

institute legal action against the person or persons who caused this condition to exist.

Under the statute the municipality is liable for such defects whether or not they were caused by third persons and must respond in damages to the injured person. In this case there is definite liability upon the part of the municipality due to the size, shape and nature of the defect. Because of the factual evidence surrounding the case we have made an agreement to settle the matter for \$500.00, which is \$150.00 less than the claimant's out-of-pocket expense.

We believe that it is in the interests of the City of Detroit that this offer of settlement be accepted and therefore so recommend.

Respectfully submitted,  
L. E. LaJOIE,  
Asst. Corporation Counsel.

By Councilman Van Antwerp:

Resolved, That the City Controller be and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of Alice M. Esslin and Antoine Louis Esslin (claimant and her husband co-claimant), in the sum of \$500.00 in full settlement of any and all claims, which they may have against the City of Detroit by reason of personal injuries sustained by Alice M. Esslin, due to a fall over a defective sidewalk on the East side of Bentler, between Santa Clara and McNichols on November 29, 1953, and that said amount be paid upon presentation of Release approved by the Corporation Counsel.

Approved:  
PAUL T. DWYER, Corp. Counsel.

Adopted as follows:  
Yeas—Councilmen Connor, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Miriani—7.  
Nays—None.

Corporation Counsel  
June 23, 1954.

In the Matter of Vacation of Public Alleys, etc. Wayne Circuit Court No. 276,699.

Honorable Common Council  
Gentlemen—This is to inform your Honorable Body that on June 23, 1954, an order was signed by the Honorable Carl M. Weideman, Wayne Circuit Judge, vacating the alley located in the City of Detroit and bounded by the following streets or avenues:

Beaverland, Bramell, Tireman and Belton Avenues (C.C. Pet. No. 5918). The order provides that a public easement for public utility purposes be retained in the lands formerly comprising the alley.

We submit herewith for your consideration a resolution directing the City Clerk to record the attached

true copy of the order with the Wayne County Register of Deeds, pursuant to the order of the Court. Respectfully submitted,

ROBERT REESE,  
Asst. Corp. Counsel.

By Councilman Wise:  
Resolved, That the City Clerk be and he is hereby directed to record the attached Order within 30 days of the date thereof, vacating public alleys located in the City of Detroit, and bounded by the following streets

Beaverland, Bramell, Tireman and Belton Avenues and converting the same to public easements for public utility purposes, in accordance with the foregoing communication from the Corporation Counsel.

Approved as to Form:  
P. T. DWYER, Corp. Counsel.

Adopted as follows:  
Yeas—Councilmen Connor, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Miriani—7.  
Nays—None.

Corporation Counsel  
June 23, 1954.

In the Matter of Vacation of Public Alleys, etc. Wayne Circuit Court No. 276,539.

Honorable Common Council  
Gentlemen—This is to inform your Honorable Body that on June 23, 1954, an order was signed by the Honorable Joseph A. Moynihan, Circuit Judge, vacating the alley located in the City of Detroit and bounded by the following streets or avenues:

Faust, Glastonbury, St. Martins and Pembroke Avenues (C.C. Pet. No. 7224)

The order provides that a public easement for public utility purposes be retained in the lands formerly comprising the alley.

We submit herewith for your consideration a resolution directing the City Clerk to record the attached true copy of the order with the Wayne County Register of Deeds, pursuant to the order of the Court.

Respectfully submitted,  
ROBERT REESE,  
Asst. Corp. Counsel.

By Councilman Wise:

Resolved, That the City Clerk be and he is hereby directed to record the attached Order within 30 days of the date thereof, vacating public alley located in the City of Detroit, and bounded by the following streets or avenues

Faust, Glastonbury, St. Martins and Pembroke Avenues and converting the same to public easement for public utility purposes, in accordance with the foregoing communication from the Corporation Counsel.



Approved as to Form:  
P. T. DWYER, Corp. Counsel.

