Kiefer Homes Subdivision  
and extending in a northwesterly di-  
rection intersecting the northerly line  
of said Lot 389 at a point distant  
1.50 feet easterly from the N. W. cor-  
ner thereof, the southerly line of Lot  
367 of said subdivision at a point  
distant 53.25 feet easterly from the  
S. W. corner thereof, the southerly  
line of Margaret Avenue at a point  
distant 27.96 feet easterly from the  
N. W. corner of Lot 366 of said sub-  
division, the northerly line of Mar-  
garet Avenue at a point distant 60.33  
feet easterly from the S. W. corner  
of Lot 353 of said subdivision, the  
northerly line of said Lot 353 at a  
point distant 5.12 feet easterly from  
the N. W. corner of said lot, the  
southerly line of Lot 322 of said sub-  
division at a point distant 56.75 feet

easterly from the S. W. corner of said Lot, to an intersection with the south line of Greendale Avenue at a point distant 1.57 feet easterly from the N. W. corner of said Lot 322.

**Parcel No. 2:**

All that part of Hilldale Avenue and of alleys in the O'Keefe and Metzen's Subdivision No. 2 of the S. W.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  except the South 532.50 feet of Section 12 of the J. E. O'Flaherty Farm, Greenfield Township, Wayne County, Michigan, according to the plat thereof recorded in Liber 26 of Plats on Page 82, in the office of the Register of Deeds for Wayne County, Michigan extending from the northerly line of Grixdale Avenue to the northerly line of said O'Keefe and Metzen's Subdivision and lying between the westerly right of way line of the Grand Trunk Western Railroad Company as now existing and a line which is parallel with and 68 feet westerly of, measured at right angles from the center line of the said Railroad Company's westbound main track, and more particularly described as follows: Commencing at a point on the northerly line of Grixdale Avenue, said point being distant easterly 35.87 feet from the S. W. corner of Lot 128 of said O'Keefe and Metzen's Subdivision and extending in a northwesterly direction intersecting the northerly line of Lot 129 at a point 10.20 feet easterly from the N. W. corner thereof, the southerly line of Lot 203 at a point 61.92 feet easterly from the S. W. corner thereof, the southerly line of Hilldale Avenue at a point 6.29 feet easterly from the N. W. corner of Lot 203, the northerly line of Hilldale Avenue at a point 38.44 feet easterly from the S. W. corner of Lot 205, the northerly line of said O'Keefe & Metzen's Subdivision at a point in the northerly line of Lot 206, 15.08 feet easterly from the N. W. corner thereof.

**Parcel No. 3:**

All that part of Coventry Avenue in the Lindale Gardens Subdivision of the W.  $\frac{1}{2}$  of the S. W.  $\frac{1}{4}$  of Section 1, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, according to the recorded plat thereof in Liber 33 of Plats on Page 87, in the Office of the Register of Deeds for Wayne County, Michigan, adjacent to the present easterly right of way line of the Grand Trunk Western Railroad, more particularly described as follows: Commencing at the angle intersection of the westerly line of Coventry Avenue and the present easterly right of way line of the Grand Trunk Western Railroad; thence northerly on the westerly line of Coventry Avenue a distance of 40.12 feet to a point, said point being easterly 53 feet, measured at right angles from the center line

of westbound main track of the Grand Trunk Western Railroad; thence on a straight line in a south-easterly direction parallel with the above mentioned center line a distance of 307.57 feet to the street northeastly wing wall; thence easterly at right angles to the last described course a distance of 20 feet to a point on the present easterly right of way line of the Grand Trunk Western Railroad; thence northwesterly along the said present easterly right of way line of the Grand Trunk Western Railroad a distance of 272.79 feet to the point of beginning.

**Parcel No. 4:**

All that part of the 7.5 ft. alley lying east of Derby Avenue in the Lindale Park Subdivision of the S. E.  $\frac{1}{4}$  of the S. E.  $\frac{1}{4}$  of Section 2, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, according to the recorded plat thereof in the office of the Register of Deeds for Wayne County, Michigan, more particularly described as the northerly 50.62 feet of the said 7.5 ft. alley lying easterly of and adjacent to Lot 290 and 291 of said Lindale Park Subdivision and extending southerly from the present westerly line of the right of way of the Grand Trunk Western Railroad to the southerly line of said Lot 290 projected easterly across said alley.

