

amended by amending Section 23-6-1 to read as follows:

Sec. 23-6-1.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Blaster. Any person who has been duly licensed by the board of fire commissioners to use, handle or transport explosives in the city.

Contractor. Any person who is duly bonded and licensed to contract for the storage, use, handling or transporting explosives in the city.

Explosives or detonators. Any chemical compound or mechanical mixture that contains any oxidizing and combustible units, or other ingredients in such proportions, quantities or packing that may be ignited by fire, friction, concussion, percussion or detonation of any part of the compound or mixture which may cause an explosion of such violence as is capable of producing harmful effects to life or property, BUT DOES NOT INCLUDE MOTOR VEHICLE CONTAINING EXPLOSIVE ACTUATORS ENCLOSED IN A PERMANENTLY SEALED CONTAINER DESIGNED TO PREVENT HARMFUL EFFECTS TO LIFE OR PROPERTY.

Section 2. This ordinance is 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 D. McCLEAR,

Acting Corporation Counsel

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

Corporation Counsel

May 5, 1971

Honorable Common Council:

Re: Petition No. 2081 of Board of Education of the City of Detroit, a Statutory Body Corporate, to encroach two (2) feet into Thatcher Avenue right of way from the north between Lauder and Marlowe Avenues and to relocate portion of sidewalk approximately two (2) feet south along Thatcher between Lauder and Marlowe, 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,

Asst. Corporation Counsel

By Councilman Levin:

Resolved, That the Departments of Public Works and Buildings and Safety Engineering be and are hereby authorized and directed to issue

permits to the Board of Education of the City of Detroit, a Statutory Body Corporate, to encroach two (2) feet into Thatcher Avenue public right-of-way from the north between Lauder and Marlowe Avenues, Detroit, Michigan, with existing platform and steps; also, to relocate portion of sidewalk approximately two (2) feet south along Thatcher between Lauder and Marlowe, Detroit, Michigan.

Provided, That the necessary permits be obtained from the Department of Public Works and the Department of Buildings and Safety Engineering and that all work shall be done in accordance with rules, regulations and code requirements of the Fire, Building and Safety and other City departments; and

Provided, That the sole cost and expense for relocating the public sidewalk and the removal of the present sidewalk be borne by permittee, and that the proposed sidewalk shall have a minimum width of 6 feet; that the sidewalk relocation and the additional paving east and west of the existing platform between the sidewalk and building shall be completed as shown on Board of Education drawing, "Winship Elementary School, 14717 Curtis, Modular Classrooms, Furniture and Equipment Floor Plan," dated August 27, 1970; and

Provided, That permittee at the time of obtaining said permits file with 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 permits 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 use and 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 and all obstructions in connection therewith 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 said permits 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

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

Provided, That these permits shall not be assigned or transferred without the written approval of the Common Council.

Approved:

MICHAEL M. GLUSAC
Corporation Counsel

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki, and President Ravitz—9.

Nays—None.

Corporation Counsel

May 5, 1971

Honorable Common Council:

Re: Petition No. 2321 of the Boomer Company for permission to encroach into public property at 1940 E. Forest, Detroit, Michigan.

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

Respectfully submitted,

CHRISTINE M. ROSSI,
Asst. Corporation Counsel

By Councilman Tindal:

Resolved, That the Departments of Public Works and Public Lighting Commission be and are hereby authorized and directed to issue permits to The Boomer Company, a Michigan corporation, for permission to encroach into public property at 1940 E. Forest Avenue, Detroit, Michigan, property being described as:

"Lots No. 1 thru 18 and vac. Garfield Pl adj. and vac alleys adj Potters Sub L10 P67 Plats, WCR 9/74 S 188.77 of N 221.57 ft CF W255.74 ft Sub of PC 90 L34 P2 Deeds, WCR 9/4, Lots No. 35 thru 31 and vac alleys adj Harrah & Brandenburys St. Aubin Ave Sub L18 P9 Plats, WCR 9/78. Lots 73 thru 79 vac Warsaw Pl adj sub of Pt Harrah & Brandenburys St. Aubin Ave Sub L21 P98 Plats, WCR 9/81.

Encroachment to consist of a three conductor wire commencing from Edison pole on petitioner's property on the south side of E. Forest, at a point approximately 100 feet east of the Grand Trunk Railroad and extending over and across E. Forest 24

feet above grade of street and connecting to building on the north side of E. Forest at a point 70 feet east of Grand Trunk Railroad. Wire will be attached to Michigan Bell cable that takes the same route.

Provided, That permittee at the time of obtaining said permits file with the City Controller a surety bond in the sum of twenty-five thousand (\$25,000.00) dollars, approved by the Corporation Counsel saving the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permits 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 encroachment; and

Provided, That the necessary permits be obtained from the Departments of Public Works and Public Lighting Commission, and that the work shall be constructed and maintained under the rules and regulations of those departments and the Department of Streets and Traffic in accordance with plans approved by said departments; and

Provided, That permittee first obtain approval from the Detroit Edison Company to connect to their pole on private property and obtain all necessary utility clearances prior to the issuance of any permits; and

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission, which is granted expressly on the condition that said conductor wiring and all obstructions in connection therewith shall be removed at the expense of the permittee at any time when so directed by the Common Council, and that the public property affected shall be restored to a condition satisfactory to said departments by said permittee at its 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 property constructed hereunder or for the removal of same, and further, that permittee acquires no implied or other privileges hereunder not expressly stated herein; and

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

Provided, That the filing of the surety bond and the securing of the necessary permits 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