

Council the said encroachments shall be removed by the Downtown Investment Company within the time directed and upon failure to do so the Commissioner of the Department of Buildings and Safety Engineering and the Department of Public Works or their agents may enter into and upon the premises and remove, at the Downtown Investment Company's expense, any part of said installation which encroaches into public property and that the Downtown Investment Company waives any right to claim damages or compensation from the City of Detroit or from any official agent thereof due to the trespass or damage resulting from the removal of such encroachments upon the public property.

APPROVED AS TO FORM:

ROBERT REESE,  
Corporation Counsel.

Adopted as follows:  
Yeas—Councilman Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Wierzbicki, and President Carey—8.  
Nays—None.

#### Corporation Counsel

January 4, 1963.

Honorable Common Council:

Gentlemen—On August 14, 1959, Staup Asphalt & Paving Company, Inc., a Michigan corporation, was adjudicated bankrupt by the United States District Court for the Eastern District of Michigan. The first meeting of its creditors was held on October 8, 1959, at which time Arthur M. Schueler, 2066 First National Building, Detroit, was appointed Trustee.

The City of Detroit filed a proof of claim with the bankruptcy court for unpaid 1959 personal property taxes assessed to the subject bankrupt in the amount of \$1,726.42; this claim was subsequently amended and reduced to \$757.20 as a result of partial payments made to the City Treasurer by certain reclamation petitioners whose claims were inferior to the tax claim of the City. Included in the claims filed with the bankruptcy court were 3 labor claims which were allowed as priority claims. Two of these claims were paid by the Trustee. The third claim, that of one, Adele Shavers, in the amount of \$45.06 was not paid to the claimant. Inadvertently, the amount set aside for the payment of this wage claim was erroneously included in the final dividend paid to the City by the Trustee in the amount of \$353.33, on November 23, 1962. Actually, the City should have received a dividend of \$308.27, since labor claims are entitled to priority under the Bankruptcy Act over tax claims not reduced to possession prior to bankruptcy, which admittedly the City had not done in the instant case.

Accordingly, it is the recommendation of this office, in which the City Treasurer concurs, that the sum of

\$45.06 be returned to the Trustee, Arthur M. Schueler, as an overpayment.

Respectfully submitted,  
JOSEPH MAISANO,  
Asst. Corporation Counsel.

Approved:

THOMAS H. GALLAGHER,  
Acting Corporation Counsel.  
CHAS. N. WILLIAMS,  
City Treasurer.

By Councilman Ravitz:

In accordance with the foregoing communication.

It Is Hereby Resolved That the City Treasurer be and he is hereby authorized to return to Arthur M. Schueler, Trustee in Bankruptcy of Staup Asphalt & Paving Company, Inc., the sum of \$45.06.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Wierzbicki and President Carey—8.

Nays—None.

#### Corporation Counsel

January 7, 1963.

Honorable Common Council:

Gentlemen—This is to inform your Honorable Body that Circuit Court orders were entered vacating the alleys in the following cases:

Wayne Circuit Court No. 332-027, Location, Piedmont, Warwick, Dover and Cathedral Avenues, Common Council Petition No. 1578.

Wayne Circuit Court No. 332-028, Location, Anvil, Regent Drive, Tacoma and State Fair Avenues, Common Council Petition No. 12097.

Wayne Circuit Court No. 332-029, Location, Bramell, Chatham, Majestic and Sawyer Avenues, Common Council Petition No. 11866.

The Orders among other things provide that public easements for public utility purposes shall be retained in the land comprising the alleys and, further that the Clerk of the Court forward a certified copy to the Auditor General of the State of Michigan.

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

Respectfully submitted,  
RAYMOND F. STACHURA,  
Asst. Corporation Counsel.

Approved:

ROBERT REESE,  
Corporation Counsel.

By Councilman Wierzbicki:

Resolved, That the City Clerk be, and he is hereby, directed to record the Orders vacating the 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.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Wierzbicki and President Carey—8.

Nays—None.