

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, Rogell, Van Antwerp, Wierzbicki and President Carey—6.

Nays—None.

Encroachments

Honorable Common Council:

Gentlemen — To your Committee of the Whole was referred petition of Stroh Brewery Co. (8512), for a pipe encroachment across Gratiot Ave. and Maple Street. 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,

WILLIAM G. ROGELL

Chairman

By Councilman Rogell:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permit to the Stroh Brewery Company, to install two 18 inch pipes across Gratiot Avenue and Maple Street for the purpose of transporting their product between two buildings; said encroachment to consist of two pipes 3 ft. below street going from structure known as Building Number Three, located on the north side of Gratiot between Chrysler Expressway and Rivard, Louis Moran Farm Sub., to former Goebel Brewery Co. building known as 2001 Rivard on the south side of Maple at Gratiot being part of Rivard Farm Land Sub., north of Jefferson; provided, that petitioner furnishes an indemnity 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, 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 damages, 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, Rogell, Van Antwerp, Wierzbicki and President Carey—6.

Nays—None.