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with the foregoing communication.
 Adopted as follows:
 Yeas — Councilmen Beck, Connor,
 Kronk, Rogell, Smith, Van Antwerp,
 Youngblood, and President Miriani—8.
 Nays—None.

Corporation Counsel

July 7, 1953.

Honorable Common Council:

Gentlemen—Your Honorable Body recently referred to the Corporation Counsel, City Plan Commission, and the Department of Public Works, a petition from the General Motors Corporation (No. 6227), and amendments thereto, requesting the release and conveyance of certain easement rights at Clark Avenue, Michigan Avenue, Scotten Avenue, and vacated alley immediately South of Michigan Avenue. Petitioner offers to release and convey a certain parcel of property at the southwest corner of Michigan and Scotten Avenues for the permanent use and maintenance of the bridge abutment and wingwall located thereon. The purpose of petitioner's request is to accommodate the construction of a building to enlarge the facilities of the Cadillac Motor Car Company, Division of the General Motors Corporation.

It appears that these easement rights were acquired by the City in condemnation proceedings, Recorder's Court File No. 1757, for the separation of grades, Michigan Avenue between Hubbard and 28th Street, and Scotten Avenue north and south of Michigan Avenue. The easements were taken for the purpose of maintaining sloped embankments for the support of the adjacent property. The award to the owner, General Motors Corporation, for these easements was in the nominal amount of six cents.

Petitioner states that it will erect a building on the property which will extend to the west property line of Scotten Avenue. The west wall of the building will, therefore, provide the support for the south approach of Scotten Avenue bridge crossing Michigan Avenue. The north wall of the building will extend approximately 8 feet beyond the easement line, and this wall will provide support for the adjacent property.

The matter of conveying the easement rights was discussed by petitioner with the State Highway Department which constructed the bridge and grade separation. The State Highway Department advised by letter, dated May 6, 1953, that it had no objections, provided the construction of the building for the Cadillac Motor Car Company is performed in accordance with certain requirements, as indicated on D.P.W. plan E-5, attached to the petition. Under date of June 19, 1953, Peti-

tioner filed a letter, with the petition, in which they agreed to accept these conditions in the event the petition was granted. The conditions are as follows:

"To avoid disturbing the bridge foundations, the building foundation, for a distance of 40 feet along Michigan Avenue and for a distance of 10 feet along Scotten Avenue measured from the corner of the building as indicated, be lowered to the elevation shown, namely elevation 583.5 (bridge datum). Steel sheet piling will be driven along the building foundation within these limits, as shown, and that the bottom of the sheet piling be not lower than elevation 580.5.

General Motors Corporation will grant to the City of Detroit a permanent Easement within the limits delineated on Drawing No. E-5 dated May 1, 1953, entitled 'Partial Plan of Easement for Wall and Slope South West Corner Scotten and Michigan' (Parcel 2 of the Petition).

The Michigan State Highway Department will be given the right to inspect the proposed building construction insofar as it affects the bridge structure and the highway approach.

General Motors Corporation will assume responsibility for any damage caused to the bridge and highway approaches as a result of the proposed construction."

We also discussed this matter with representatives of the Petitioner and the State Highway Department, and it appears to be desirable to convey the entire easement rights requested, inasmuch as the petitioner will thereby assume responsibility for the maintenance of the easement not occupied by the proposed building, which responsibility now rests with the State and City. Further, the Petitioner owns all of the property abutting on the easement including the land over which the easement extends.

In view of the foregoing, we recommend that the Petitioner's request for conveyance of the easement rights be granted, and that in return for such conveyance, Petitioner shall convey to the City that portion of land at the southwest corner of Scotten and Michigan Avenue required for the maintenance and use of the bridge abutment and wingwall.

We are advised that the City Plan Commission, by separate report to your Honorable Body, has no objection, provided the requirements of the D.P.W. and Corporation Counsel's Office are complied with.

Therefore, we respectfully request that if the foregoing arrangements meet with your Honorable Body's approval, that the City Controller be authorized, by resolution, to ex-

ecute a Quit Claim Deed to the Petitioner for the easement rights; and that the Petitioner deliver a Quit Claim Deed to the City for the portion of land at the southwest corner of Scotten and Michigan Avenues required for the use and maintenance of the bridge abutment and wing-walls.

