

Reconsideration

Councilman Van Antwerp moved to reconsider the vote by which the resolution was adopted.

Councilman Rogell moved to suspend Rule 23 for the purpose of indefinitely postponing the motion to reconsider, which motion prevailed as follows:

Yeas — Councilmen Beck, Brickley, Connor, Ravitz, Rogell, Van Antwerp, Wierzbicki and President Carey—8.

Nays—None.

Councilman Wierzbicki then moved that the motion to reconsider be indefinitely postponed, which motion prevailed.

The regular order was resumed.

COMMERCIAL USES

Honorable Common Council:

Gentlemen—To your Committee of the Whole was again referred, as shown in proceedings of September 22, 1964 (JCC p. 2133-34), proposed resolution to grant the petition of Katrina M. Baker (8062), to locate a second-hand store at 4625 Third Street. After further consultation with the City Plan Commission, and careful consideration of the request, your committee recommends that same be granted for only 6 months in accordance with the following resolution.

Respectfully submitted,

WILLIAM G. ROGELL,

Chairman.

By Councilman Rogell:

Resolved, That the locational provisions of Section 10.1D of the Zoning Ordinance 171-D, be and the same are hereby waived for a period of six months only from October 6, 1964, insofar as they apply to the petition of Katrina M. Baker for the establishment and operation of a second-hand store at 4625 Third Street near Forest, provided petitioner secures the required permits within thirty days from October 6, 1964, subject to the following restrictions:

That, the operation of said business shall be limited to the sale of used clothing and small appliances; that the merchandise shall be displayed in a neat and orderly fashion, and that there shall be no outside display of merchandise.

Adopted as follows:

Yeas — Councilmen Beck, Connor, Rogell, Van Antwerp and President Carey—5.

Nays—Councilmen Brickley, Ravitz and Wierzbicki—3.

MONDAY, OCTOBER 5TH

Chairman Van Antwerp submitted the following committee reports for above date, and recommended their adoption:

Encroachments

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Mrs. W. J. Connors (9169), for a building encroachment at 12350-2 Evanston Ave. After consultation with the De-

partment 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 Mrs. W. J. Connors, owner of property at 12350-2 Evanston Ave., more particularly described as Lot 293, Barrett and Walsh's Harper Ave. Sub. No. 3 of Lots 4, 5 and 6 of Corbys Sub., to maintain a garage encroaching into the east-west alley 0.55 ft. at the east end and to a maximum of 1.76 ft. at the west end, also a fence encroaching 1.90 ft. at the farthest point, 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 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 Pallister Motel (9033), to install a fence on public property on Pallister St., adjacent to 7641 Woodward Ave. After consultation with the Department of Public Works, and careful consideration of the matter, 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 it is hereby authorized and directed to issue a permit to Pallister Motel to install and maintain a 6 ft. high fence on public property on Pallister St. adjacent to their motel at 7641 Woodward Ave., positioned 2 ft. from the sidewalk, encroaching 8 ft. for a distance of approximately 200 ft. along the street on the south side of Pallister, starting from the east property line and continuing to the north-south public alley.

Provided, That petitioner files an indemnity agreement in accordance with this resolution and Ordinance No. 224-F, and further

Provided, That petitioner shall be subject to any tax which may be levied against it pursuant to law with

regards to such fence enclosed area of public property encroached upon, and further

Provided, That same shall be constructed and/or maintained under the rules and regulations of the Departments of Public Works, and the Dept. of Buildings and 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