

Rogell, Van Antwerp, Wise, Youngblood, and President Miriani—7.
Nays—None.

Corporation Counsel

August 15, 1955.

Honorable Common Council:

Gentlemen—The City Treasurer referred to us for collection personal property taxes assessed on goods in storage, i.e., apples, for the year 1949, to E. J. DeConick, listing his address as Walled Lake, Michigan. On May 11, 1953, suit was started in Oakland County Circuit Court, being case No. 35159. Service was purported to have been made by the sheriff of Oakland County upon E. J. DeConick on June 17, 1953. However, an answer was filed by the firm of Dudley & Patterson of Pontiac, Michigan. By the answer it appears that service was made upon Edward Emmett DeConick who in his answer denied that he had any goods in storage and that, furthermore, he had never been known as E. J. DeConick.

Various correspondence followed with the attorneys as to which of the DeConicks had goods in storage for the year 1949. Also, while the writer was in Pontiac, Michigan, he talked with Mr. Harcourt S. Patterson, attorney for the defendant, and tried to ascertain which of the DeConicks had apples in storage, there being between forty and forty-four DeConicks raising apples in Oakland County in the area of Walled Lake. We were unable to ascertain this information. There is no E. J. DeConick in Oakland County. The Board of Assessors also were contacted and, after due inquiry and search, informed us that the warehouse records only showed an E. J. DeConick and they are unable to furnish us with any additional information.

Inasmuch as we cannot ascertain as to which DeConick actually had the apples in storage, we cannot proceed to trial in regard to Edward Emmett DeConick or any other DeConick without adequate proof. Therefore, it is our opinion that this account is uncollectible due to our inability to secure the requisite information to substantiate the assessment and it is recommended that this item be cancelled so that the City Treasurer may clear his records of this tax.

Respectfully submitted,
LAWRENCE E. EATON,
Asst. Corporation Counsel.

Approved:

P. T. DWYER,
Corporation Counsel.
CHAS. N. WILLIAMS,
City Treasurer.

By Councilman Wise:

Be It Resolved that the personal property taxes assessed to E. J. DeConick, of Walled Lake, Michigan,

for the year 1949 for goods in storage (Item 157) in the amount of \$349.46 and interest thereon be cancelled, including costs; and

Be It Further Resolved that the City Treasurer and City Controller are hereby authorized and directed to prepare the necessary journal entries.

Adopted as follows:

Yeas—Councilmen Beck, Lincoln, Rogell, Van Antwerp, Wise, Youngblood, and President Miriani—7.

Nays—None.

Corporation Counsel

August 15, 1955.

In the matter of vacation of public alleys, etc. Wayne Circuit Court Nos. 281,545 and 281,547.

Honorable Common Council:

Gentlemen—This is to inform your Honorable Body that on August 9, 1955, Orders were signed by Hon. Arthur Webster, Wayne Circuit Judge, vacating the following alleys located in the City of Detroit:

Wayne Circuit Court No. 281,545—South of Tireman Avenue between Pierson and Braile Avenues. Common Council Petition No. 835.

Wayne Circuit Court No. 281,547—Queen, Hayes, Chelsea and Wilshire Avenues. Common Council Petition No. 3027.

The Order provide that public easements for public utility purposes be retained in the lands formerly comprising the alleys.

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

Respectfully submitted,

ROBERT REESE,
Asst. Corporation Counsel.

By Councilman Wise:

Resolved, That the City Clerk be and he is hereby directed to record the attached Orders within 30 days of the date hereof, vacating the following public alleys located in the City of Detroit and bounded by:

(1) South of Tireman Avenue between Pierson and Braile Avenues;

(2) Queen, Hayes, Chelsea and Wilshire,

and converting same to public easements 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, Lincoln, Rogell, Van Antwerp, Wise, Youngblood, and President Miriani—7.

Nays—None.

Corporation Counsel

August 16, 1955.

Honorable Common Council:

Gentlemen—The City of Detroit is