

above specified.

Grantee further covenants and agrees to save and hold harmless the City of Detroit from any and all claims, demands or liens on account of, or arising out of any tax liability or liabilities, whether against grantee or the premises herein involved.

Approved as to form:

ROBERT REESE,

Corporation Counsel.

Adopted as follows:

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

Nays—None.

Corporation Counsel

March 24, 1964.

Honorable Common Council:

Gentlemen — In accordance with your request, we are enclosing herewith a draft of a Resolution granting a permit to the National Bank of Detroit (6862) to construct, maintain and use an underground pedestrian tunnel crossing Fort Street between Woodward Avenue and Griswold Street to connect said Bank to the municipal parking garage in the John Fitzgerald Kennedy Square.

Respectfully submitted,

VANCE G. INGALLS,
Assistant Corporation
Counsel.

By Councilman Brickley:

Resolved, that the Department of Public Works be and it is hereby authorized and directed to issue a permit to National Bank of Detroit, a National banking association, hereinafter referred to as petitioner, to construct, maintain and use an underground pedestrian tunnel crossing Fort Street, between Woodward Avenue and Griswold Street, Detroit, Michigan, to connect National Bank of Detroit Main Office to the municipal parking garage in John Fitzgerald Kennedy Square, Detroit, Michigan, said pedestrian tunnel to be beneath the surface of said Fort Street, at such depth and location as meets the approval of the various departments hereinafter provided.

Provided, that the said pedestrian tunnel shall be constructed, maintained and operated at the sole cost and expense of the petitioner; and

Provided, that petitioner shall submit the plans and specifications of the said pedestrian tunnel to the City Plan Commission, Department of Buildings and Safety Engineering, Department of Public Works and Department of Streets and Traffic, the Municipal Parking Authority and the Department of Parks and Recreation for review and approval; and said tunnel shall be constructed in accordance with the requirements of the Departments of Streets and Traffic, the Municipal Parking Authority and the Department of Parks and Recreation; and,

Provided, that the construction work is performed under the supervision and inspection of the Department of Public Works to insure that the construction is in accordance with the approved plans and specifications; and,

Provided, that petitioner at the time of obtaining said permit files with the City Controller 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 the faithful performance by the petitioner of the terms thereof and, in addition, to pay all claims, damages or expenses that may arise out of the construction, operation or maintenance of the said pedestrian tunnel under the said Fort Street or John Fitzgerald Kennedy Square; and,

Provided, that no rights of the City of Detroit in Fort Street or the municipal parking garage or John Fitzgerald Kennedy Square shall be considered waived by this resolution, which resolution is adopted expressly on condition that the said pedestrian tunnel and all appurtenances in connection therewith shall be removed at the expense of the petitioner at any time when so directed by resolution of the Common Council, and that the public property affected shall be restored to a condition satisfactory to said Department of Public Works and the Municipal Parking Authority by said petitioner at its sole cost and expense; and,

Provided, that said petitioner shall be subject to any tax which may be levied against it, pursuant to law, with respect to pedestrian tunnel and its appurtenances; and,

Provided, that said pedestrian tunnel and its appurtenances shall be subject to such reasonable regulations and rules as promulgated by the Department of Public Works and the Municipal Parking Authority; and,

Provided, that in the event the City of Detroit shall desire to make use of said pedestrian tunnel for public pedestrian travel, that the said city may construct additional openings for ingress and egress to said pedestrian tunnel, and that the said petitioner shall permit such use of the tunnel without charge to the public but the City shall pay all costs of construction of such openings when same are constructed, and the City shall police the public portion of the pedestrian tunnel and shall contribute to the maintenance and operation of the pedestrian tunnel according to a formula to be negotiated at the time of constructing said opening, and further, provided that in the event the City of Detroit shall use said tunnel for

public pedestrian traffic, petitioner shall not be subject to any taxes provided by law with respect to the pedestrian tunnel and its appurtenances; and,

Provided, that this resolution and all permits issued are revocable at the will, whim or caprice of the Common Council, and petitioner hereby expressly waives any right to claim damages or compensation for property constructed hereunder or for the removal of same, and further, that petitioner acquires no implied or other privileges hereunder not expressly stated herein; and,

Provided, further, that this permit shall not be assigned or transferred without the written approval of the Common Council; and,

Provided, further, that the filing of the indemnity agreement and the securing of the necessary permits referred to herein shall be construed as acceptance of the terms of this resolution by the petitioner; and,

Provided, further, that the tunnel be restricted to pedestrian use only and shall not be used for advertising purposes; and,

Provided, further, that the petitioner reimburse the Municipal Parking Authority for the revenue lost due to the loss of three parking spaces in connection with the construction of stairways in these areas in the amount of \$1800.00 per year, this amount being subject to adjustment if or when adjustments are made in the initial parking garage rates.

Provided, further, that working restrictions and special provisions for maintaining traffic on Fort Street set forth by the Department of Streets and Traffic be adhered to; and,

Provided, further, that approval of the Michigan State Highway Department be obtained by petitioner for any cut across Fort Street; and,

Provided, further, that petitioner shall also provide all security measures; such as locks, supervisory alarms and manned policing of the area and such other measures as may be required.

Approved as to Form:

ROBERT REESE,

Corporation Counsel.

Councilman Brickley moved that the matter be referred back to Committee of the Whole, which motion prevailed.

Corporation Counsel

March 23, 1964.

Honorable Common Council:

Gentlemen — Attached hereto please find resolution of necessity and public improvement in reference to the widening of Warren Avenue between Second and Third where not already opened and widened as a public street and highway as requested by your Honorable Body on

March 10, 1964 (J.C.C. Page 478).

Respectfully submitted,

GEORGE L. CARLSON,

Real Estate Supervisor.

By Councilman Brickley:

Whereas, The Common Council did by resolution on March 10, 1964, (J.C.C. Page 478) approve the acquisition of land for the Department of Public Works and other Municipal Public Purposes; Now, Therefore Be It

Resolved, That it is hereby declared necessary by the Common Council of the City of Detroit to make the following described improvement in said City, and that the same is for the use or benefit of the public, viz: Acquisition of land for the Department of Public Works for the widening of Warren Avenue between Second and Third where not already opened and widened as a public street and highway, and that they deem it necessary to take private property for the purpose of making such improvement, which said property is situated in said City of Detroit, and described as follows:

Lots 91, 92 and the West 25 feet of Lot 93, William A. Butler's Subdivision of Out Lots 102, 104 and 106 and that part of Out Lot 108 lying South of the South Line of Putnam Avenue of the Subdivision of the Cass Farm, as recorded in Liber 11, Page 89, Plats, Wayne County Records.

And Be It Further Resolved, That the Corporation Counsel be and he is hereby directed to institute the necessary proceedings on behalf of the City of Detroit in the Recorder's Court of the City of Detroit to carry out the object of this resolution in regard to taking private property by said City.

Approved:

ROBERT REESE,

Corporation Counsel.

Adopted as follows:

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

Nays—None.

Corporation Counsel

March 24, 1964.

Honorable Common Council:

Gentlemen—Attached hereto please find resolution of necessity and public improvement in reference to the acquisition of additional land for Water Board and other Municipal Public Purposes located on the west side of Riopelle Street north of Erskine Street as requested by your Honorable Body March 10, 1964 (J.C.C. Page 491).

Respectfully submitted,

GEORGE L. CARLSON,

Real Estate Supervisor.

By Councilman Brickley:

Whereas, The Common Council did by resolution on March 10, 1964, (J.C.C. Page 491) approve the acqui-