

a street, alley, or other public property.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Rogell, Van Antwerp, Wierzbicki and President Carey—7.

Nays—None.

Encroachments

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Air Filter Sales & Service Co., Inc. (6854), for gasoline storage tank and fuel pump encroachment in alley at rear of 2555 Fenkell. After consultation with the Department of Public Works, and careful consideration of the request, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,

JAMES H. BRICKLEY,

Chairman.

By Councilman Brickley:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permit to Air Filter Sales & Service Co., Inc. to maintain a 1000 gallon gasoline tank underground and a pump island protected by metal posts encroaching approximately 10 ft. into the east-west 40 ft. paved public alley in the rear of 2555 Fenkell Ave., subject to petitioner furnishing an agreement in accordance with this resolution.

Provided, That same shall be constructed and/or maintained under the rules and regulations of the Departments of Public Works, Buildings and Safety Engineering and the Fire Marshal, 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, Rogell, Van Antwerp, Wierzbicki and President Carey—7.

Nays—None.

Refund on Licenses

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Frank Borowitz, Jr. (6806), for refund on unused portion of dry cleaners license. After consultation with the Department of Police, and careful consideration of the request, your committee recommends that refund be allowed in accordance with the following resolution.

Respectfully submitted,

JAMES H. BRICKLEY,

Chairman.

By Councilman Brickley:

Resolved, That the City Controller be and he is hereby authorized and directed to draw a warrant upon the proper fund in favor of Frank Borowitz, Jr., 27601 Grant, St. Clair Shores, Michigan, to allow a pro-rated refund of \$12.50 on unused portion of Independent Dry Cleaning Agency License No. L-85104 issued to petitioner's father, Mr. Frank Borowitz, Sr., on October 1, 1963, for 14708 E.