Respectfully submitted,

WALTER E. VASHAK,
Chief Asst. Corp. Counsel.

CARL D. WARNER,

Commissioner of Public Works.

Approved:

PAUL T. DWYER,

Corporation Counsel.

By Councilman Smith:

Resolved, that in accordance with the foregoing communicatoin, the City Controller is hereby authorized and directed to execute a Quit Claim Deed on behalf of the City of Detroit, to the General Motors Corporation, to the following described lands in the City of Detroit:

"All that part of Lots 74 to 82, both inclusive, of Scotten and Lovett's Subdivision of all that part of Private Claim 583 lying north of the Dix Road and south of the Detroit, Monroe and Toledo Railroad and South of the Chicago Road. In the village of Riverside and Town of Springwells (now Detroit) Wayne County, Michigan, as recorded in Liber 1, page 198 of Plats of Wayne County Records, more particularly described as follows:

Beginning at a point in the easterly line of Clark Avenue 60.00 feet wide, said point being distant south 28 degrees 39 minutes, 45 seconds west 280.00 feet from the intersection of the said Easterly line of Clark Avenue with the southerly line of Michigan Avenue 120.00 feet as widened; thence along said easterly line of Clark Avenue, north 28 degrees, 39 minutes 45 seconds east 224.22 feet to a point; thence along a line on a curve to the right (Radius of said curve being 92.00 feet and chord bearing north 59 degrees 53 minutes 30 seconds east 95.39 feet) a distance of 100.29 feet to a point in the southerly line of Michigan Avenue 120.00 feet as widened; thence, along said southerly line south 88 degrees, 52 minutes 45 seconds east 199.55 feet to a point, said point being the intersection of the said southerly line of Michigan with the westerly line of Scotten Avenue 66.00 feet wide as now established; thence along said westerly line south 26 degrees 17 minutes 45 seconds east 121.73 feet to a point said point being the southeasterly corner of lot 82 of last mentioned subdivision; thence along the southerly line of said lot south 63 degrees 41 minutes 45 seconds west 120.00 feet to a point

in Lot 80 of last mentioned subdivision; thence along a line north 26 degrees 18 minutes 15 seconds west 10.00 feet to a point; thence along a line north 60 degrees 58 minutes, 09 seconds east 105.12 feet to a point in said lot 82; thence along a line north 28 degrees 59 minutes 28 seconds west 91.09 feet to a point, also in said lot 82; thence along a line north 88 degrees 52 minutes 45 seconds west 215.02 feet to a point in lot 78 of last mentioned subdivision; thence along a line on a curve to the left (radius of said curve being 50.00 feet and chord bearing south 59 degrees 53 minutes 30 seconds west 51.85 feet) a distance of 54.50 feet to a point in lot 77 of last mentioned subdivision; thence along a line south 28 degrees 39 minutes 45 seconds west 168.96 feet to a point in the westerly line of Lot 75 of last mentioned subdivision; thence along a line south 38 degrees 07 minutes 29 seconds west 60.83 feet to the place of beginning.

Also that part of Lots 70 and 72 of last mentioned subdivision, more particularly described as follows:

Beginning at a point in the westerly line of Scotten Avenue 66.00 feet wide said point also being in the northeasterly corner of Lot 72 of last mentioned subdivision; thence along said westerly line of Scotten Avenue south 26 degrees 17 minutes 45 seconds east 157.80 feet to a point in Lot 70 heretofore mentioned; thence along a line south 63 degrees 42 minutes 15 seconds west 5.00 feet to a point; thence along a line north 28 degrees 14 minutes 00 seconds west 147.88 feet to a point; thence along a line south 66 degrees 17 minutes 53 seconds west 110.11 feet to a point; hence along a line north 26 degrees 18 minutes 15 seconds west 5.00 feet to a point in the southerly line of a vacated public alley 20.00 feet wide; thence along said southerly line of vacated alley north 63 degrees 41 minutes 45 seconds east 120.00 feet to the place of beginning."

