

be and he is hereby authorized and directed to honor payrolls when presented in accordance with the above.

Adopted as follows:

Yeas — Councilmen Carey, Connor, Patrick, Rogell, Smith, Wise and President Pro Tem Van Antwerp—7.

Nays—None.

#### Zoological Park Commission

May 1, 1959.

Gentlemen — The Zoological Park Commission is very pleased to enclose a letter from Mr. Leo J. Fitzpatrick, Zoological Park Commissioner, together with a check for \$3,500 to be used for the purchase of one female Indian Elephant to replace Sheba on Belle Isle.

It is our understanding that this amount will be credited to the Animal Fund of the Detroit Zoological Park Commission, and payment of the above account will be made therefrom.

Respectfully submitted,

FRANK G. MCINNIS,

Director.

By Councilman Smith:

Resolved, That the Zoological Park Commission be and is hereby authorized to gratefully accept a gift of \$3,500 from Mr. Leo J. Fitzpatrick for the purchase of one female Indian Elephant, and deposit same to the credit of Account 131-5610-001 - Gifts; and be it further

Resolved, That the City Controller be and he is hereby authorized and directed to transfer the sum of \$3,500 from Account 131-5610-001 to Account 131-5190-903 - Purchase of Animals from Gifts; and be it further

Resolved, That the City Controller be authorized to honor vouchers when presented in accordance with the foregoing communication; and be it further

Resolved, That a communication of appreciation be forwarded to Mr. Leo J. Fitzpatrick by the Zoological Park Commission.

Adopted as follows:

Yeas — Councilmen Carey, Connor, Patrick, Rogell, Smith, Wise and President Pro Tem Van Antwerp—7.

Nays—None.

#### MONDAY, MAY 4TH

Chairman Rogell submitted the following committee reports for above date and recommended their adoption:

#### Encroachments

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of the Detroit Bank & Trust Co. (3988), for building encroachments in alley and the Shelby St. side of building at 201 W. Fort St. After consultation with the Dept. of Public Works and the Corporation Counsel, and careful consideration of the matter, your committee recommends that same be

granted in accordance with the following resolution.

Respectfully submitted,

WM. G. ROGELL,

Chairman.

By Councilman Rogell:

Resolved, That the Dept. of Public Works be and it is hereby authorized and directed to issue permit to the Detroit Bank & Trust Co., to maintain building on premises at 201 W. Fort St., legally described as Lots 10, 11 and 12 south of Fort St., Military Reserve, as recorded in Liber 5, Page 218 of Plats, encroaching nine inches beyond the property line into Shelby St. for a distance of 138 ft. along said street; also an encroachment of nine inches into the public alley at the rear for a distance of 15 ft. along the alley extending westerly from Shelby St., and another encroachment of six inches into said alley for a distance of 125 ft. along the alley. \$10,000.00 Surety Bond required.

Provided, That same shall be constructed and/or maintained under the rules and regulations of the Dept. of Public Works and the Dept. of Buildings & Safety Engineering, in accordance with plans submitted to and approved by those departments, and further

Provided, That the permittee, for himself, his heirs, legal representatives, successors and assigns shall accept such permit on the conditions hereby imposed, and with the further distinct understanding that during the life of said encroachment the permittee will assume full liability for any and all damages which may be sustained by the City arising by reason of the granting of said permit, and that said permittee will, before the issuance of said permit, file with the City Controller the type of document as above set forth, naming the City of Detroit as obligee therein, conditioned to indemnify and save harmless the City of Detroit from any and all loss or damage, including loss or damage emanating from personal injury and property damage, costs and expenses it may suffer arising during the life of said encroachment by reason of the issuance of said permit. The said document shall be approved by the Corporation Counsel as to form and execution before filing same with the City Controller, and further

Provided, That the permittee shall acquire no implied or other privileges hereunder not expressly stated herein; that no rights in the public streets, alleys or other public property shall be considered waived by this permission, which is granted expressly on the condition that the encroachment hereby permitted shall be removed at the expense of the permittee at any time said structure or installation is remodeled, rebuilt or otherwise changed, so that the street, alley or

other public property affected thereby shall remain free of such encroachment; and further

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded in the office of the Wayne County Register of Deeds, by and at the permittee's expense; and further

Provided, That this resolution is revocable at the will, whim or caprice of the Common Council, and that at any time said permit is revoked by the Council the said encroachment shall be removed by the permittee within the time directed, and that upon failure to do so, the Commissioner of the Department of Buildings and Safety Engineering or his agents may enter into and upon the premises and remove at permittee's expense, any part of said structure or installation which encroaches into or upon a street, alley or other public property, and further provided, that the permittee, hereby 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 removing any such encroachment upon a street, alley, or other public property.

Adopted as follows:

Yeas — Councilmen Carey, Connor, Patrick, Rogell, Smith, Wise and President Pro Tem Van Antwerp—7.

Nays—None.

**Sidewalks**

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Harold A. Smith, et al (3995), for cancellation of proposed sidewalk construction on the side of their property at 16503 Fenton Ave. The Dept. of Public Works advises that in view of a recheck of field conditions that sidewalk construction at specific locations in the Fenton-Florence area be rescinded until such time as it becomes economically feasible and practical to reorder the work. After careful consideration of the matter, your committee concurs in the department's recommendation and offers the following resolution.

Respectfully submitted,

WM. G. ROGELL,  
Chairman.

By Councilman Rogell:

Resolved, That resolution adopted March 17, 1959, (J.C.C. p. 418), for the forced construction of sidewalks at various locations as recommended by the Dept. of Public Works, be and the same is hereby rescinded only insofar as same applies to specific locations in the Fenton-Florence area initiated under petition of the Board of Education (3695).

Adopted as follows:

Yeas — Councilmen Carey, Connor,

Patrick, Rogell, Smith, Wise and President Pro Tem Van Antwerp—7.  
Nays—None.

**TUESDAY, MAY 5TH**

Chairman Smith submitted the following committee reports for above date and recommended their adoption:

**Lateral Sewers**

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Detroit Body Products Co. (4042), for construction of a lateral sewer in Prairie Ave., south of Lyndon. After consultation with the Dept. of Public Works and careful consideration of the request, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,

DEL A. SMITH,  
Chairman.

By Councilman Smith:

Resolved: That the City Engineer be and is hereby authorized and directed to prepare necessary plans and specifications, and to secure such right-of-way as may be needed across the railroad property, for the installation of a lateral sewer in Prairie to serve property abutting on Prairie Avenue from a point approximately 200 feet south of Lyndon southward to the existing public sewer in the railroad right-of-way, a distance of approximately 470 feet. The City Engineer is further directed to show on the plans, the property benefited, to estimate the cost thereof, and to prepare a tentative assessment roll, based on said estimate, and to transmit said tentative assessment roll to the City Treasurer who shall proceed to collect in advance, not less than 25 per cent of the City's estimated cost of the proposed improvement from the parties benefiting therefrom within 60 days after receipt of said tentative roll, in accordance with the compiled Ordinances of the City of Detroit.

Adopted as follows:

Yeas — Councilmen Carey, Connor, Patrick, Rogell, Smith, Wise and President Pro Tem Van Antwerp—7.

Nays—None.

**Parades**

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of St. John's Presbyterian Neighborhood House (4148), to parade. After careful consideration of the request, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,

DEL A. SMITH,  
Chairman.