

uses within the setback areas along
arned Street, so long as the hotel
be constructed shall remain in
id area.

PROVIDED FURTHER, That neces-
ry permits be obtained from the
partment of Buildings and Safety
gineering and the Department of
blic Works and that all work shall
completed under the inspection
both departments, and,

PROVIDED FURTHER, That the
al plans for the hotel shall be
bject to the review of the Depart-
ent of Streets and Traffic, Depart-
ent of Public Works, Department of
ildings and Safety Engineering and
e City Plan Commission to insure
at the plans submitted are con-
tent with the preliminary plans
iewed by the above departments
d as are on file with the City Plan
mission, and,

PROVIDED FURTHER, That the
wntown Investment Company file
agreement embodying the above
visions and providing:

It is understood and agreed by
Downtown Investment Company
t the permission herein granted
ereect and maintain the installa-
s and encroachments as given
n the express condition that the
wntown Investment Company
mises for itself, its assigns and
cessors to indemnify and save
less the City of Detroit, its of-
s and agents from all claims, de-
nds and rights of action of every
ie and nature and description,
ther arising under state or fed-
statutes or common law, for
h, injury or alleged injury to
ons, whether employees of the
of Detroit, or otherwise, and
age or alleged damage to property
rdless of to whom it may belong
hose custody it may be arising
ugh or on account of, or out of
permit granted, no matter how
ed, whether caused by the ne-
nce of the City of Detroit, its
rs, its employees, or the failure
perform any act required by law
ive to said installation or en-
chments.

The Downtown Investment Com-
e further undertakes and agrees
in case claim is made or suit is
uted against the City of Detroit,
licers or employees, due to the
mentioned death, injury or dam-
the Downtown Investment Com-
will, upon notice of the City of
it, settle or adjust or defend
me at its sole cost and expense
without expense to the City of
it and will pay any judgment
ed therein, together with court

PROVIDED FURTHER, that the
ssion granted is revokable at
ll, whim or caprice of the Com-
ouncil and that anytime such
is revoked by the Common

Council the said encroachments shall
be removed by the Downtown Invest-
ment Company within the time di-
rected 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 prop-
erty and that the Downtown Invest-
ment Company waives any right to
claim damages or compensation from
the City of Detroit or from any of-
ficial agent thereof due to the tres-
pass 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, Wierz-
bicki, 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 ad-
judicated bankrupt by the United
States District Court for the Eastern
District of Michigan. The first meet-
ing of its creditors was held on Octo-
ber 8, 1959, at which time Arthur M.
Schueler, 2066 First National Build-
ing, 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 re-
duced 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. Inadvert-
ently, the amount set aside for the
payment of this wage claim was er-
roneously included in the final divi-
dend paid to the City by the Trustee
in the amount of \$353.33, on Novem-
ber 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 pos-
session prior to bankruptcy, which
admittedly the City had not done in
the instant case.

Accordingly, it is the recommenda-
tion 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 overpay-
ment.

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 author-
ized 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, Wierz-
bicki 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 al-
leys 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, Ta-
coma and State Fair Avenues, Com-
mon Council Petition No. 12097.

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

The Orders among other things pro-
vide 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 Audi-
tor 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, Wierz-
bicki and President Carey—8.
Nays—None.