Adopted as follows:  
Yeas—Councilmen Connor, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Miriani—7.  
Nays—None.

**Corporation Counsel**  
June 25, 1954.

Honorable Common Council:  
Gentlemen—We enclose herewith, for confirmation, two copies of agreement between the City of Detroit and the Michigan Tell Telephone Company, entered into pursuant to resolution of your Honorable Body, dated June 15, 1954, for the installation of outdoor coin telephone booths on the grounds outside the City Hall.  
We shall appreciate return of these agreements when confirmed.

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

By Councilman Youngblood:  
Resolved, That the agreement between the City of Detroit and Michigan Bell Telephone Co. for the installation of outdoor coin telephone booths on the grounds of the City Hall be and the same is hereby confirmed.

Adopted as follows:  
Yeas—Councilmen Connor, Rogell, Smith, Van Antwerp, Wise, Youngblood, and President Miriani—7.  
Nays—None.

**Corporation Counsel**  
June 24, 1954.

Honorable Common Council:  
In the Matter of the petition for the vacation of alleys, Wayne Circuit Court No. 276,537.

Gentlemen—This is to advise your Honorable Body that on the 23rd day of June, 1954, an Order was entered by Honorable Joseph A. Moynihan, Circuit Judge, denying the vacation of the public alley bounded by Hubbell, Strathmoor, Curtis and Pickford Avenues (C.C. Petn. No. 7840) on the grounds that less than 50% of the abutting property owners on said alley favor vacating the same.

The petition was denied without prejudice to the right of the City to again petition for the vacation of the alley, upon a change of sentiment in the neighborhood.

A copy of the order is attached for your information.

Respectfully submitted,  
ROBERT REESE,  
Assistant Corporation Counsel.

Approved:  
P. T. DWYER, Corporation Counsel.  
Received and placed on file.

**Corporation Counsel**  
June 28, 1954.

Honorable Common Council:  
Gentlemen—Please be advised that

I have appointed to the staff of this office, as an Assistant Corporation Counsel, Grade 1, at the induction salary of \$7,038, Mr. Alfred Sawaya of 16578 Glastonbury Road, Detroit, said appointment to become effective July 1, 1954.

Respectfully submitted,  
PAUL T. DWYER,  
Corporation Counsel.

Received and placed on file.

**Board of Assessors**  
June 25, 1954.

Honorable Common Council:  
Gentlemen—We herewith transmit to your Honorable Body Street Widening Assessment Roll No. 709 for defraying a part of the expense and cost of taking private property for the widening of Forrer Avenue between West Chicago and Westfield Avenues where not already widened as a public street and highway. This roll has been prepared pursuant to and in accordance with the resolution adopted by your Honorable Body on September 29, 1953.

The benefits of the whole property included in the taxing district equals the sums assessed thereon, and the lands included in the said assessment district were assessed in proportion to the benefits specially derived by them from such improvement. The notice required by law has been given to the parties in interest, as will appear by the annexed notice and affidavit of publication. We have therefore signed the same and report it to your Honorable Body, and herewith present the following resolution to that end.

Respectfully submitted,  
CHARLES LASKY, Secretary.

By Councilman Connor:  
Resolved, That the Common Council of the City of Detroit do hereby approve and confirm Street Widening Assessment Roll No. 709 for defraying part of the expense and cost of taking private property for the widening of Forrer Avenue between West Chicago and Westfield Avenues where not already widened as a public street and highway.

Which said roll has been prepared pursuant to and in accordance with the resolution adopted by the Common Council on September 29, 1953; further resolved, that the description of the premises and the names of persons contained therein are received as correct; that the lots and parcels of land contained therein and the several owners and occupants have been assessed in said roll in proportion to the benefits specially derived by them, and each of them, from the widening of Forrer Avenue; that the benefits of such improvement to such lots and parcels of land, and the several owners thereof, equals the the assessment levied against the property