**Parcel No. 5:**

All that part of Derby Avenue lying westerly of and adjacent to the westerly right of way line of the Grand Trunk Western Railroad Company as now existing, in the Lindale Park Subdivision of the S. E.  $\frac{1}{4}$  of the S. E.  $\frac{1}{4}$  of Section 2, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, according to the recorded plat thereof in the Office of the Register of Deeds for Wayne County, Michigan, and the Premier Subdivision of the S.  $\frac{1}{2}$  of the N. E.  $\frac{1}{4}$  of the S. E.  $\frac{1}{4}$  of Section 2, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, according to the recorded plat thereof in the Office of the Register of Deeds for Wayne County, Michigan, more particularly described as follows: Commencing at a point on the easterly line of Derby Avenue distant southerly 42.12 feet from the E. and W.  $\frac{1}{2}$  line of said Section 2; said point also being distant westerly 70 feet measured at right angles from the center line of the Grand Trunk Western Railroad Company's westbound main track; thence on a straight line in a northwesterly direction parallel with said center line a distance of 70.72 feet to a point on the westerly line of Derby Avenue distant easterly 27.57 feet from an angle in said westerly line of Derby Avenue; thence in an easterly

direction on said westerly line of Derby Avenue a distance of 20.94 feet to its intersection with the westerly right of way line of the Grand Trunk Western Railroad Company as now existing; thence in a southeasterly direction on said right of way line a distance of 33.18 feet to a point on the E. and W.  $\frac{1}{8}$  line of Section 2; thence westerly on said E. and W.  $\frac{1}{8}$  line a distance of 0.16 feet to a point in the easterly line of Derby Avenue; thence southerly on said easterly line a distance of 42.12 feet to point of beginning, be and the same is hereby vacated to become a part and parcel of the adjoining property:

Provided, The right is always reserved to the City of Detroit to maintain in such vacated portions of streets and alleys all existing sewers, and the right of ingress and egress at all times to perform such work as may be necessary for said purpose; and further

Provided, Petitioner first deed to the City of Detroit the three strips of land for alley purposes required for vehicular turn round space in the alleys which will be closed by above mentioned vacations, as set forth in its petition in parcels as follows:

#### Parcels A and B:

The rear fifteen feet of Lot 367 (Parcel A) and of Lot 322 (Parcel B) of the Kiefer Homes Subdivision of part of the S. E.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of Section 12, and part of the N. E.  $\frac{1}{4}$  of the S. W.  $\frac{1}{4}$  of Section 12, T. 1 S., R. 11 E., in the City of Detroit, Greenfield Township Wayne County, Michigan recorded in Liber 34 of Plats on Page 14 in the Office of the Register of Deeds for Wayne County Michigan, said fifteen foot strip being northerly of and adjacent to the easterly and westerly public alleys between Margaret Avenue and Greendale Avenue and between Savannah Avenue and Margaret Avenue respectively, excepting therefrom all that portion of said rear fifteen foot strip lying easterly of a line which is parallel with and sixty-three feet westerly at right angles from the center-line of the Grand Trunk Western Railroad Company's westbound main track as now existing, and more particularly described as extending from a point on the northerly line of Savannah Avenue distant easterly 56.75 feet from the S. W. corner of Lot 389 of the said Kiefer Homes Subdivision, in a northwesterly direction intersecting the southerly line of Margaret Avenue at a point distant 27.96 feet easterly from the N. W. corner of Lot 366 of said Subdivision, the northerly line of Margaret Avenue at a point distant 60.33 feet easterly from the S. W. corner of Lot 363 of said Subdivision and continuing to an intersection with the south line of Greendale Avenue at a

point distant 1.57 feet easterly from the N. W. corner of Lot 322 of said Subdivision; also

#### Parcel C:

The rear fifteen feet of Lot 203 of the O'Keefe & Metzen's Subdivision No. 2 of the S. W.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  except the south 532.50 feet of Section 12 of the J. O'Flaherty Farm, Greenfield Township, Wayne County, Michigan, according to the plat thereof recorded in Liber 26 of Plats on page 82 in the Office of the Register of Deeds for Wayne County Michigan, said rear fifteen foot strip being northerly of and adjacent to the easterly and westerly public alley between Grixdale Avenue and Hilldale Avenue, excepting therefrom all that portion of said rear fifteen foot strip lying easterly of a line which is parallel with and 68 feet westerly at right angles from the center-line of the said Grand Trunk Western Railroad Company's westbound main track, and more particularly described as extending from a point on the north line of Grixdale Avenue, distant easterly 35.87 feet from the S. W. corner of Lot 123 of said O'Keefe & Metzen's Subdivision No. 2, in a northwesterly direction to a point on the southerly line of Hilldale Avenue distant 6.29 feet easterly from the N. W. corner of said Lot 203 of said Subdivision.

