

directed to honor payrolls when presented in accordance with the resolution and the above communication.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—8.
Nays—None.

Zoological Park Commission
December 22, 1966.

Honorable Common Council:

Subject: Children's Zoo surplus—transfer of funds James and Lynelle Holden Fund

Gentlemen—In 1945 when the James and Lynelle Holden Fund presented the Children's Zoo on Belle Isle to the City of Detroit, it was the express wish of the donors that all surplus funds derived from this activity be retained in a surplus account for maintenance of exhibits, new additions, and animals (as previously approved by your Honorable Body, J.C.C. 12-1-64, pp. 2685-2686).

At the present time we have \$15,529.96 in the Children's Zoo Surplus Account. We respectfully request that your Honorable Body transfer \$10,000 from Account No. 131-5350-699, Children's Zoo Surplus, to Account No. 131-5350-512, Improvements to Children's Zoo.

Respectfully submitted,
FRANK McINNIS,
Director.

Approved:

R. P. ROSELLE,
Acting Controller.

By Councilman Beck:

Resolved, That the City Controller be and he is hereby authorized and directed to transfer funds and honor vouchers when presented in accordance with the foregoing communication.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—8.
Nays—None.

TUESDAY, JANUARY 3RD

Councilman Brickley submitted the following committee reports for above date, and recommended their adoption:

Commercial Uses

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Volunteers of America (2429), to continue secondhand store at 15308 Livernois between Fenkell and the John C. Lodge Freeway. After investigation by the City Plan Commission, and careful consideration of the request, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,
JAMES H. BRICKLEY,
Chairman.

By Councilman Brickley:

Resolved, That the locational pro-

visions of Section 10.1D of the Zoning Ordinance 171-D, be and the same are hereby waived for a period of two years only from January 3, 1967, insofar as they apply to the petition of Volunteers of America for the continued operation of a secondhand store at 15308 Livernois provided petitioner secures the required permits within thirty days from January 3, 1967.

Provided, That there be no change in the existing signs displayed for view from outside the building unless first approved by the City Plan Commission, and further

Provided, That there be no merchandise stored or displayed outside the building.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—8.
Nays—None.

Commercial Uses

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Willard Thomas (2774), to locate a secondhand appliance store at 8056 Kercheval near Van Dyke. After investigation by the City Plan Commission, and careful consideration of the request, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,
JAMES H. BRICKLEY,
Chairman.

By Councilman Brickley:

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 January 3, 1967, insofar as they apply to the petition of Willard Thomas for the establishment and operation of a secondhand appliance store at 8056 Kercheval provided petitioner secures the required permits within thirty days from January 3, 1967, and before occupying the premises for said use as granted.

Provided, That the sale of used merchandise is limited to lamps and major appliances, and that there shall be no outside display of merchandise.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—8.
Nays—None.

Encroachments

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Bank of the Commonwealth (2926), for pipe and sewer crock encroachments across alley north of Grand River between Fenton and Winston. 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,

JAMES H. BRICKLEY,

Chairman.

By Councilman Brickley:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permit to Bank of the Commonwealth to install and maintain an electrical conduit and 6 in. sewer crock encroachment across east/west alley north of and parallel to Grand River between Fenton and Winston from property being Parcel 1, described as Lots 146 to 151 incl. of Supervisors State Sub. No. 5, recorded in Liber 60 of Plats, Page 36, Wayne County Records, and Parcel 2, described as Lots 144 and 145 of Supervisor's State Sub. No. 5, recorded in Liber 60 of Plats, Page 36, Wayne County Records, and Lots 55 and 56 of Benjamin F. Mortenson's Grand Pointe Sub., recorded in Liber 36 of Plats, Page 71, Wayne County Records, running on a course parallel to and 18 ft. west of the westerly right-of-way of Fenton Ave. at a minimum depth of 30 in.

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 and the Dept. of Building & 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, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—8.

Nays—None.

Petitions Denied

Honorable Common Council:

Gentlemen—To your Committee of the Whole were referred the following petitions. After consultation with the departments concerned and careful consideration of the requests, your committee recommends that they be denied.

John F. Giffen (2815), locate Class "C" bar at 16109 Plymouth.

Marvin Pernikoff (2816), locate bar at 3048 Bagley.

George N. Patru (2406), protesting proposed acquisition of a portion of his property as an easement for the Public Lighting Commission substation on Warren, west of 14th.

Claims

2936—Violet Berman.

1768—Mrs. M. S. Bilczewski.

2938—William Burton.

2939—May Callahan.

2940—Mrs. Edward J. Carroll.

2941—William Church.

2943—Mary Grima.

2047—Rev. Mildred T. Hammonds.