

Lincoln, Rogell, Smith, Van Antwerp, Wise, and Youngblood—8.
Nays—None.

Corporation Counsel
March 28, 1956.

Honorable Common Council:
Gentlemen—On May 22, 1954, Mrs. Emily C. Gormley was injured by stepping into and catching her foot onto an alleged defect in the sidewalk on San Juan Avenue about 500 feet north of Puritan Avenue. Investigation disclosed that this defect had been caused by an employee of the West Side House Moving and Raising Company driving a truck over the curb and onto the sidewalk, thereby breaking same.

A claim was filed with the City and was subsequently referred to the above-named West Side House Moving and Raising Company for settlement with the claimant. This company, however, failed to make any satisfactory arrangement to compensate the claimant. Subsequently, suit was started in the Wayne Circuit Court against Chester Kapelanski, d-b-a West Side House Moving and Raising Company, and the City of Detroit, jointly—it being the petition of the claimant that the City of Detroit was jointly responsible for the reason that the defect caused by the truck of Kapelanski had been allowed to remain in such condition for some 4 months prior to the date of the accident. The action was filed for the sum of \$25,000 for the injury sustained by the claimant, consisting of, among other things, a broken bone in the foot.

We have recently discussed settlement with the plaintiff and co-defendants and arrived at a sum of \$1150 in full settlement—\$1,000.00 of this to be paid by Kapelanski and \$150 to be paid by the City of Detroit.

We feel that this offer of settlement should be accepted due to the factual circumstances involved. We request that your Honorable Body direct the City Controller to draw the voucher in favor of Emily C. Gormley and Balfour D. Peisner, attorney, for the said sum of \$150.00, to be delivered upon receipt of adequate releases filed to the satisfaction of this office.

Respectfully submitted,
L. E. LA JOIE,
Asst. Corp. Counsel.

Approved:
PAUL T. DWYER, Corp. Counsel.

By Councilman Lincoln:
Resolved, that the City Controller be, and he is, hereby authorized and directed to draw his warrant upon the proper fund in favor of Emily C. Gormley and Balfour D. Peisner, attorney, the sum of \$150.00 in full settlement of any and all claims which they may have against the City of Detroit for damages or personal injuries sustained by Emily C. Gormley

on May 22, 1954, by reason of an alleged defect in the sidewalk of an alley of the house located at 16538 San Juan Avenue; and that said amount be paid upon presentation of release approved by the Corporation of release as well as Stipulation and Counsel, Discontinuance of Wayne Order of Court Case No. 279,607.

Adopted as follows:
Yeas — Councilmen Beck, Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, and Youngblood—8.
Nays—None.

Corporation Counsel
March 29, 1956.

Honorable Common Council:
Gentlemen—Attached hereto is a resolution from the Detroit-Wayne Joint Building Authority in reference to the employees of the Authority becoming members of the General Employees Retirement System.

Title IX, Chapter VI, Article III, Section 1.2(d) of the Charter provides as follows:

“The employees of any Board or Commission serving the City may be included as employees of the City, for the purpose of coming under the provisions of this Chapter, at such time as they are eligible and is mutually agreeable between the Common Council and their governing body, Board or Commission. However, if the employees of a Board or Commission are permitted to come under the provisions of this Chapter, then all employees of the Board or Commission within the meaning of this section shall be included.”

If this action is agreeable to your Honorable Body, the attached resolution is submitted for your consideration.

Respectfully submitted,
BERT R. SOGGE,
Asst. Corp. Counsel.

By Councilman Rogell:
Resolved, That the City Controller, the City Treasurer, and the Board of Trustees of the General Retirement System are hereby authorized and directed to take such appropriate action as will provide for the inclusion of the Employees of the Detroit-Wayne Joint Building Authority as members of the General Retirement System and to assess and collect all necessary charges and payments required to carry out the purposes of this resolution.

Approved as to form:
PAUL T. DWYER, Corp. Counsel.

