

this permission, which is granted expressly on the condition that said canopy 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, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

#### Commercial Uses

Honorable Common Council:

Gentlemen—To your Committee of the Whole was again referred petition of Eva Namphy (5047), for additional time to obtain the required permits for location of a secondhand store at 7444 Tireman. After 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,

PHILIP J. VAN ANTWERP,

Chairman.

By Councilman Van Antwerp:

Resolved, That that portion of the resolution adopted July 16, 1963 (J.C.C. p. 1901-2), granting a waiver of locational requirement to the petition of Eva Namphy for the location of a secondhand store at 7444 Tire-

man near American, for a period of six months only from July 16, 1963, be and the same is hereby amended for the purpose of extending the period from November 1, 1963, to November 1, 1964, provided petitioner secures the required permits within six months from October 1, 1963, and before occupying the premises for said use as granted.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

#### Encroachments

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of William J. Speers (6029), to maintain a building encroachment rear of 9380 Livernois Ave. After consultation with the Dept. of Public Works, and careful consideration of the request, your committee recommends that it be granted in accordance with the following resolution.

Respectfully submitted,

PHILIP J. VAN ANTWERP,

Chairman.

By Councilman Van Antwerp:

Resolved, That the Dept. of Public Works be and is hereby authorized and directed to issue permit to William J. Speers to maintain building at the rear of 9380 Livernois Ave. that encroaches 0.07 ft. at the north end and 0.10 ft. at the south end of the building into the N/S public alley for a distance of 69.60 ft. along the alley, subject to petitioner furnishing an agreement in accordance with this resolution.

Said property is described as follows: "Lots 94, 95 & 96 (as one) Dailley Park Subd'n. City of Detroit & Greenfield Twp. L. 29 P. 80, Wayne County Records."

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

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, Patrick, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

#### Petitions Denied

Honorable Common Council:

Gentlemen—To your Committee of the Whole were referred the following petitions. After consultation with the departments concerned and careful consideration of the requests, your committee recommends that they be denied:

Abraham Bayles, et al (4628), protesting the vacation of the easterly 94 feet of Marietta Ave.

Lewis Brown, Inc. (5974), display

autos on sidewalk front, 12525 Gratiot.

Mrs. D. Fishel (5582), sidewalk damage claim. (Denial Reaffirmed).

Lawrence Harris (5875), locate secondhand store, 10242 E. Warren.

James J. Rossie (4573), to amend Cabaret Ordinance 683-F, to remove prohibition of entertainers eating, drinking and mingling with patrons.

Michael Yanick (5712), locate class "C" Bar, 14333-14341 Fenkell.

#### Adjustment of Taxes

5513—Chuck's Crankshaft Grinding Service.

5154—Hyman Waste Paper Co.

5518—Kingery's Club Service & Gift Shop, Inc.

5747—John Kochmanski.

5619—Preferred Products Sales Co.

5525—Augustus Prince.

5621—Senate Lunch.

5162—Douglas Wright.

Respectfully submitted,

PHILIP J. VAN ANTWERP.

Chairman.

Accepted and adopted.

#### Curb Cuts

Honorable Common Council:

Gentlemen—To your Committee of the Whole were referred petitions to lower curbing for driveways. After consultation with the Dept. of Public Works, and careful consideration of the requests, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,

PHILIP J. VAN ANTWERP,

Chairman.

By Councilman Van Antwerp:

Resolved, That the Dept. of Public Works be and it is hereby authorized and directed to issue permits to the following to lower the curbing for driveways into premises at the locations mentioned:

Awrey Bakeries, Inc. (5953), 5210-5294 Tireman Ave. One (1) 25 ft. curb cut beginning 22 ft. west of the east property line, one (1) 10 ft. curb cut beginning west of and adjoining, and one (1) 5 ft. curb cut beginning east of and adjoining existing 20 ft. west drive, resulting in a 35 ft. drive. Raise 20 ft. of an existing 20 ft. drive and raise 18 ft. of an existing 18 ft. drive, resulting in a 25 ft. drive and a 35 ft. drive out of 480 ft. on the north side of Tireman Ave., west of Ironwood. (Parking area).

Provided, Coach stop sign at proposed east drive be relocated at least 3 ft. from proposed drive, all at petitioner's expense.

Harry Bennett (5954), 17225 Sherwood. One (1) 49 ft. curb cut (no curb) beginning approximately 85 ft. south of the north property line, resulting in one (1) 49 ft. drive out of 150 ft. on the west side of Sherwood north of E. McNichols. (Curb to