

other privileges hereunder not expressly stated herein.

The regular order was resumed.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Patrick, Ravitz, Rogell, Wierzbicki and President Pro Tem Connor—7.

Nays—None.

Reconsideration

Councilman Ravitz 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 Pro Tem Connor—7.

Nays—None.

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

MONDAY, DECEMBER 10TH

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

Dangerous Structures

Honorable Common Council:

Gentlemen—In accordance with Section 125.7 of the Building Code hearings were held for the purpose of giving the owner or owners the opportunity to show cause why certain structures should not be demolished or otherwise made safe. After careful consideration of same, your committee recommends that action be taken as set forth in the following resolution.

Respectfully submitted,
ANTHONY J. WIERZBICKI,

Chairman,

By Councilman Wierzbicki:

Resolved, That the findings and determination of the Department of Buildings & Safety Engineering, that certain structures on premises known as 9126 Dearborn, 1306-10 Farnsworth, 100-108 E. Forest, 114 E. Forest, 1910 Garfield, 5214-16 Russell and 6409 St. Aubin as shown in proceedings of November 27, 1962 (J.C.C. p. 2667-70), are in a dangerous condition and should be removed, be hereby approved, and be it further

Resolved, That the Dept. of Public Works be and it is hereby authorized and directed to take the necessary steps as recommended by the Department of Buildings & Safety Engineering for the removal of dangerous structures at 9126 Dearborn, 1910 Garfield, 5214-16 Russell and 6409 St. Aubin and to assess the costs of same against the property more particularly described in above mentioned proceedings of November 27, 1962, and further

Resolved, That with further reference to structures at the following locations, that another hearing be rescheduled before this body in the Committee Room, 13th floor, City-County Building, on FRIDAY, DECEMBER 28, 1962, at 10:15 A.M., for the purpose of giving the owners or interested parties a further opportunity to show cause why said structures should not be demolished or otherwise made safe, and the Commissioner of Buildings & Safety Engineering is hereby requested to have his department represented at said rescheduled hearing:

1306-10 Farnsworth, upon which a report is to be submitted Friday, December 14, 1962 by the City Plan Commission as to whether this property is being considered by the City in its expressway or other redevelopment plans.

100-103 E. Forest.

114 Forest E.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Patrick, Ravitz, Rogell, Wierzbicki and President Pro Tem Connor—7.

Nays—None.

Encroachments

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Brennan Company (3374), to maintain a building encroachment at 2985 E. Jefferson. 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,

ANTHONY J. WIERZBICKI,

Chairman.

By Councilman Wierzbicki:

Resolved, That the Dept. of Public Works be and it is hereby authorized and directed to issue permit to Brennan Company to maintain a building at 2985 E. Jefferson, encroaching beyond the property line from 1-5/8 in. at the west corner to 3-7/8 in. at the east corner of the building for a distance of 90 ft. along the north side of E. Jefferson and encroaching a maximum of 4-1/8 in. for a distance of 44 ft. along the west side of McDougall, north of E. Jefferson.

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, and 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 ac-

cept 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, Patrick, Ravitz, Rogell, Wierzbicki and President Pro Tem Connor—7.

Nays—None.

Encroachments

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of George W. Swan (3379), to maintain a masonry retaining wall encroachment at 2274 Monterey. 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,
ANTHONY J. WIERZBICKI,
Chairman.

By Councilman Wierzbicki:

Resolved, That the Dept. of Public Works be and it is hereby authorized and directed to issue permit to George W. Swan to maintain a masonry retaining wall 10 inches high, in front of building at 2274 Monterey, encroaching beyond the property line approximately one (1) ft. into public property, extending for the width of the property along said street.

Provided, That petitioner shall first furnish an Agreement 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, as required under Ordinance No. 224-F, such agreement shall be submitted to the Corporation Counsel for approval, and filed with the City Controller; 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