

south side of Mapleridge, east of Gratiot.

Lee F. Robinson (3106), 2501-17 Trumbull, One (1) 20 ft. curb cut south of and adjoining, and one (1) 5 ft. curb cut north of and adjoining existing 10 ft. opening, resulting in one (1) 35 ft. drive out of 99 ft. on the west side of Trumbull Ave. between Henry and Pine. (Parking lot).

Shell Oil Co. (3189), northeast corner of Davison and Fourteenth. One (1) 35 ft. curb cut beginning 3 ft. N. of SPL, and one (1) 17 ft. curb cut south of and adjoining east-west alley return resulting in two (2) 35 ft. drives with a 56-ft. island between drives out of 108 ft. plus east-west alley return on the east side of Fourteenth Street between W. Davison and Clements.

Also, One (1) 35 ft. drive beginning 3 ft. W. of EPL and one (1) 35 ft. drive beginning approximately 13 ft. E. of WPL, resulting in two (2) 35 ft. drives with an approximate 69 ft. island between drives out of 154 ft. on the north side of W. Davison between Fourteenth and Twelfth. Curb to be removed on the north side of Davison and replaced to proper grade as necessary.

Provided, that light pole in path of east drive of Davison be relocated at petitioner's expense, and kept at least 3 ft. from fire hydrant.

Provided, Ordinance grade is used and all sidewalks are replaced to grade, and further

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 Beck, Brickley, Patrick, Ravitz, Rogell, Wierzbicki and President Carey—7.

Nays—None.

Reconsideration

Councilman Brickley 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 Beck, Brickley, Patrick, Ravitz, Rogell, Wierzbicki and President Carey—7.

Nays—None.

Councilman Patrick 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 L. B. Calloway (3190), to encroach on public property at 9247-49 Mack Avenue. After consultation with the Dept. of Public Works, and careful consideration of same, your committee recommends that the request be granted in accordance with the following resolution.

Respectfully submitted,

WILLIAM T. PATRICK, JR.

Chairman.

By Councilman Patrick:

Resolved, That the Dept. of Public Works be and it is hereby authorized and directed to issue permit to:

L. B. Calloway to reface building on premises known as 9247-49 Mack Avenue, corner of McClellan, with ceramic tile at the ground level, and at upper levels with aluminum paneling and grills to encroach a maximum of 4 inches beyond the property line into public property.

Said property is described as Lot 53, Kroliks Shooting Park Subdivision, in Liber 18, Page 79 of Wayne County records.

Provided, Petitioner files an agreement 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 indemnity 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 en-

croaches 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, Patrick, Ravitz, Rogell, Wierzbicki and President Carey—7.

Nays—None.

Reconsideration

Councilman Brickley 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 Beck, Brickley, Patrick, Ravitz, Rogell, Wierzbicki and President Carey—7.

Nays—None.

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

The regular order was resumed.

TESTIMONIAL RESOLUTION

By Councilman Brickley:

Whereas, A group of Detroit's civic leaders, under the banner of the Lloyd Brazil Day Committee, have planned to honor this celebrated University of Detroit football star on November 9, 1962; and

Whereas, Lloyd Brazil will be honored on this night for his dedicated services to the University of Detroit over the past thirty-six years as a star athlete, as captain of its team, football coach, as its athletic administrator and in many other ways too numerous to mention;

Now, Therefore, Be It

Resolved, That the members of the Common Council of the City of Detroit, desiring to join his thousands of friends and admirers in tribute to an immortal of college football hereby spreads upon the public record this testimonial to Lloyd Brazil, a great athlete and a great citizen, and acknowledges his many splendid contributions to the youth of the community, for whom his career exemplifies the finest ideals of sportsmanship; and

Be It Further Resolved, That a copy of this resolution be presented to Lloyd Brazil in token of our appreciation, admiration and esteem.

Adopted as follows: