

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, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—8.

Nays—None.

#### Encroachments

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Shalla Chevrolet, Inc. (9095), for a building encroachment at 16700 Harper 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,

PHILIP J. VAN ANTWERP,  
Chairman.

By Councilman Van Antwerp:

Resolved, That the Department of Public Works be and is hereby authorized and directed to issue permit to Shalla Chevrolet, Inc., to maintain building encroachment at 16700 Harper Ave., west of Bishop Rd., described as Lots 322 to 332 incl., Grosse Pte. View Sub. No. 1, consisting of an aluminum fascia, 2 ft. high, 14 ft. above the grade of the sidewalk and encroaching into Harper Ave. 1.9 ft. for a distance of 110 ft., and a further encroachment consisting of an aluminum grill sun screen 11 ft. high, 9 ft. above the grade of the sidewalk and encroaching into Harper Ave. 2.7 ft. for a distance of 79 ft., 5 in., subject to petitioner filing an indemnity agreement in accordance with this resolution.

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 ap-

proved 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, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—8.

Nays—None.

#### Permits

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of the Central Business District Assn. (9045), to decorate light poles and display automobiles in the downtown area. After consultation with the various departments concerned, and careful consideration of the requests, your committee recommends that action be taken as set forth in the following resolution.

Respectfully submitted,  
PHILIP J. VAN ANTWERP,  
Chairman.

By Councilman Van Antwerp:

Resolved, That permission be and is hereby granted to the Central Business District Assn., to decorate 180 utility poles in the downtown

area and the D.S.R. Capitol Park terminal with pennants for Downtown Detroit Days on October 12, 13 and 14, 1964, provided that said pennants be made of a fireproof or flame resistant material, and to place contest deposit boxes at Capitol Park and on Kennedy Square, and further

Provided, Said work is performed in accordance with plans submitted to and approved by the Public Lighting Commission, Departments of Street Railways, Parks and Recreation, and Buildings and Safety Engineering, and under the supervision and inspection of said departments, and that no decorations are erected across any street, and further

Resolved, That said petitioner be and is hereby granted permission to display automobiles from October 9 to 16, 1964, at the following locations: Campus Martius, Gratiot Ave. (in front of Crowley Milner Building), and on Kennedy Square, subject to each location for the display being approved by the Departments of Streets and Traffic, and Police, and maintained under the rules and regulations of those departments, and supervision of the Department of Police, and further

Provided, That the Central Business District Assn., a Michigan non-profit corporation, for itself, its successors and assigns, shall file with the City Controller, approved by the Corporation Counsel, an agreement to indemnify and save harmless the City of Detroit, its officers and agents from all claims, demands, and rights of action of every name, nature and description, whether arising under state law or federal statutes or common law for death, injury or alleged injury to persons, whether employees of the City of Detroit or otherwise and damage or alleged damage to property, regardless of to whom it may belong or in whose custody it may be, arising through, on account of or out of the permission granted, no matter how caused, whether caused by the negligence of the City of Detroit, its officers and its employees or the failure to perform any act required by law relative to encroachments.

The permittee further undertakes and agrees that in case claim is made or suit is instituted against the City of Detroit, its officers or employees due to the aforementioned death, injury or damage, the permittee will upon notice from the City of Detroit settle or adjust or defend the same at its sole cost and expense and without expense to the City of Detroit, that it will pay any judgment rendered therein together with court costs, and further

Provided, This resolution is revocable at the will, whim or caprice of the Common Council, and permittee acquires no implied or other privileges hereunder not expressly stated herein, and no rights in the public property shall be considered waived by this permission which is granted with the