Adopted as follows:
Yeas — Councilmen Beck, Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, and Youngblood—8.
Nays—None.

Corporation Counsel
March 28, 1956.

Honorable Common Council:
Gentlemen—This is to inform your

Honorable Body that on March 28, 1956, Orders were signed by Hon. Frank B. Ferguson, Wayne Circuit Judge, vacating the following alleys located in the City of Detroit:

Wayne Circuit Court Number: 284,-708, Common Council Petition 5796, Location: Crusade, Rex Avenues, Brin-gard and Edmore Drives.

Wayne Circuit Court Number: 284,-709, Common Council Petition 5710, Location: Hazelton, West Parkway, Fenkell and Keeler Avenues.

Wayne Circuit Court Number: 284,-707, Common Council Petition 5648, Location: Pierson, Braile, Midland and Pilgrim Avenues.

The Orders provide that public easements for public utility purposes 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. Corporation Counsel.

By Councilman Smith:

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:

P. T. DWYER, Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, and Youngblood—8.

Nays—None.

Corporation Counsel

March 28, 1956.

Honorable Common Council:

Gentlemen—On January 30, 1956, this office filed a Petition for Revision of Gratiot Lawn Subdivision and vacation of public alley in block bounded by Anvil, Regent, Tacoma and State Fair Avenues (Wayne Circuit Court No. 284,473; Common Council Petition 5579).

The case came on to be heard on March 23, 1956, at which time it appeared that several of the lots abutting the subject alley proposed to be vacated were of insufficient width to accommodate a side drive.

Accordingly, on March 27, 1956, an Order Dismissing the Petition was signed and entered by Hon. Neal Fitzgerald, Circuit Judge.

Respectfully submitted,

ALFRED SAWAYA,

Asst. Corp. Counsel.

Approved:

PAUL T. DWYER, Corp. Counsel.

Received and placed on file.

Arts Commission

March 20, 1956.

Honorable Common Council:

Gentlemen—In response to published advertisements the City Engineer's Office, on behalf of the Arts Commission, received five bids on March 13, 1956, for Air Conditioning, Steps 1 and 2, Contract AC-2R, based on Contract Documents prepared by Hyde and Bobbio, Incorporated, Consulting Engineers, as listed on the attached tabulation.

The low bid submitted was regular in all respects and in accordance with the Contract requirements. The Arts Commission has directed me to advise that they recommend the award of this Contract to the low bidder, James W. Partlan Company, in the amount of \$248,000.00. Funds are available in Account 101-5090-901.

Respectfully submitted,

WM. A. BOSTICK,

Secretary.

Recommended:

M. F. WAGNITZ, City Engineer.

Approved:

E. P. RIEHL, Deputy Controller.

By Councilman Rogell:

Resolved, That the Arts Commission be and is hereby authorized and directed to enter into contract for Air Conditioning, Steps 1 and 2, at the Detroit Institute of Arts, Contract AC-2R, with James W. Partlan Company, in the amount of \$248,000.00; and be it further

Resolved, That the Controller be and is hereby authorized and directed to honor vouchers when presented, the vouchers to cover the cost of advertising, inspection, and minor contingencies, as well as the Contract cost and charge them to Account 101-5090-901.

Adopted as follows:

Yeas—Councilmen Beck, Connor, Lincoln, Rogell, Smith, Van Antwerp, Wise, and Youngblood—8.

Nays—None.

City Plan Commission

March 30, 1956.

Honorable Common Council:

Gentlemen—There is returned herewith the following petitions which have been referred to the City Plan Commission for investigation and report. No. 2883 and No. 6278.

Both of these petitions request that certain residential alleys in various sections of the City be converted into easements for public utilities only.

We have been unable to obtain the signatures of 100% of the owners in any of these cases but in every case we have signatures for more than two-thirds of the property abutting the alleys to be closed.

A field check was made of each of the alleys concerned and a determination made as follows:

1) The alley does not serve as a means of ingress or egress to any of the garages on the abutting property.