

etc., and referred back to Committee of the Whole, to amend District Map 16 of Ordinance 171-D, the Zoning Ordinance, to change the district classification of certain property on Gallagher, Charest and McDougall between Jerome and McNichols, be now passed.

The question being "Shall this Ordinance Now Pass?" The ordinance was not passed; a vote of three-quarters of the Council present being required due to the filing of a 20 percent protest under the provisions of the State Zoning Enabling Act; the vote being as follows:

Yeas — Councilmen Beck, Hood, and Ravitz—3.

Nays—Councilmen Rogell, Van Antwerp and President Carey—3.

MONDAY, OCTOBER 2ND

Chairman Rogell submitted the following committee report for above date, and recommended its adoption:

Encroachments

Honorable Common Council:

Gentlemen — To your Committee of the Whole was referred petition of Morris Swidler, et al (5054), for change of names on building encroachment at 16520 Wyoming. 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,

WM. G. ROGELL

Chairman

By Councilman Rogell:

Resolved, That resolution adopted October 20, 1964 (JCC p. 2376-77), granting petition of Frances Samovitz (9289), to maintain building encroachment at 16520 Wyoming, be and the same is hereby rescinded for the purpose of granting such permit to the present owners in accordance with the following new resolution, therefore, be it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 Morris Swidler and Helen Swidler, his wife, to maintain building located on Lots 15 and 16, Puritan Heights Sub., known as 16520 Wyoming between Florence and Marygrove, encroaching into Wyoming Ave. 0.15 ft. at the south end of the building and tapering down to 0.05 ft. at the north end, for a distance of 40 ft., width of the building, subject to petitioner furnishing an approved liability policy 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 and 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, Hood, Ravitz, Rogell, Van Antwerp and

President Carey—6.
Nays—None.

FINANCE
Controller

September 29, 1967

Honorable Common Council:

Gentlemen — During the period September 22, 1967 through September 28, 1967 the Controller purchased the par value of \$8,752,000 U.S. Treasury Bills at a cost of \$8,615,003.54. During the same period \$4,900,000 U.S. Treasury Bills were liquidated to meet cash requirements.

In accordance with Common Council resolution adopted June 20, 1967, a detailed list of investment transactions for said period is on file with the City Clerk.

Respectfully submitted,
BERNARD W. KLEIN,
Controller.

By Councilman Rogell:

Resolved, That the foregoing investment purchases in the amount of \$8,615,003.54 and that the liquidation of investments in the amount of \$4,900,000 for the period September 22, 1967 through September 28, 1967 be approved in accordance with the detailed list on file with the City Clerk which list is hereby made a part of this resolution.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Ravitz, Rogell, Van Antwerp and President Carey—6.
Nays—None.

Controller

September 28, 1967.

Honorable Common Council:

Gentlemen—In accordance with resolutions adopted by your Honorable Body, the following spur track bonds and agreements for encroachments on public property have been filed with this office.

Spur Track Bonds—

Orleans Poultry Company—Principal. St. Paul Fire and Marine Insurance Company—Surety. Amount—\$10,000. To maintain a spur track (formerly name of H. J. Heinz Co.) across Joy Road between Livernois and Howell, east of and connected with the (Pere Marquette Railroad) C & O Railroad. Authorized August 22, 1967, J.C.C. 2018-19.

Restonnaire Bedding Company — Principal. The American Insurance Company — Surety. Amount — \$10,000. To maintain two spur tracks but three crossings at the following locations: (formerly in name of Detroit Gasket and Manufacturing Company) in Fullerton between Stout and dead end Fullerton, west of Stout; across Fullerton between Stout and dead end Fullerton, west of Stout; and across alley between Fullerton and Glendale, north of and connected with the C & O Railroad, (Pere Marquette RR).

Authorized August 22, 1967, J.C.C. 2027.

AGREEMENTS—

Martin Place Hospital Annex — Principal. City of Detroit — Obligee. To maintain a concrete ramp with an approximate 4 ft. high metal railing on the east side of Auburn Avenue, south of Schoolcraft Ave. encroaching approximately 5 in. into public property for a distance of approximately 10 ft. along Auburn Avenue. Authorized July 17, 1962, J.C.C. 1717-1718.

Darin & Armstrong, Inc. — Principal. City of Detroit — Obligee. For use of City-owned property at the northwest corner of Washington Boulevard and Congress Street for a temporary office site for a period of approximately two years. The city-owned property is known as Lot 7 of Military Reserve, as recorded in City Records, Liber 5, Page 218. Authorized August 30, 1967, J.C.C. 2036-37.

Archdiocese of Detroit — Principal. City of Detroit — Obligee. Encroachment to consist of an R. G.-11 cable starting from top of high school building located at northeast corner of Field and Farnsworth approximately 35 feet above grade of sidewalk and extending across Farnsworth to a pole approximately 18 feet above grade of sidewalk and thence to adjoining convent building. Authorized June 27, 1967, J.C.C. 1565-66, as amended August 8, 1967, J.C.C. 1882-83.

The spur track bonds and the agreements bear the approval of the Corporation Counsel as to form and execution.

Respectfully submitted,
BERNARD W. KLEIN,
Controller.

Received and placed on file.

Controller

October 3, 1967

Honorable Common Council:

Gentlemen — Pursuant to Common Council resolution of May 23, 1967, page 1130, authorizing and directing the Board of Street Railway Commissioners to execute a deed for the sale of property, we hereby report that final payment has been received and a deed issued to the Michigan State Highway Commission and to Its Successors in Office conveying the following described property:

Control Section 82194K, Parcel 2715, S'y 1/2 of Lot 26 and all of Lot 25, Part of P.C. 20 (located N.W. corner of Twenty-Second and Porter).

Respectfully submitted,
DAN A. DeMARE -
Deputy Controller

Received and placed on file.

Public Lighting Commission

August 25, 1967

Honorable Common Council:

Gentlemen — At its meeting held August 22, 1967, the Public Lighting