

Provided, The work is performed under the supervision and inspection of the Dept. of Buildings & Safety Engineering, and in accordance with plans submitted to and approved by that department.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Wise and President Beck—8.

Nays—None.

Building Permits

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Harry C. Gellman (5201), to alter building within the Chrysler Expressway right-of-way. 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,

JAMES H. LINCOLN,

Chairman.

By Councilman Lincoln:

Resolved, That the Dept. of Buildings & Safety Engineering be and is hereby authorized and directed to issue permit to Harry C. Gellman to replace upper and lower front porches on dwelling at 1307-09 East Euclid Avenue at an approximate cost of \$1,000;

Provided, The work is performed under the supervision and inspection of the Dept. of Buildings & Safety Engineering, and in accordance with plans submitted to and approved by that department.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Wise and President Beck—8.

Nays—None.

Sewer Assessment Refund

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of St. Philomena Parish (5274), for refund of special sewer assessment fee. After consultation with the Dept. of Public Works and careful consideration of the request, your Committee recommends that same be granted as outlined in the following resolution.

Respectfully submitted,

JAMES H. LINCOLN,

Chairman.

By Councilman Lincoln:

Resolved, That the City Controller be and is hereby authorized and directed to draw his warrant upon the proper fund to refund special sewer assessment fee of \$202.00 to St. Philomena Parish, paid August 19, 1958 (Miscellaneous Receipt 3452 — DPW Permit Divn.), petitioner having provided copy of release agreement for this sewer connection in alley on west side of Marseilles between Mack and Munich.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Wise and President Beck—8.

Nays—None.

Encroachment

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Dawes Paint Co. (5199), to maintain step encroachment into Livernois Avenue. After consultation with the Dept. of Public Works and careful consideration of the request, your Committee recommends that same be granted and offers the following resolution.

Respectfully submitted,

JAMES H. LINCOLN,

Chairman.

By Councilman Lincoln:

Resolved, That the Dept. of Public Works be and is hereby authorized and directed to issue permit to Dawes Paint Co. to maintain two concrete steps four feet six inches long, encroaching two feet into Livernois Avenue between sidewalk and building at 9191 Livernois; provided petitioner files an agreement with the City Controller saving and protecting the City of Detroit from any and all claims or damages which may arise, said agreement to be approved by the Corporation Counsel as to form and execution; and that a certified copy of this resolution be filed with the Wayne County Register of Deeds by and at permittee's expense; and further

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 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 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 & 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, Lincoln, Patrick, Rogell, Smith, Wise and President Beck—8.

Nays—None.

MONDAY, AUGUST 31ST

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

Permits

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of F. L. Bromley Properties, Inc. (5268), to replace existing steam and return lines across alley from 2679 E. Grand Blvd. 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,

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 F. L. Bromley Properties, Inc., to replace the existing underground four inch steam line and two inch return line in 12 inch sewer tile across public alley from rear of 2679 E. Grand Blvd., Lot 21, Schroeders Sub., to 1401-21 E. Milwaukee, Lot 11, Schroeders Sub., same being east of Russell St.

Provided, That grantee continues in effect the present \$5,000.00 bond on file with the City Controller under the original steam and return lines granted Nov. 22, 1938, (J.C.C. pp. 2715-16), saving and protecting the City of Detroit harmless from any and all claim, damages or expenses that may arise by reason of the issuance of permit for the new lines herein granted; and further

Provided, That said work shall be performed under the supervision of the Dept. of Public Works and Dept. of Buildings & Safety Engineering, in accordance with plans submitted to and approved by those departments; and further

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission, which is granted expressly on the condition that said utility lines and all obstructions in

connection therewith shall be removed at the expense of the grantee at any time when so directed by the Common Council, and that the public property affected shall be restored to a condition satisfactory to said Department by said grantee at its expense; and further

Provided, That said permit issued by the Department of Public Works is granted with the distinct understanding that in the event of the Charter of the City of Detroit being amended in such manner as will provide for the levying of a fee, charge or rental, to be hereafter determined upon, or in the event of an ordinance or resolution being enacted providing for an annual charge or rental for the occupancy of public streets, alleys or other public places, that the grantee will pay said fee, charge or rental provided for in said Charter, or ordinance or resolution, and that said grantee does hereby bind himself thereunto and to accept said permit on the conditions hereby imposed, and in the event of the said grantee contesting the validity of said Charter amendment, ordinance or resolution or of said fee, charge or rental, or upon refusal to pay same, this permit shall immediately become void, and further

Provided, 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 Carey, Connor, Lincoln, Patrick, Rogell, Smith, Wise and President Beck—8.

Nays—None.

Encroachments

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Gaetano Bertolino (5267), to maintain building encroachment at 14813 Mack Ave. 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,

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 Gaetano Bertolino, owner of premises described as Lot 9, Edwin Lodge Sub., in Liber 35, Page 10 of Wayne County Plats, commonly known as 14813 Mack Ave., to maintain existing one-story