And Further Resolved, That upon compliance by the Petitioner with the provisions stated, the City Controller be and is hereby directed to issue the necessary quit-claim deeds to the Grand Trunk Western Railroad Company, a Michigan corporation, covering property herein vacated, and also an easement upon the land described in aforementioned Petition as Parcel No. 6, described as follows:

#### Parcel No. 6:

A 20-foot strip of an unplatted area of land in the S. W.  $\frac{1}{4}$  of the S. W.  $\frac{1}{4}$  of Section 1, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, lying between the westerly line of Coventry Avenue and the Easterly line of John R. Street and adjacent to the easterly right-of-way of the Grand Trunk Western Railroad Company as now existing, more particularly described as follows: Commencing at the angle intersection of the present easterly line of the right-of-way of the Grand Trunk Western Railroad and the westerly line of Coventry Avenue; thence northwesterly on said easterly right-of-way line of the Grand Trunk Western Railroad Company a distance of 419.81 feet to a point on the street face of the N. E. wing wall of the John R. Street Grade Separation; thence easterly along the street face of said wing wall a distance of 20 feet to the easterly end thereof; thence on a straight line in a south-

easterly direction parallel with and distant easterly 20 feet, measured at right angles from the above mentioned easterly right-of-way of the Grand Trunk Western Railroad Company a distance of 385.03 feet to a point on the westerly line of Coventry Avenue; thence southerly on the westerly line of Coventry Avenue a distance of 40.12 feet to point of beginning.

Provided, That said easement shall contain a provision limiting the use of said land to maintain a sloping embankment or a retaining wall as lateral support for the railroad right-of-way, and in event a retaining wall shall ever be required for such purpose, the plans and specifications for the same must first be approved by the City.

Approved:

**JAMES R. WALSH,**  
Acting Corp. Counsel.

Adopted as follows:

Yeas—Councilmen Dorais, Garlick, Lodge, Sweeny, Van Antwerp, and the President—6.

Nays—None.

From the Corporation Counsel

June 6, 1941.

To the Honorable, the Common Council:

Gentlemen—In the year 1939, subsequent to July 1st of that year, the State Tax Commission increased the assessed value on the personal property of the Detroit Edison Company in the sum of \$4,004,000. This increase was made in addition to the assessment placed upon the property by our Board of Assessors for that year. In accordance with our interpretation of the decision of the Supreme Court in the Hudson Motor Car Company case, your Honorable Body adopted a resolution levying an additional tax upon the personal property of the Detroit Edison Company in accordance with the increase by the State Tax Commission, said tax amounting to \$109,573.46.

This matter was subsequently litigated, the Circuit Court holding the increase valid and the Supreme Court recently reversing the decision of the lower Court and holding this additional assessment invalid. The Supreme Court decision concludes that under the existing State tax law, a review by the State Tax Commission must have its inception prior to July 1st, in order to effect a valid change.

This tax has not been paid and was levied as a surplus. Therefore, the only action that is necessary on your part is to cancel the same upon the Treasurer's books in accordance with the decision of the Supreme Court.

We, therefore, recommend the

adoption of the attached resolution.  
Respectfully submitted,

**JOHN H. WITHERSPOON,**  
Chief Asst. Corp. Counsel.

Approved:

**PAUL E. KRAUSE,**

Corporation Counsel.

By Councilman Van Antwerp:

Whereas, the Supreme Court has held that the increase in the personal property assessment of the Detroit Edison Company by the State Tax Commission for the year 1939 in the sum of \$4,004,000 is invalid; and

Whereas, the tax levied thereon in the amount of \$109,573.46 is uncollectible. Now, Therefore, Be It

Resolved, that the surplus assessment levied upon the personal property of the Detroit Edison Company for the year 1939 be and the same is hereby cancelled and the Treasurer is instructed to mark his books accordingly.

Adopted as follows:

Yeas—Councilmen Dorais, Garlick, Lodge, Sweeny, Van Antwerp, and the President—6.

Nays—None.

From the Corporation Counsel

June 9th, 1941.

To the Honorable, the Common Council:

Gentlemen — In accordance with your instructions, we have prepared a resolution and an amendment to the Zoning Ordinance relative to the area bounded on the west by Schaefer Highway; on the north by the alley south of McNichols Road; on the east by Littlefield Avenue; and on the south by the Monnier Puritan Subdivision.

A public hearing must be held by the Common Council, and there must be a publication of the proposed amendment and the date of the public hearing in the official paper, or in a paper of general circulation in the City, at least fifteen (15) days prior to the public hearing.

Respectfully yours,

**ARTHUR L. BARKEY,**  
Asst. Corporation Counsel.

Approved:

**PAUL E. KRAUSE,**

Corporation Counsel.

By Councilman Van Antwerp:

Whereas, Act No. 207 of the Public Acts of 1921 for the State of Michigan, the Zoning Enabling Statute, provides that neither a Zoning Ordinance nor a Zoning Map enacted pursuant to its provisions, shall be amended after they have been adopted in the first instance until the proposed amendment has been submitted to the Zoning Commission and such Commission has made a report thereon to the legislative body of a City; and

Whereas, it is proposed to amend the Zoning Ordinance and District Map No. 66 to show B2 district class-