

ers, excluding therefrom any interest that may have been paid by the taxpayer upon said current tax; And Be It Further

Resolved, That the City Assessor furnish the City Treasurer with a statement showing the last assessed valuation of the condemned property after possession date; And Be It Further

Resolved, That the Real Estate Bureau, Corporation Counsel's Office, ascertain the amount of taxes due and payable and furnish same to the Controller; And Be It Further

Resolved, That the Controller be and is hereby authorized to draw his warrant in favor of the proper tax collection for said taxes, when due and payable.

Approved:

P. T. DWYER, Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Rogell, Van Antwerp, and Youngblood—5.

Nays—None.

Corporation Counsel

October 22, 1954.

Honorable Common Council:

In the matter of vacation of public alley, etc., Wayne Circuit Court No. 278,192.

Gentlemen—This is to inform your Honorable Body that on October 14, 1954, an Order was signed by Hon. John V. Brennan, Circuit Judge, vacating the alley located in the City of Detroit and bounded by Algonac, Beland, Linnhurst, Eastwood Avenues. (Common Council Petition 5790).

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,

Assistant Corporation Counsel.

By Councilman Youngblood:

Resolved, That the City Clerk be and he is hereby directed to record the attached Order within 30 days of the date hereof, vacating the public alley located in the City of Detroit and bounded by Algonac, Beland, Linnhurst, Eastwood Avenues, and converting same to a public easement for public utility purposes, in accordance with the foregoing communication from the Corporation Counsel.

Approved:

P. T. DWYER, Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Rogell, Van Antwerp, and Youngblood—5.

Nays—None.

Corporation Counsel

October 22, 1954.

Honorable Common Council:

In the matter of vacation of public alley, etc., Wayne Circuit Court No. 278,193.

Gentlemen—This is to inform your Honorable Body that on October 14, 1954, an Order was signed by Hon. John V. Brennan, Circuit Judge, vacating the alley located in the City of Detroit and bounded by Burt Road, Pierson, Elmira and Plymouth Avenues. (Common Council Petition No. 6340).

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,

Assistant Corporation Counsel.

By Councilman Youngblood:

Resolved, That the City Clerk be and he is hereby directed to record the attached Order within 30 days of the date hereof, vacating the public alley located in the City of Detroit and bounded by Burt Road, Pierson, Elmira and Plymouth Avenues, and converting same to a public easement for public utility purposes, in accordance with the foregoing communication from the Corporation Counsel.

Approved:

P. T. DWYER, Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Rogell, Van Antwerp, and Youngblood—5.

Nays—None.

Corporation Counsel

October 22, 1954.

Honorable Common Council:

In the matter of vacation of public alley, etc., Wayne Circuit Court No. 278,194.

Gentlemen—This is to inform your Honorable Body that on October 14, 1954, an Order was signed by Hon. John V. Brennan, Circuit Judge, vacating the alley located in the City of Detroit and located East of Beaverland, south of Santa Maria. (Common Council Petition No. 6704.)

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 Youngblood:

Resolved, That the City Clerk be and he is hereby directed to record the attached Order within 30 days of the date hereof, vacating the public alley located in the City of Detroit and located East of Beaverland, south of Santa Maria, and converting same to a public easement for public utility purposes, in accordance with the foregoing communication from the Corporation Counsel.

Approved:

PAUL T. DWYER, Corp. Counsel.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Rogell, Van Antwerp, and Youngblood—5.

Nays—None.

Corporation Counsel

October 20, 1954.

Honorable Common Council:

Gentlemen—In your letter of Oct. 8 you ask for an opinion from this office as to the power of the Common Council to change or amend the Master Plan of the City of Detroit without the approval or recommendation of the City Plan Commission.

A review of the history of the so-called Master Plan of the City reveals that it was adopted pursuant to resolution of your Honorable Body. The plan was not adopted in its entirety in one action, but on the contrary, grew and developed in a piecemeal fashion. In adopting the Plan, your Honorable Body followed the provisions of the Charter, insofar as they pertain to the City Plan Commission, being Title IV, Chapt. X., Sec. 7(a), which provides:

"The commission shall procure information and make recommendations to the mayor and the common council as to all facts bearing upon the needs of the city with regard to recreation grounds, the development and improvement of parks and boulevards, the improvement of river fronts, the extension or opening of streets and avenues, or other public ways or places and city plans and improvements generally;"

You will note that under this section the Plan Commission is given the duty to make recommendations to your Honorable Body and the Mayor regarding the needs of the City.

Title III, Chapter I, Sec. 12 of the Charter provides:

"The legislative powers and duties of the council shall be as follows: \* \* \*

"(h) To lease, sell, convey, transfer or dispose of or to authorize the lease, sale, conveyance, transfer or disposal

of any property owned by the corporation: Provided, that it shall not have the power to sell any park, cemetery or any part thereof, except an official master plan of the city \* \* \* unless first approved by 3/5 of the electors voting thereon at any general or special election."

The Master Plan, as adopted, is not irrevocable, and we are of the opinion that under the foregoing, the City Plan Commission can only recommend with respect to the adoption thereof or the deletion therefrom.

We are therefore of the opinion that the City Plan Commission's approval is not a condition precedent to the deletion therefrom of park and recreation property. Therefore, if the Common Council desires to alter the Master Plan by any such deletion, it may do so contrary to the recommendations of the City Plan Commission.

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

Approved:

PAUL T. DWYER, Corp. Counsel.  
Received and placed on file.

Board of Assessors

October 21, 1954.

Honorable Common Council:

Gentlemen—We herewith transmit to your Honorable Body Assessment Roll numbered 359-C for constructing cement sidewalks in front of and adjoining the lots and parcels of land described therein.

The usual 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 them to your Honorable Body.

Respectfully submitted,  
C. E. DOUGHERTY, President.

By Councilman Rogell:

Resolved, That Assessment Rolls Numbered 359-C in the amt. of \$6,316.17 for constructing cement sidewalks in front of and adjoining the lots and parcels of land described therein, are hereby approved and confirmed, that the description of premises and the names of persons contained therein are received as correct; and that the sums set forth in the said assessment Rolls are the correct ones which each individual or set of individuals should be assessed at and pay, and that the said assessment be collected from the several persons liable to pay the same according to law.

I approve the form of the above resolution.

P. T. DWYER, Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Beck, Connor,