

roof of the building for a distance of 67 ft. on the north side of E. Jefferson and for a distance of 38 ft. on the east side of Ashland, north of E. Jefferson, 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, and in accordance with plans submitted to and approved by those departments and the City Plan Commission, 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, alley 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, Poindexter, Rogell, Wierzbicki and President Carey—7.

Nays—None.

Encroachments

Honorable Common Council:

Gentlemen — To your Committee of the Whole was referred petition of Marson Yee (12388), requesting a name change on permit for an existing encroachment at 10929-31-35 Shoemaker. 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 resolution adopted March 26, 1963 (JCC p. 631-632), granting petition of Joseph Mattarella and Eleanor Mattarella, his wife, to maintain building at 10929-35 Shoemaker Ave. encroaching into public property, be and the same is hereby rescinded, for the purpose of authorizing such permit to the new owner hereinafter mentioned; therefore, be it

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permit to Marson Yee, owner of property described as Lots 255 and 256, Warren Park Sub. No. 1 (Liber 37 of Plats, Page 51, Wayne County Records), commonly known as 10929-31-35 Shoemaker Ave. to maintain building on said premises encroaching beyond the property line into public property 0.60 ft. into Shoemaker Ave. for a distance of 40 ft. along said street, 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 Department of Public Works and the Department 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 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, Connor, Poindexter, Rogell, Wierzbicki and President Carey—7.

Nays—None.

Encroachments

Honorable Common Council:

Gentlemen — To your Committee of the Whole was referred petition of Frumin Furniture Co. (12383), for change of name on encroachment permit at 4600 Michigan Ave. and to file an agreement in lieu of a bond as indemnification. After consultation with the Department of Public Works, and careful consideration of the request, your committee recommends that it be granted in accordance with this resolution.

Respectfully submitted,

WILLIAM G. ROGELL,

Chairman.

By Councilman Rogell:

Resolved, That resolution adopted March 10, 1953 (JCC p. 518-19), granting certain petitions for building encroachments, be and the same is hereby amended, rescinding therefrom the petition of Frumin Furniture Co. (4666) for the purpose of authorizing a change in the name and liability coverage under the following new resolution; therefore, be it

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permit to Herman Frumin, d.b.a. Frumin Furniture Co., to maintain aluminum siding on the front wall of existing commercial building located at 4600 Michigan Ave., described as Lots 1 thru 5, inclusive, Hammond Rich. Sub., encroaching 1 in. into Michigan Ave. for a distance of 153 ft., the width of the building, subject to the petitioner filing an agreement in lieu of the bond that was filed pursuant to the previous resolution of March 10, 1953.

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 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