

suffered injuries when she tripped over a raised water stop box projecting above the level of a City sidewalk, claiming a fracture in the right shoulder region in addition to other injuries.

Investigation disclosed that the stop box in question was approximately 2 inches above the surface of the sidewalk, there having been no actual measurements in view of same having been lowered prior to the receipt of claimant's notice.

Suit was instituted against the City of Detroit and others in the sum of \$75,000.

Investigation disclosed that a factual situation would be presented as to whether the defect in question was more or less than 2 inches. Medical bills were approximately \$400, and a demand of \$5,000 was made by the plaintiff for settlement. Settlement discussions resulted in an offer of settlement in the amount of \$350 for all injuries and damages sustained by Katherine Hanselman.

It is our opinion that the above-mentioned settlement is in the best interests of the City of Detroit, and we therefore recommend its acceptance and request your Honorable Body to draw a warrant in favor of Katherine Hanselman, and her attorney, Harry Goodman, to be delivered upon receipt of properly executed releases and discontinuance of the lawsuit.

Respectfully submitted,  
ALFRED SAWAYA,  
Asst. Corporation Counsel.

By Councilman Beck:

Resolved, That the City Controller be and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of Katherine Hanselman, and her attorney, Harry Goodman, in the sum of \$350 in full payment of any and all claims which they may have against the City of Detroit by reason of a fall over a raised water stop box on the sidewalk on W. Chicago Boulevard near Grand River on January 29, 1961, sustained by Katherine Hanselman and resulting in injuries and/or damages; and that said amount be paid upon presentation of releases approved by the Office of Corporation Counsel and stipulation of discontinuance of lawsuit.

Approved:  
ROBERT REESE,  
Corporation Counsel.

Adopted as follows:  
Yeas—Councilmen Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Wierzbicki and President Carey—8.  
Nays—None.

Corporation Counsel  
March 14, 1963.

Honorable Common Council:  
Gentlemen—You referred Petition No. 4000 of the Detroit Bank and

Trust Company to construct a sidewalk hatch on the east side of 201 West Fort Street on the Shelby side of the property, for preparation of the necessary resolution, which we herewith submit to you for your consideration.

Respectfully submitted,  
LAWRENCE E. EATON,  
Asst. Corporation Counsel.

By Councilman Brickley:

Resolved, That the Department of Public Works be and it is hereby directed and authorized to issue permit to the Detroit Bank and Trust Company, a Michigan banking corporation to construct areaway under public sidewalk at their building located at 201 West Fort Street. The areaway to be constructed on the west side of Shelby south of West Fort Street to consist of an areaway approximately 15 feet 2 inches by 8 feet 2 inches, having four equal removable concrete slabs to be used for the delivery and removal of equipment provided petitioner first files with the City Controller an agreement in form approved by the Corporation Counsel embodying in said agreement that it is understood and agreed by the Detroit Bank and Trust Company, its successors and assigns, that permission to construct the said areaway and to maintain any encroachments is given upon the express condition that the Detroit Bank and Trust Company promises for itself and its successors and assigns to indemnify and save harmless the City of Detroit, its officers and agents from all claims, demands, rights of action of every name, nature and description, whether arising out of state or federal statutes or at common law for death, injury or alleged injury to persons, whether employees of the City of Detroit or otherwise, and damage or alleged damage to property regardless of to whom it may belong or in whose custody it may be arising through, on account of, or out of the permit granted, no matter how caused, whether caused by the negligence of the City of Detroit, its officers, its employees or the failure to perform any act required by law relative to encroachments.

The Detroit Bank and Trust Company further undertakes and agrees that in case claim is made or suit is instituted against the City of Detroit, its officers or employees due to the aforementioned death, injury or damage, the Detroit Bank and Trust Company will upon notice from the City of Detroit settle, adjust or defend the same at its sole cost and expense and without expense to the City of Detroit, and will pay any judgment rendered therein together with court costs; 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 the work is performed under the supervision of the Department of Public Works and in accordance with plans approved by that department and the Department of Buildings and Safety Engineering; and further

Provided, That no rights in the public streets or other public places shall be considered waived by this permission, which is granted expressly on the condition that said areaway and all obstructions in connection therewith shall be removed at the expense of the Detroit Bank and Trust Company at any time when so directed by the Common Council and that the public property affected shall be restored to a condition satisfactory to the said department by said Detroit Bank and Trust Company 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 said City of Detroit being amended in such manner as will provide for the levying of a fee, charge or rental 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 Detroit Bank and Trust Company will pay said fee, charge or rental provided for in said charter, ordinance or resolution and that the Detroit Bank and Trust Company shall hereby bind itself thereunto and to accept said permit on the conditions hereby imposed and in the event of said Detroit Bank and Trust Company contesting the validity of said charter amendment, ordinance or resolution or said fee, charge or rental, upon refusal to pay same, this permit shall immediately become void; and further

Provided, This resolution is revocable at the will, whim and caprice of the Common Council and the Detroit Bank and Trust Company hereby expressly waives any right to claim damages for compensation for property constructed hereunder or for the removal of the same, and further, that the Detroit Bank and Trust Company requires no implied or other privileges hereunder not expressly stated herein and further that the Detroit Bank and Trust Company understands and agrees that if said permit is revoked by the Common Council the said encroachment shall be removed by the Detroit Bank and Trust Company within the time directed and 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 the Detroit Bank and Trust Company's expense any part of such structures or installation which encroaches into or upon the street, alley or otherwise public property, and further, that the Detroit Bank and Trust Company herein 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 such encroachment upon the street, alley or other public property.

Approved:

ROBERT REESE,  
Corporation Counsel.

Adopted as follows:

Yeas—Councilman Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Wierzbicki, and President Carey—8.

Nays—None.

**Corporation Counsel**

March 18, 1963.

Honorable Common Council:

Gentlemen—Your Honorable Body, by resolution, authorized acquisition of the following described properties:

Case No. 2476, in the Recorder's Court, entitled: In the Matter of Acquisition of Land for the Opening and Widening of Stimson Between Cass and Woodward Avenues, Where Not Already Opened and Widened as a Public Street and Highway.

The appraisal covers nineteen parcels.

Mr. Herbert J. Wilson has submitted an estimate of \$3,500.00 to make an appraisal and assemble the necessary information, plus \$50.00 per day for Court testimony.

If this meets with your approval, the attached resolution is submitted for your consideration.

Respectfully submitted,

BERT R. SOGGE,  
Asst. Corporation Counsel.

By Councilman Rogell:

Resolved, that the City Controller be and he is hereby authorized and directed to honor vouchers when presented, in accordance with the foregoing communication.

Approved:

ROBERT REESE,  
Corporation Counsel.

Adopted as follows:

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

Nays—None.

**Corporation Counsel**

March 18, 1963.

Honorable Common Council:

Gentlemen—We recommend the adoption of the following resolution in order to pay employees of the City of Detroit injured in the course of their employment workmen's com-