

Par Value—
 \$12,000, Automobile Parking System Bond & Interest Redemption Fund, due September 13, 1956 at 99.6395, yield 2.06%, cost \$11,956.74.

\$641,000, Automobile Parking System Improvement Fund, due October 11, 1956, at 99.397, yield 2.387%, cost \$637,134.77; \$2,000, due September 13, 1956, at 99.650, yield 2.00%, cost \$1,993.00.

\$1,794,000, Automobile Parking System Bond Proceeds Fund, due October 11, 1956, at 99.397, yield 2.387%, cost \$1,783,182.18; \$100,000, due Aug. 9, 1956, at 99.844444, yield 2.00%, cost \$99,844.44; \$52,000, due September 6, 1956, at 99.6702222, yield 2.12%, cost \$51,828.52.

\$200,000, Sewage Disposal System Improvement & Extension Fund, due October 11, 1956, at 99.397, yield 2.387%, cost \$198,794.00; \$335,000, due October 11, 1956, at 99.396, yield 2.389%, cost \$332,976.60; \$165,000, due October 11, 1956, at 99.4225, yield 2.31%, cost \$164,047.13.

\$90,000, DSR Operation & Maintenance-Property Tax Fund, due Aug. 9, 1956, at 99.836667, yield 2.10%, cost \$89,853.00.

\$200,000, Housing Project Mich. 1-4, etc, due October 11, 1956, at 99.397, yield 2.387%, cost \$198,794.00; \$640,000, due October 11, 1956, at 99.41608, yield 2.31%, cost \$636,262.93.

\$677,000, Capital Gifts Fund, due October 11, 1956, at 99.398, yield 2.382%, cost \$672,924.46.

\$500,000, Public Sewer Bond Fund due October 11, 1956, at 99.398, yield 2.382%, cost \$496,990.00.

\$1,000,000, General Public Improvement Bond Fund, due October 11, 1956, at 99.398, yield 2.382%, cost \$993,980.00.

Total par value, \$6,408,000.

Total cost, \$6,370,561.77.

The investments for the Automobile Parking System Funds were authorized by Ordinance 672-E, effective August 9, 1952, as last amended. The investment for the Sewage Disposal System Improvement & Extension Fund was authorized by Ordinance 517-E, effective November 9, 1950, as last amended. All other investments were authorized under resolution adopted by your Honorable Body June 19, 1956.

Respectfully submitted,
 E. P. RIEHL,
 Deputy Controller.

Received and placed on file.

Corporation Counsel

July 6, 1956.

Honorable Common Council:

Gentlemen—A report is herewith submitted in reference to the following: Case No. 2279 in the Recorders Court, entitled Acquisition of Land for Police Department and other Municipal Public Purposes, located in the area bounded by Elmwood, Ellery, Ludden and Mack Avenues.

This case, which was referred to the writer for trial, has been completed and verdict rendered June 28, 1956 in the amount of Two Hundred Thirty Thousand, Nine Hundred Thirty (230,900.00) Dollars.

The taking covers sixteen parcels, two of which are vacant and fourteen improved, the site being approximately 2.7 acres in size. The legal description is as follows:

Out-lot 36, George Hunt Farm, Petz Subdivision of Lot 1 through 8 lying between Mack and Ludden and just east of Elmwood.

Lots 11, 12, 13, 14, 15 and 16 of Meir's Subdivision of that part of Out-lot 37, P. C. 182.

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, Smith's Subdivision of Lot 1 through 20, both inclusive of Mrs. Richards Subdivision of part of Lot 38 and 39 of George Hunt's Farm.

In order to make provision for payment when confirmed, the attached resolution is submitted for your consideration.

Respectfully submitted,
 NATHANIEL H. GOLDSTICK,
 Asst. Corp. Counsel.

By Councilman Connor:

Whereas, A verdict was rendered June 28, 1956 in the amount of Two Hundred Thirty Thousand, Nine Hundred and no/100 (\$230,900.00) Dollars in Case No. 2279 in the Recorders' Court, entitled Acquisition of Land for Police Department and other Municipal Public Purposes, located in the area bounded by Elmwood, Ellery, Ludden and Mack Avenues; and

Whereas, Money is available for the payment of said verdict;

Now, Therefore, Be It Resolved, That the City Controller and the City Treasurer take all necessary steps to provide for the transfer of the sum necessary to pay the amount of said verdict when confirmed, together with interest thereon at the rate of Five (5%) per cent per annum from the date of confirmation to the date of posting of the sum for payment thereof; and

Be It Further Resolved, That the City Treasurer be and he is hereby directed to make and file duplicate certificates showing the amount of money that is in the Treasury for the payment of the award, as provided by the Charter of the City of Detroit. Approved:

WALTER E. VASHAK,
 Acting Corp. Counsel.

