

and directed to issue permit to Estate of Wm. R. Shapland, Dec., to maintain building on premises described as Lot 19, except portion taken for Van Dyke widening, J. Weidenbach Sub., Liber 41, p. 5, W.C.R., commonly known as 13228 Van Dyke, encroaching .10 ft. into Van Dyke at south end of building. 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, Building & Safety Engineering, and Parks & Recreation, and in accordance with plans submitted to and approved by those departments and the City Plan Commission, 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 damages, 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 Beck, Brickley, Connor, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—8.

Nays—None.

Permits

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Zeiger Osteopathic Hospital (12212), to install an underground oxygen line across alley at 4244 Livernois 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,

JAMES H. BRICKLEY,
Chairman.

By Councilman Brickley:

Resolved, That the Dept. of Public Works be and it is hereby authorized and directed to issue permit to Zeiger Osteopathic Hospital, to install and maintain a 1¼ inch K-Copper Oxygen Line inserted in a two inch rigid conduit extending from rear of hospital at 4244 Livernois Ave., across paved alley to property owned by the hospital on the east side of said north/south alley known as 4359-67 Military, south of Buchanan Ave., and connecting to a bulk oxygen unit, subject to Zoning Appeals Board grant under Case No. 89-62.

Provided, Said installation shall be at least 3 ft. below the grade of the paved alley, and the work is performed in accordance with plans submitted to and approved by the Dept. of Public Works, and Dept. of Buildings & Safety Engineering, and under the rules and regulations of said departments, and further

Provided, That petitioner shall first furnish a surety bond approved by the Corporation Counsel, in the penal sum of \$10,000.00, saving and protecting the City of Detroit harmless from any and all claims, damages or

expenses that may arise by reason of the issuance of said permit, and providing for the faithful performance by the grantee of the terms hereof, and files same with the City Controller, and further

Provided, They are maintained under the rules and regulations of the Dept. of Buildings & Safety Engineering, and in accordance with plans submitted to and approved by that 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 conditions 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 Beck, Brickley, Connor, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—8.

Nays—None.

Permits

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of the Young Women's Christian Assn. (458), to land a helicopter at the Civic Center, March 14th. After care-

ful consideration of the request, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,

JAMES H. BRICKLEY,

Chairman.

By Councilman Brickley:

Resolved, That subject to approval of the Civic Center Commission and the Dept. of Police, permission be and is hereby granted to the Young Women's Christian Assn. of Metropolitan Detroit, to land a helicopter at the Civic Center at approximately 11:35 a.m., on March 14th, 1962, for a 15 minute ceremony.

Provided, location of landing and all other details are cleared with, and conducted under the supervision of said departments.

Adopted as follows:

Yeas — Councilmen Beck, Brickley, Connor, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—8.

Nays—None.

Spur Tracks

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of J.F.C. Industrial Properties, Inc. (495), to maintain a spur track across Mt. Elliott between Milwaukee and Dunn. 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. BRICKLEY,

Chairman.

By Councilman Brickley:

Resolved, That the Dept. of Public Works be and it is hereby authorized and directed to issue permit to J.F.C. Industrial Properties, Inc., to maintain a spur track (formerly in name of Strong Detroit Properties) across Mt. Elliott between Milwaukee and Dunn, north of and connected with the M.C.R.R.

Provided, Said spur track is maintained in accordance with the terms and provisions of the Compiled Ordinances of the City of Detroit, under the supervision and inspection of the Dept. of Public Works, and in accordance with the plans submitted to and approved by that department, 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 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.

Adopted as follows: