

Eberhard, Levin, Rogell, Tindal, Wierzbicki and President Ravitz—7.
Nays—None.

Corporation Counsel

July 13, 1970

Honorable Common Council:
Re: Alfred Coleman v. William Patillo & City of Detroit, Circuit Court No. 104,682.

Gentlemen — We have reviewed the above-captioned suit, the facts and particulars of which are set forth in the attached memorandum. From this review, it is our considered opinion that a settlement in the amount of \$250.00 is in the best interest of the City of Detroit.

We, therefore, request your Honorable Body to direct the City Controller to issue his draft in the amount of \$250.00, payable to Alfred Coleman and Albert Lopatin, his attorney, to be delivered upon receipt of properly executed releases and discontinuance of this lawsuit.

Respectfully submitted,
DAVID S. DE WITT
Assistant Corporation Counsel

Approved:
M. M. GLUSAC

Corporation Counsel
By Councilman Tindal:
Resolved, that the City Controller be and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of Alfred Coleman and Albert Lopatin, his attorney, in the amount of \$250.00, in full payment of any and all claims which they may have against the City of Detroit by reason of injuries and/or damages sustained by Alfred Coleman on or about November 18, 1967, as a result of an accident with an abandoned dump truck at the intersection of Greely on Dequindre in the City of Detroit, and that said amount be paid upon presentation of releases approved by the Office of the Corporation Counsel and discontinuance of lawsuit No. 104 682.

Adopted as follows:
Yeas — Councilmen Browne, Eberhard, Levin, Rogell, Tindal and President Ravitz—6.
Nays—Councilman Wierzbicki—1.

Corporation Counsel

July 13, 1970

Honorable Common Council:
Gentlemen—We are forwarding to you an ordinance making it mandatory for any owner of a vacant building to remove the doors from all refrigerators within the vacant building.

Respectfully submitted,
JOHN F. HATHAWAY,
Assistant Corporation Counsel
By Councilman Tindal:

AN ORDINANCE to amend Chapter 39, Article I of the Code of the City of Detroit by amending Section 39-1-24 to provide for the removal of all locks from iceboxes, refrigerators

and containers in a vacant building.
IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:
Section 1. That Chapter 39, Article I of the Code of the City of Detroit be amended by amending Section 39-1-24 to read as follows:

Sec. 39-1-24. It shall be unlawful, in the city for any person to leave outside of any building, structure or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight snaplock or other locking device thereon, without first removing such snaplock or other locking device or doors from such icebox, refrigerator or container. ANY OWNER OF ANY VACANT BUILDING SHALL REMOVE THE DOORS FROM ALL ICEBOXES, REFRIGERATORS OR CONTAINERS WITHIN THE VACANT BUILDING.

Approved as to form:
M. M. GLUSAC
Corporation Counsel
Read twice by title, ordered printed and laid on the table.

Resolution Setting Public Hearing
By Councilman Tindal:

Resolved, That Notice is hereby given that a Public Hearing will be held by this Common Council in its Chamber on
THURSDAY, AUGUST 13, 1970
AT 10:00 A.M.

for the purpose of considering the advisability of amending Chapter 39, Article 1 of the Code of Detroit, to provide for the removal of all locks from iceboxes, refrigerators and containers in a vacant building, as set forth in the foregoing proposed amendment.

Adopted as follows:
Yeas — Councilmen Browne, Eberhard, Levin, Rogell, Tindal, Wierzbicki and President Ravitz—7.
Nays—None.

Corporation Counsel

July 15, 1970

Honorable Common Council:
Re: Petition No. 1007 of Gardner and Schumacher to maintain existing three (3) inch encroachment plus an additional two (2) inch encroachment at 415 E. Congress, Detroit, Michigan.

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,
CHRISTINE M. ROSSI
Assistant Corporation Counsel
By Councilman Wierzbicki:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permit to Gardner and Schumacher, a Michigan corporation, to maintain an existing three (3) inch encroachment

plus an additional two (2) inch encroachment resulting in a five (5) inch encroachment at 415 E. Congress, property being described as:

"All that part of Lots 9 and 10 Block 5, Brush Farm and Lot 87, L. Beaubien Farm as recorded in Liber 7 Pages 224-225 and Liber 6, Pages 475, 476, 477, 478 described as follows: Beginning at a point in the northerly line of Congress Street, distant 29.94 feet west from the southeast corner of Lot 87; thence West along said northerly line 51.55 feet north at right angles 113.07 feet; thence east 5.27 feet; thence north 25.06 feet to alley east along south line of alley 44.58 feet; thence south parallel to east line of lot 87, 138 feet to point of beginning, said property on July 1, 1965 known as 415 East Congress Street."

Encroachment to consist of cement plaster stucco placed on front of building starting at sidewalk grade and extending 18 feet 4 inches above grade and extending the width of building 51 feet 4 inches. Also a painted metal siding to be placed against front of building and extending from where stucco ends to top of building, a distance of 33 feet 4 inches, and also extending across the width of building.

Provided, That the permit be obtained from the Department of Public works and that the permittee file with the Office of the City Controller an indemnity 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 same shall be constructed and maintained under the rules and regulations of the Departments of Public Works, Buildings and Safety Engineering and the City Plan Commission in accordance with plans submitted to and approved by those departments; 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:

ROBERT D. McCLEAR

Acting Corporation Counsel

Adopted as follows:

Yeas—Councilmen Browne, Eberhard, Levin, Rogell, Tindal, Wierzbicki and President Ravitz—7.

Nays—None.

Corporation Counsel

July 14, 1970.

Honorable Common Council:

Gentlemen — On October 7, 1969 (J.C.C. page 2499) your Honorable Body adopted the Resolution of Necessity for the Acquisition of Land for the Michigan I-36, Freud-Montclair H.A.A. Project and other Municipal Public Purposes in the area north of Freud Avenue between Montclair and Beniteau Avenues.

Request is hereby made to amend the first paragraph of the description of the property to be acquired to reflect a change due to an error by the printer, said paragraph to read as follows:

Lots 4 to 7, both inclusive, and Lots 46 to 64, both inclusive, of "Keans Freud Avenue Subdivision" of part of Private Claim 688, City of Detroit, Wayne County, Michigan, as recorded in Liber 58, Page 62 of Plats, Wayne County Records.

In furtherance thereof the attached Resolution is submitted for your approval.

Respectfully submitted,

RONALD R. SOGGE,

Assistant Corporation Counsel

By Councilman Tindal:

RESOLVED, That the Resolution adopted on October 7, 1969 (J.C.C. page 2499) be amended to have said first paragraph read as follows:

Lots 4 to 7, both inclusive, and Lots 46 to 64, both inclusive, of "Keans Freud Avenue Subdivision" of part of Private Claim 688, City of Detroit, Wayne County, Michigan, as recorded in Liber 58, Page 62 of Plats, Wayne County Records.

Approved:

ROBERT D. McCLEAR

Acting Corporation Counsel