

Provided, That said work shall be performed under the supervision of the Department of Public Works and in accordance with plans submitted to and approved by said department; 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 curb cuts and driveways 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, Rogell, Smith, Youngblood and President Pro Tem Van Antwerp—6.

Nays—None.

#### Reconsideration

Councilman Youngblood moved to reconsider the vote by which the resolution was adopted.

Councilman Rogell moved to suspend Rule 23 for the purpose of indefinitely postponing the motion to reconsider, which motion prevailed as follows:

Yeas—Councilmen Carey, Connor, Rogell, Smith, Youngblood and President Pro Tem Van Antwerp—6.

Nays—None.

Councilman Connor then moved that the motion to reconsider be in-

definitely postponed, which motion prevailed.

The regular order as resumed.

#### Encroachments

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Junior Achievement of Southeastern Mich., Inc. (10382), for building encroachments at 14812 Grand River. 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,

WILLIAM 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 Junior Achievement of Southeastern Mich., Inc., to construct a facing to encroach 22 in. beyond the building at 14812 Grand River, at a height of 10 ft. above the sidewalk grade for a distance of approximately 60 lineal feet along Grand River Ave. Also to install a lighting fixture extending 3 ft. from the building at a height of 10 ft. above grade to illuminate plastic lettering attached to the aluminum mesh in an aluminum frame. Said premises being described as Lots 255, 256 and 257, B. E. Taylor's Monmoor Sub.

Provided, Petitioner files a rider or amendment, in form approved by the Corporation Counsel, to the present liability agreement on file with the City Controller, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses, etc., by reason of issuance of permit in accordance with this resolution, 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, 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, and 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, Rogell, Smith, Youngblood and President Pro Tem Van Antwerp—6.

Nays—None.

**Reconsideration**

Councilman Youngblood moved to reconsider the vote by which the resolution was adopted.

Councilman Rogell moved to suspend Rule 23 for the purpose of indefinitely postponing the motion to reconsider, which motion prevailed as follows:

Yeas—Councilmen Carey, Connor, Rogell, Smith, Youngblood and President Pro Tem Van Antwerp—6.

Nays—None.

Councilman Connor then moved that the motion to reconsider be indefinitely postponed, which motion prevailed.

The regular order was resumed.

**Special Permits**

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Nadine Homes, Inc. (10189), to maintain six display garages at 3840 E. Eight Mile Rd. After consultation with the Dept. 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,  
WILLIAM G. ROGELL,

Chairman.

By Councilman Rogell:

Resolved, That the Dept. of Buildings & Safety Engineering be and it is hereby authorized and directed to issue permit to Nadine Homes, Inc., owner of premises at 3840 E. Eight Mile Rd., described as the E. 8.99 ft. of Lot 183 and Lots 184 to 192. Assessors Baseline Super Highway Sub. No. 4, to maintain two, 14 x 20 ft. frame; two, 20 x 20 ft. frame; one, 20 x 20 ft. masonry, and one, 16 x 20 ft. masonry display garages on said premises for a period of two years from May 23rd, 1961.

Provided, The requirements of Special Permits Resolution of May 26, 1959, (J.C.C. p. 971), are first complied with, and further

Provided, That same shall be maintained under the rules and regulations of the Dept. of Buildings & Safety Engineering, in accordance with plans approved by that department, and further

Provided, That no right shall be granted to the grantee herein to maintain such buildings for any purpose other than for display purposes only, 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 from the City of Detroit for property constructed and/or maintained hereunder or for the removal of same, and further, that grantee acquires no implied or other privileges hereunder not expressly stated herein, and it is further stipulated that the grantee and their assigns hereby grant the Dept. of Buildings & Safety Engineering or its agents right of entry onto their property for the purpose of demolishing or removing such buildings at any time that it may be so ordered by the Common Council, and they expressly waive any claim for damages arising from their acts in so entering their premises and removing said buildings.