Provided that the foregoing Quit Claim Deed is in form acceptable to the Corporation Counsel; and, further provided that the foregoing conveyance is authorized subject to the following conditions:

1. That construction of a proposed building by the General Motors Corporation, as stated in their petition, will be in accordance with the details as indicated on the Department of Public Work's Drawing No. E-5, attached hereto, which specifies that to avoid disturbing the bridge foundations, the building foundation for a distance of 40 feet along Michigan Avenue and for a distance of 10 feet along Scotten Avenue, measured from the corner of the building, as in-

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licated, will be lowered to the elevation shown; namely, elevation 583.5 (bridge datum); steel sheet piling will be driven along the building foundation within these limits as shown, and that the bottom of the sheet pile will not be lower than an elevation of 580.5;

2. That the Michigan State Highway Department will be given the right to inspect the proposed building construction insofar as it affects the bridge structure and the highway approach;

3. That the General Motors Corporation will assume responsibility for any damage caused to the bridge and highway approaches, sidewalks and public facilities as a result of their proposed building construction; and.

Be It Further Resolved, that the City Controller is hereby authorized to accept a Quit Claim Deed from the General Motors Corporation, acceptable to the Corporation Counsel, for the following described lands in the City of Detroit:

"Part of Lot 82 of Scotten and Lovett's Subdivision of all that part of Private Claim No. 583 lying North of the Dix Road, so called, and South of the Detroit, Monroe and Toledo R.R. and South of the Chicago Road, so called, Situated in the Village of Riverside and Town of Springwells, Wayne County, Michigan. Now City of Detroit. As recorded in Liber 1 of Plats on Page 198, Wayne County Records and is more particularly described as follows:

Beginning at the Southwesterly corner of Michigan Avenue (as widened to 120 feet in width) and Scotten Avenue (66 feet wide); Running thence from said point of beginning South 26 degrees 17 minutes 45 seconds East along the Westerly line of Scotten Avenue a distance of 16.90 feet to a point; Thence North 88 degrees 52 minutes 45 seconds West a distance of 56.33 feet to a point in the Westerly line of said Lot 82; Thence North 26 degrees 17 minutes 45 seconds West along the Westerly line of said Lot 82 a distance of 16.90 feet to a point in the Southerly line of Michigan Avenue as widened; Thence South 88 degrees 52 minutes 45 seconds East along the Southerly line of said Michigan Avenue a distance of 56.33 feet to the point of beginning, containing 845 square feet of land."

Approved as to form:

PAUL T. DWYER,
Corporation Counsel.

Adopted as follows:

Yeas — Councilmen Beck, Connor, Kronk, Rogell, Smith, Van Antwerp, Youngblood, and President Miriani—8.
Nays—None.

Corporation Counsel

July 14, 1953.

Honorable Common Council:

Gentlemen—Please be advised that I have appointed Mr. Edward M. Welch, 16815 Braille Avenue, Detroit, Michigan, to the position of Assistant Corporation Counsel, Grade I, effective August 1, 1953, at the minimum salary for that position.

For the time being Mr. Welch will occupy the position vacated by Mr. John G. Dunn, Assistant Corporation Counsel, Grade III, whose retirement is effective July 31, 1953. This is pursuant to authority granted by Common Council resolution of 4-28-42.

Respectfully submitted,

PAUL T. DWYER,

Corporation Counsel.

Received and placed on file.

City Plan Commission

June 4, 1953.

Honorable Common Council:

Gentlemen—There is returned herewith the petition of Theodore J. Dagalos (5625), requesting the rezoning of property located on the easterly side of Asbury Park and westerly side of Mettetal between the alley south of Joy Road and the Chesapeake and Ohio Railroad right of way, from an R-1 classification to an ML classification.

Investigation of this matter has disclosed that petitioner's premises consist of vacant lots located in the area lying south of Joy Road and northerly of the C. & O. Railroad right of way in Bassett and Smith's Tireman Avenue Subdivision. Investigation further disclosed that all of the property in the aforesaid subdivision lying northerly of the C. & O. Railroad right of way is presently vacant with the exception of six lots upon which have been constructed single family homes. It is further disclosed that the area in question lies to the west of the Ford Motor Car Company property which is presently zoned for industrial purposes, but which has been considered from time to time by your Honorable Body for rezoning. In this connection it should be noted that at a hearing held by the Committee of the Whole of your Honorable Body a few years ago, representatives of the Ford Motor Company stated that no development of this parcel of land would be undertaken without first notifying the Common Council of the City of Detroit of the nature of the proposed development. Since that time the property has remained vacant and undeveloped with the exception of the construction of a church adjacent to a small cemetery in which members of the Ford family have been buried.

After careful consideration of all the factors involved, it is the opinion