

liability on the part of the City of Detroit and, therefore, we recommend that same be allowed:

Leon F. Shannon, Inj., Claim No. 23303, Myron Alpert, Attorney, 2401 Cadillac Tower, Detroit, Michigan 48226. Recommendation: allow \$300.00.

Respectfully submitted,  
RONALD C. WINIEMKO,

Assistant Corporation Counsel.

Approved:

THOMAS GALLAGHER

Acting Corp Counsel

By Councilman Hood:

Resolved, That in accordance with the foregoing communication from the Corporation Counsel, dated November 8, 1968, all claims recommended to be denied, be and the same are hereby denied.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

By Councilman Hood:

Resolved, That the City Controller be and he is hereby authorized and directed to draw warrants upon the proper fund in favor of persons or firms listed, in amounts as recommended for allowance in accordance with the foregoing communication from the Corporation Counsel, dated November 8, 1968 in full settlement of any and all claims which they may have against the City of Detroit, and that said amounts be paid upon presentation of releases, in form approved by the Corporation Counsel.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

Corporation Counsel

November 8, 1968

Honorable Common Council:

Gentlemen — Forwarded herewith, at the request of the Department of Health, is a proposed ordinance to repeal Chapter 35 of the Municipal Code which covers Milk and Milk Products.

This Chapter is no longer necessary since the State of Michigan has pre-empted the field by Act No. 233 of the Public Acts of 1965 and Act No. 298 of the Public Acts of 1968.

Respectfully submitted,

HAROLD HOOD,

Assistant Corporation Counsel.

By Councilman Miriani:

AN ORDINANCE to amend Chapter 35 of the Code of the City of Detroit by repealing Chapter 35 which dealt with milk and milk products.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That Chapter 35 of the Code of the City of Detroit is hereby repealed.

CHAPTER 35, REPEALED.

Section 2. This ordinance is hereby declared necessary for the preservation of the public peace, health, safety and welfare of the people of the City of Detroit, and is hereby given immediate effect.

Approved as to form:

ROBERT REESE

Corporation Counsel

Read twice by title, ordered printed and laid on the table.

Corporation Counsel

November 8, 1968

Honorable Common Council:

Re: Petition and sketch of Detroit Gray Iron and Steel Foundries, Inc.—Petition No. 7494, Encroachment at 282 Iron Street and 6400 Wight Street.

Gentlemen — Pursuant to your request this office has prepared the appropriate resolution granting the above petition in accordance with the recommendations of the City departments involved.

Respectfully submitted,

MARY JANE LIDDY

Assistant Corporation Counsel

By Councilman Miriani:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permit to Detroit Gray Iron and Steel Foundries, Incorporated, a Michigan corporation, herein known as permittee, Petition No. 7494, to encroach at 282 Iron Street and 6400 Wight Street, property being described as:

Lot 3 Meldrum Farm Sub'n. for 282 Iron Street, Lot 4 of Russell's Plat of Sub'n. of Blk. 4 and 5 of Meldrum Farm Sub'n. for 6400 Wight Street.

Encroachment to consist of one (1) four-inch schedule forty (40) black steel pipe encroaching under Wight Street at a depth of forty-eight (48) inches beginning at a point twenty-two (22) feet east of the west property line of 282 Iron Street and proceeding south and across Wight Street to 6400 Wight Street. This pipe is to carry compressed air from one building to the other.

Provided, That the said pipeline be maintained and operated at the sole cost and expense of the permittee; and

Provided, That permittee obtain all necessary utility clearances prior to the issuance of any permit by the Department; and

Provided, That the necessary permit be obtained from the Department of Public Works and that all work shall be done in accordance with rules and regulations of the Departments of Public Works and Buildings and Safety Engineering and other applicable Departments, and in accordance

with plans submitted to and approved by said departments; and

Provided, That permittee at the time of obtaining said permit, file with the City Controller an agreement in form approved by the Corporation Counsel saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permit and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said permission; and

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this resolution, which resolution is adopted expressly on condition that said encroachment shall be removed at the expense of the permittee at any time when so directed by resolution of the Common Council, and that the public property affected shall be restored to a condition satisfactory to said Department of Public Works by said Permittee at its sole cost and expense; and

Provided, That this resolution is revocable at the will, whim or caprice of the Common Council, and permittee hereby expressly waives any right to claim damages or compensation for removal of encroachment, and further that permittee acquire no implied or other privileges hereunder not expressly stated herein; and

Provided, That this permit shall not be assigned or transferred without the written approval of the Common Council; and

Provided, That the filing of the indemnity agreement and the securing of the necessary permit referred to herein shall be construed as acceptance of the terms of this resolution by the permittee; and

Provided, That a certified copy of this resolution shall be recorded with the office of the Register of Deeds for Wayne County by and at permittee's expense.

Approved:

JOHN R. MCKINLAY  
Acting Corporation Counsel

Adopted as follows:

Yeas — Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

Corporation Counsel

November 8, 1968

Honorable Common Council:

Gentlemen—The City of Detroit assessed the personal property of Nathan Sandler and Louis Linovitz d-b-a Discount Medical Mart located at 3374 West Warren Avenue, Detroit, Michigan for 1967 personal property taxes in the amount of \$474.88. The aforesaid property was destroyed in

the July riots of 1967. After due demand was made for the subject taxes, taxpayers submitted an offer of \$474.88 which pays in full the principle taxes exclusive of accrued interest.

After giving due consideration to the fact that the amount submitted pays the principal taxes in full, its acceptance is deemed to be in the best interest of the City. Accordingly, with the approval of the City Treasurer we recommend acceptance of the offer submitted.

Respectfully submitted,  
JOSEPH MAISANO,  
Asst. Corporation Counsel.

Approved:

THOMAS GALLAGHER  
Acting Corporation Counsel  
ROBERT J. TEMPLE  
City Treasurer

By Councilman Miriani:

In accordance with the foregoing communication.

It Is Hereby Resolved, that the offer of \$474.88, submitted in full settlement of the 1967 personal property taxes assessed to Nathan Sandler and Louis Linovitz d-b-a Discount Medical Mart, located at 3374 W. Warren Avenue, Detroit, Michigan, be and the same is hereby accepted.

It is further resolved, that the City Treasurer be and he is hereby authorized to apply the sum of \$474.88 on account of the personal property taxes above mentioned, and the accrued interest thereon is hereby cancelled.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Carey—9.

Nays — None.

Corporation Counsel

November 8, 1968

Honorable Common Council:

Re: The petition of Virginia Park Rehabilitation Citizens Committee (7504) requesting Council review of building permit application for properties located on 14th Street and John C. Lodge Service Dr. bet. Clairmount and W. Grand Blvd.

Gentlemen—Your Honorable Body requested an opinion as to whether Common Council has the power to order by ordinance a review procedure on permit applications in the above area.

The streets concerned are within the Virginia Park Rehabilitation Area and will be included in the formal urban renewal plan to be submitted to the Council for approval. Council has already approved planning for the area.

Under the City Charter, the Common Council has the duty to enact ordinances to promote the general peace, health, safety, welfare and good