

Police, and that same shall be removed by said grantee at the expiration of said permission, and further

Provided, That said resolution is revocable at the will, whim or caprice of the Common Council.

Adopted as follows:

Yeas—Councilmen Dingeman, Ewald, Garlick, Hamilton, Lodge, Sweeny, Van Antwerp and the President—8.

Nays—None.

Permits

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petition of the Ernst Kern Co. (4734), for permit to erect an advertising display for the Christmas season at 1040 Woodward Ave. After consultation with the Department of Buildings & Safety Engineering, and careful consideration of the request, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,

ROBT. G. EWALD,
Chairman.

By Councilman Ewald:

Resolved, That the Department of Buildings & Safety Engineering be and it is hereby authorized and directed to issue permit to The Ernst Kern Company to erect a Christmas advertising display in the form of a candle, 17 ft. wide by 101 ft. 6 in. high, flat against the diagonal corner of its building at 1040 Woodward Ave. between Campus Martius and Gratiot Ave., and maintain same through this year's Christmas season.

Provided, That said work shall be performed by a licensed sign erector, under the supervision of the Department of Buildings & Safety Engineering, and the Fire Marshal, and in accordance with plans submitted to and approved by said departments, and further

Provided, That said temporary Christmas display and all obstructions in connection therewith shall be removed immediately at the end of this Christmas season at the expense of the grantee, and further

Provided, That this resolution is revocable at the will, whim or caprice of the Common Council, and grantee hereby expressly waives any right to claim damages or compensation for property constructed hereunder or for the removal of same, and further, that grantee acquires no implied or other privileges hereunder not expressly stated herein.

Adopted as follows:

Yeas—Councilmen Dingeman, Ewald, Garlick, Hamilton, Lodge, Sweeny, Van Antwerp and the President—8.

Nays—None.

Redemption of Property

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred supplemental petition of Rose Pasternacki (2204), requesting that the rents collected by the city on property at 4243 Hastings St. be credited as part of the price of redemption of the property. After careful consideration of the request, your committee recommends that same be granted, and offers the following resolution.

Respectfully submitted,

ROBT. G. EWALD,
Chairman.

By Councilman Ewald:

Resolved, That the City Treasurer be and he is hereby authorized and directed to credit Rose Pasternacki with the amount of rentals collected by the City of Detroit on property at 4243 Hastings St., less expense of property management and maintenance, as part of the price of redemption of said property as covered by resolution adopted August 6, 1940 (J. C. C. p. 2171), subject to approval of the Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Dingeman, Ewald, Garlick, Hamilton, Lodge, Sweeny, Van Antwerp and the President—8.

Nays—None.

Sales Accounts

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Charles English (4480), for refund of amount paid for dog. After consultation with the Department of Police, and careful consideration of the matter, your committee recommends that same be denied.

Respectfully submitted,

ROBT. G. EWALD,
Chairman.

Accepted and adopted.

Street Name Changes

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was again referred petition of Morris K. Leahy, et al (4286), requesting that the name of Konczal Ave. be changed, and report of October 29, 1940 (J. C. C. p. 3093), directing the Corporation Counsel to prepare the proper ordinance, which action was vetoed by His Honor, the Mayor, on November 6, 1940 (J. C. C. p. 3108). After further consideration of the matter, your committee recommends that the report be adopted notwithstanding the veto of His

Honor, the Mayor, and offers the following resolution.

Respectfully submitted,

ROBT. G. EWALD,
Chairman.

By Councilman Ewald:

Resolved, That the Corporation Counsel be and he is hereby directed to prepare the proper ordinance to change the name of Konczal Ave. between Greiner and Sturgis Aves. and in Sidzina and Jakub Subdivision to Algonac Ave., and submit same to this body for approval.

Adopted as follows:

Yeas—Councilmen Dingeman, Ewald, Garlick, Hamilton, Lodge, Sweeny, Van Antwerp and the President—8.

Nays—None.

Plats

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petition of H. Welton Obenauer (3902), for approval of plat of Spring Garden Sub. Same having been approved by the City Plan Commission and City Engineer, your committee recommends that the plat be approved, and offers the following resolution.

Respectfully submitted,

ROBT. G. EWALD,
Chairman.

Corporation Council

November 8, 1940.

To the Honorable, the Common Council:

Gentlemen—You have referred to this office, for our opinion, proposed plat of H. Welton Obenauer's Spring Garden Subdivision. This has been presented to your Honorable Body for your approval and you ask whether or not you must approve the same with the conditions designated in the certification of the City Treasurer and the County Treasurer.

The City Treasurer's certification states that all taxes are paid except 1940 taxes from which the property was exempt by reason of the State scavenger sale. The City of Detroit does not have the legal authority to assess property owned by the State. Title to this property was acquired by the State on November 3, 1939, and inasmuch as the same had not been redeemed at the time the City of Detroit was to assess the property for 1940 taxes, it was therefore exempt from taxation for that year.

The County Treasurer's certificate states that the money was deposited with the Auditor General for 1938 redemption. Apparently this money was deposited subsequent to April 1, 1940, and also after the expiration of the period of the Board of Review and at a date beyond that period

to assess property for 1940. If the redemption money was deposited prior to April 1st or up until the time of the conclusion of the Board of Review the City of Detroit could have assessed the property for the year 1940.

The County Treasurer's certificate also provides that all taxes are paid except those being liquidated under the Moore-Holbeck 10-year payment plan. The State and County taxes funded under this plan were, in effect, made current and are spread over a 10-year period. The Act expressly provides that deeds and plats may be recorded if the taxes are being liquidated in accordance with the Statute.

It is, therefore, our opinion that you must approve this plat.

Very truly yours,

JOHN H. WITHERSPOON,
Chief Asst. Corporation Counsel.

Approved:

PAUL E. KRAUSE,
Corporation Counsel.

By Councilman Ewald:

Resolved, That "Plat of H. Welton Obenauer's Spring Garden subdivision of part of the rear concession of P. C. 231, City of Detroit, Wayne County, Mich.," be and the same is hereby approved, and the Commissioner of Public Works be and he is hereby directed to sign and approve said plat.

Adopted as follows:

Yeas—Councilmen Dingeman, Ewald, Garlick, Hamilton, Lodge, Sweeny, Van Antwerp and the President—8.

Nays—None.

Zoning Ordinance

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole were referred petitions of Acme Realty Corporation (4698), and Matthew Marx et al (4699), requesting changes in the proposed general zoning ordinance. After careful consideration of the matters, your committee recommends that same be denied.

Respectfully submitted,

ROBT. G. EWALD,
Chairman.

Accepted and adopted.

Taxes

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Graystone Market (4638), requesting cancellation of penalty and interest on personal taxes on the grounds of charity. The Corporation Counsel having advised that it is illegal to