

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, Van Antwerp, Wise, Youngblood and President Beck—8.

Nays—None.

#### Reconsideration

Councilman Wise 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, Van Antwerp, Wise, Youngblood and President Beck—8.

Nays—None.

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

The regular order was resumed.

#### Encroachments

Honorable Common Council:

Gentlemen — To your Committee of the Whole was referred petition of the Dav-Rich Co. (10822), for a building encroachment at 14120 Wyoming. 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 the Dav-Rich Co., a Mich. Corp., to erect a fascia material on building at 14120 Wyoming, to encroach two inches beyond the property line into Wyoming Ave., for a distance of 100 ft. along the street.

Said premises are described as Lots 16 and 25 incl., Oakman-Walsh-Weston Sub., in Liber 50, page 48 of plats, Wayne County Records, and also that part of Lot 7, Harper Tract,

as recorded in Liber 1, page 84 of Plats, Wayne County Records.

Provided, Petitioner furnishes an Agreement in accordance with this resolution.

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 Council 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 Common 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, 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, Van Antwerp, Wise, Youngblood and President Beck—8.

Nays—None.

**Reconsideration**

Councilman Wise 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, Van Antwerp, Wise, Youngblood and President Beck—8.

Nays—None.

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

The regular order was resumed.

And the Council then adjourned.

MARY V. BECK,  
President.

THOMAS D. LEADBETTER,  
City Clerk.

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DETROIT CIVIL SERVICE COMMISSION  
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