

# A lone soldier

## He vows to continue his war on tax

By MARY LOU CALLAWAY

Anthony Rosati says his war against the property tax isn't over.

A recent ruling by the Michigan Tax Tribunal upheld West Bloomfield's assessments of Rosati's house for the years 1973 through 1978.

As far as the tribunal is concerned, the case is dismissed.

But Rosati, an attorney, says he will go back to the Michigan Court of Appeals which had remanded his case back to the tax tribunal.

If that court turns him down, he will take his grievance to the Michigan Supreme Court.

Still on hold is Rosati's hearing on his 1978 and 1980 assessments. He expects when the new assessments are out in March, he will appeal that assessment too.

What he wants to see is the abolishment of all property tax with government relying only on income taxes for income.

He says this even though he would be paying out more taxes. "But if you pay more income tax, it's because you're making more money," he said.

West Bloomfield Assessing Department isn't claiming that it won, although the tribunal affirmed its assessing methods. Assessor Don Melcher said.

But Dean Badd, deputy assessor, said the "ruling is almost a precedent. It could affect two or three other cases pending."

MORE THAN a year ago, the appeals court sent the Rosati case back to the tax tribunal where Rosati had appealed after the West Bloomfield Board of Review turned him down.

The case was heard in May but it took seven months for a decision to be announced.

"The assessments are discriminatory and non-uniform in the ratio of assessment to the actual value of similar property of other West Bloomfield taxpayers," Rosati said.

Gerald Eastick, township equalization director, pointed to the 30-month sales studies on which assessments are based in each subdivision. The tribunal ruled the township did establish the ratios in relation to true market value.

"We conclude West Bloomfield has presented sufficient proof that its average level of assessment in relation to true cash value is at 50 percent for each tax year involved," ruled the tribunal.

"I THINK THEY'RE hopelessly

wrong," Rosati said. "If you could see the evidence I submitted, they just chose to ignore it. It's irrational. If the little parts (individual properties) that make up 50 percent are not assessed at 50 percent, how can the total be 50 percent? The law says each assessor must assess each property each year at 50 percent (of market value)."

The township submitted 12 exhibits to the tribunal which the judges found for all the disputed years were equal to the county equalized value.

The tribunal rejected Rosati's contention that the property-tax laws are unconstitutional, an infringement on his rights to equal protection under the law.

"We believe the petitioner's (Rosati) proofs are insufficient to overcome the conclusion that the ratio is at 50 percent," the tribunal said.

DR. JERRY L. NOSANCHUK, D.O.

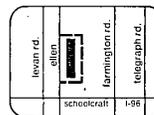
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## New adult movie theater is protested

By MARY LOU CALLAWAY

Just last week, the Keego Theater was showing "Ordinary People" at \$1 a ticket.

On Jan. 2, the theater was sold to new unidentified owners.

Now a call to 682-1900 puts you on the line with a recorded message announcing the theater is being re-modeled and will open soon as the Keego Cinema featuring "strictly adult entertainment."

No one under 18 will be admitted, according to the recording.

Its marquis announces that "Adult entertainment starts soon."

"Keego Harbor officials hope to stop the shows even before they start."

The city has an ordinance prohibiting showing adult movies such as this, a location regulation. This location (on Orchard Lake Road at Cass Lake Road) doesn't fit the location allowed in the ordinance. That is that movies such as this are not allowed within 500 feet of a business with an LCC (Michigan's Liquor Control Commission) license, says City Attorney Thomas Dillon.

The Back Seat and Umbrella bars are within the 500 feet, says Keego Harbor Mayor Raymond Attwater.

NEITHER THE City Council nor city attorney know who the new owner is. Attwater says he has only heard a rumor that a group of attorneys bought it.

"These things are always fraught with litigation because of the first amendment arguments. The city approach on this is on the zoning ordinance rather than the obscenity thing, which never works. Brooks Patterson (Oakland County prosecutor) has tried that several times. He loses with regularity," said Dillon.

West Bloomfield Township Supervisor John Doherty was irate over the prospects of pornographic movies. "I helped build that theater when I was a kid. It was before

World War II. The businesses around there will never allow movie parking," he said.

Doherty has heard complaints from area ministers and businesses about the new venture.

Dillon agrees the theater doesn't have adequate parking.

"IF THEY attempt to violate the ordinance, the city will enforce it. I don't believe I can make a move until they open," Dillon said.

Small movie houses have a tough time surviving these days except for those which can show four or more films under one roof, commented Dillon.

The Keego had been offering movies at the \$1 rate weekdays and \$2 on weekends.

Americana West, which just opened in West Bloomfield and can show four films simultaneously, pledged to the township when it applied for site plan approval that it would never show X-rated movies.

The first Keego officials knew of the Keego Theater's new policy was an ad last week in the Free Press for the "Keego Cinema and Love Boutique." Since then, "it's run every day," says Attwater.

"I think the business people will work hand-in-hand with the city on this. We don't want to give (the theater) a lot of free advertising."

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OCC, coached by Tom McPhillips, will play St. Clair at 8 p.m. in OCC's new gymnasium on the campus on Orchard Lake Road at I-696 in Farmington Hills. Adult admission is \$1. No charge is made to current OCC students with an ID card.

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