

By Councilman Beck:

Resolved, That an extension of time until September 15, 1963, be and is hereby granted to Beckie Sewell to dispose of wares and merchandise in secondhand store at 2144 W. Forest, and resolution adopted February 5, 1963 (J.C.C. p. 268), which granted the petition to operate such secondhand store for the period from February 15 to May 31, 1963, is hereby accordingly amended to allow for such extension, and further

Resolved, That this is the final extension to be granted to petitioner.

Adopted as follows:

Yeas — Councilmen Beck, Rogell, Van Antwerp, Wierzbicki and President Carey—5.

Nays—None.

Commercial Uses

Honorable Common Council:

Gentlemen—To your Committee of the Whole was again referred petition of Ernest Kimmel (4718), to locate a secondhand store at 8610 Van Dyke. After hearing with petitioner, and further consideration of the matter, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,

MARY V. BECK,

Chairman.

By Councilman Beck:

Resolved, That the locational provisions of Section 10.1D of the Zoning Ordinance 171-D, be and the same are hereby waived insofar as they apply to the petition of Ernest Kimmel for the establishment and operation of a secondhand store at 8610 Van Dyke, provided petitioner secures the required permits within six months from July 30, 1963, and that there be no outside display of merchandise.

Adopted as follows:

Yeas — Councilmen Beck, Rogell, Van Antwerp, Wierzbicki and President Carey—5.

Nays—None.

Encroachments

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Downtown Garage, Inc. (5305), to install and maintain two bumper guard posts at 5940 Second Ave. After consultation with the Department of Public Works, and careful consideration of the request, your committee recommends that it be granted in accordance with the following resolution.

Respectfully submitted,

MARY V. BECK,

Chairman.

By Councilman Beck:

Resolved, That the Dept. of Public Works be and it is hereby authorized and directed to issue permit to Downtown Garage, Inc. to install and maintain two (2) bumper guard posts

at existing building entrance at 5940 Second Ave. The bumper guard posts will be 3 ft. high and 4 in. in diameter, adjacent to the building, encroaching approximately 1 ft. from the building line and 3 ft. above grade of sidewalk, the installation being for the purpose of protecting the building wall from truck backing up into the building door.

Provided, Petitioner furnishes 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, Building & 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

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, Rogell, Van Antwerp, Wierzbicki and President Carey—5.

Nays—None.

Temporary Alley Closing

Honorable Common Council:

Gentlemen—To your Committee of the Whole was again referred petition of Joseph M. Cundari (1649), to maintain closing of alley between Braile and Fielding north of Plymouth Rd. on a temporary basis. After further consultation with the City Plan Commission, and careful consideration of the request, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,

MARY V. BECK,

Chairman.

By Councilman Beck:

Resolved, That resolution adopted July 16, 1963 (J.C.C. p. 1869), denying petition of Joseph M. Cundari, (1649) to maintain temporary closing of alley between Braile and Fielding, first north of Plymouth Rd., and directing the Dept. of Public Works to open the alley, be and the same is hereby rescinded; and further

Resolved, That the Dept. of Public Works be and is hereby authorized and directed to issue renewal of permit to Joseph M. Cundari to maintain the closing of said alley on a temporary basis for a period not exceeding three (3) years from July 30, 1963, in accordance with the original Plan No. A-1149 of City Plan Commission.

Provided, Petitioner first furnishes an Agreement, in form approved by the Corporation Counsel, 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, That no building or other structure is constructed in said alley; that petitioner shall observe the rules and regulations of the Dept. of Public

Works, and further subject to the following provisions:

The City of Detroit retains all rights and interests in the area herein temporarily closed;

The City and all utility companies retain their rights to establish, maintain and service any utilities in said area of temporarily closed alley, and further

Provided, That at the expiration of said permit, all obstructions therein shall be removed at the expense of the grantee, and the public property affected shall be restored to a condition satisfactory to the Dept. of Public Works, by said grantee and at its expense, and further

Provided, This resolution is revocable at the will, whim or caprice of the Common Council, and further, that grantee acquires no implied or other privileges hereunder, not expressly stated herein.

Adopted as follows:

Yeas — Councilmen Beck, Rogell, Van Antwerp, Wierzbicki and President Carey—5.

Nays—None.

MONDAY, JULY 29TH

Chairman Rogell 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,

WM. G. ROGELL,

Chairman.

By Councilman Rogell:

Resolved, That the findings and determination of the Department of Buildings & Safety Engineering, that certain structures on premises known as 7406 Bryden, 6408 Mansfield, 2456 McLean and 630 S. Reid, as shown in proceedings of July 16, 1963 (J.C.C. p. 1867-8), 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 7406 Bryden and to assess the costs of same against the property more particularly described in above mentioned proceedings of July 16, 1963, and further

Resolved, That with reference to structures at the following locations, the Department of Buildings &