Adopted as follows:

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

Corporation Counsel

July 11, 1956.

Honorable Common Council:
 Gentlemen—This is to inform your

Honorable Body that on July 11, 1956, Orders were entered by Hon. Theodore R. Bohn, Circuit Judge, in the following cases, vacating certain alleys:

Wayne Circuit Court No. 286,467, Petition 5573, Braille, Patton, Midland and Pilgrim Avenues.

Wayne Circuit Court No. 286,468, Petition 2251, South of Curtis Avenue between Winthrop and Greenfield Avenues.

Wayne Circuit Court No. 286,469, Petition 5964, Brock Avenue, Kelly Road, Young and Hazelridge Avenues.

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

We submit herewith a resolution directing the City Clerk to record the attached true copies of the Orders with the Wayne County Register of Deeds.

Respectfully submitted,
ALFRED SAWAYA,
Asst. Corp. Counsel.

By Councilman Wise:

Resolved, That the City Clerk be and he is hereby directed to record the Orders vacating public alleys in the office of the Wayne County Register of Deeds, within 30 days from the date hereof, in accordance with the foregoing communication from the Corporation Counsel.

Approved:

WALTER E. VASHAK,
Acting Corp. Counsel.

Adopted as follows:

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

Corporation Counsel

July 11, 1956.

Honorable Common Council:

Gentlemen—We have your communication requesting an opinion as to "whether or not the Zoning Board has authority to allow a change in zoning to permit the encroachment of industry on residential property."

The Zoning Enabling Statute and our Zoning Ordinance both delegate power and authority to the Board to disregard a literal enforcement of the Ordinance and permit a variance thereof in cases where the facts show "practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the ordinance." No standards are set up for the guidance of the Board but it is case law that it is incumbent upon an applicant to establish (1) that the land in question would not yield a reasonable return if used only for the purposes allowed in the zoned district; (2) that the plight of the applicant is due to the unique circumstances and not to the general conditions in the neighborhood which may reflect the unreasonableness of the zoning itself; and (3)

that the use applied for will not alter the essential character of the neighborhood.

In addition thereto our Zoning Ordinance provides for a further kind of dispensation by which "exceptions" may be made. An "exception" in a Zoning Ordinance is one allowable where facts and circumstances detailed in the ordinance, as those upon which an exception may be permitted, are found to exist. As to exceptions our Ordinance (Sec. 20.3) provides:

"The Board shall have power in addition to other proper variations and modifications to grant the following special exceptions after public notice and hearing, provided that after investigation the Board ascertains the conditions involved in the proposed exception conform to the limitations and restrictions specified for each such exception as listed in the following paragraphs:

(b) Permit the extension of any building, structure or use into a more restricted district immediately adjacent thereto under such conditions and limitations as will safeguard the character of the more restricted district, provided a reasonable need for such an extension and an absence of injurious effect on the contiguous property is shown to the satisfaction of the Board."

It therefore follows that where the facts and circumstances are found by the Board to come within the above specified standards, it is authorized to make a grant even though such would result in an encroachment of industry into a more restricted residential property.

Respectfully submitted,
JOHN F. HATHAWAY,
Asst. Corp. Counsel.
ARTHUR L. BARKEY,
Asst. Corp. Counsel.

Approved:

WALTER E. VASHAK,
Acting Corp. Counsel.

Received and placed on file.

Board of Assessors

July 17, 1956.

Honorable Common Council:

Gentlemen: We herewith transmit to your Honorable Body Assessment Roll numbered 6-48 for alley paving.

The usual notice by publication as required by law has been given to the parties in interest. No person has appeared to object to said roll or to ask any corrections thereof. We have, therefore, signed the same and report it to your Honorable Body.

Respectfully submitted,
CHARLES LASKY,
Secretary.

By Councilman Smith:

Resolved, That Assessment Roll and the respective assessable amount: 6-48, Alley No. 4777 in block bounded