

Council, and that the public property affected shall be restored to a condition satisfactory to said Department 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 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 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 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, Levin, Rogell, Van Antwerp, Wierzbicki, and President Pro Tem Hood — 6.

Nays — None.

Corporation Counsel

July 6, 1971

Honorable Common Council:

Gentlemen—By virtue of a Resolution adopted January 26, 1971, on request of the Board of Assessors, you authorized a change in the 1969 assessment of Pitney-Bowes, Inc. (JCC 135). This was intended to dispose of an appeal by the taxpayer taken to the State Tax Commission challenging its personal property assessment for this year, while at the same time it had paid its taxes to the City Treasurer under protest.

As part of the understanding, court actions brought to recover the 1969 taxes were to be dismissed and counsel for the taxpayer has taken the position that interest at 5 percent per annum was expected in addition to the amount to be refunded of \$12,386.34 for 1969. In anticipation of this understanding, stipulations and orders for dismissal of said court actions were signed and filed.

To correct the oversight which resulted when the original communication was sent to your Honorable Body by the Board of Assessors, we recommend adoption of the attached resolution.

Respectfully submitted,

LAWRENCE W. MORGAN,

Assistant Corporation Counsel

Approved:

MICHAEL M. GLUSAC

Corporation Counsel

By Councilman Levin:

Resolved, that the City Treasurer is hereby authorized to refund and the City Controller be and he is authorized to honor vouchers when presented therefor in favor of Pitney-Bowes, Inc., on the basis of the 1969 personal property taxes payable subsequent to reduction of taxpayer's assessment (Ward 2, Item 4134) affected by determination of the State Tax Commission, and dismissal of Circuit Court actions Nos. 141-170 and 149-660, together with interest at the rate of 5 percent per annum on the respective first and second half installments to date of payment of refund, being not more than the amount paid in accordance with the original assessment.

Pitney-Bowes, Inc., Ward 2, Item 4134; Orig. Assmt. \$973,010; Decr. \$246,230; STC Assmt. \$726,780; State Eq. Val. \$1,041,120; Decr. in S.E.V. \$263,466; STC Rev. Assmt. as Eq. \$77,654; Orig. Tax, \$48,946.20 Decr., \$12,386.34; Total Tax to be collected \$36,559.86.

Adopted as follows:

Yeas — Councilmen Browne, Levin, Rogell, Van Antwerp, Wierzbicki, and President Pro Tem Hood — 6.

Nays — None.

Corporation Counsel

July 2, 1971

Honorable Common Council:

Re: Petition No. 2629 of Pierson Interiors, Inc. to erect a canopy at 19556 Grand River Avenue, Detroit, Mich.

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 Van Antwerp:

Resolved, That the Departments of Public Works and Buildings and Safety Engineering be and they are hereby authorized and directed to issue permits to Pierson Interiors, Inc., a Michigan corporation, to erect a canopy, subject to the provisions of the Building Code as amended by Ordinance 744-F in Chapter 12, Article 6 of the Code of the City of Detroit, at 19556 Grand River Avenue, Detroit, Michigan.

The encroachment to consist of a canopy that will extend over public property eight feet wide to within two feet of curb, stanchions to be five feet from curb, and a distance of eight feet from sidewalk to framework, seven feet from sidewalk to apron, and ten feet six inches from sidewalk to top of canopy.

Provided, That the necessary permits be obtained from the Departments of Public Works and Buildings and Safety Engineering under their rules and regulations and in accordance with plans approved by said departments and the Department of Streets and Traffic; and

Provided, That permittee at the time of obtaining said permits file with the City Controller a corporate surety bond approved by the Corporation Counsel in the sum of \$5,000.00 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 providing for the faithful performance by 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 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 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 these permits shall not be assigned or transferred without approval of the Common Council.

Approved:
MICHAEL M. GLUSAC,
Corporation Counsel

Adopted as follows:
Yeas — Councilmen Browne, Levin, Rogell, Van Antwerp, Wierzicki, and President Pro Tem Hood — 6.
Nays — None.

Corporation Counsel

July 2, 1971

Honorable Common Council:
Re: Petition No. 1959 of Berman's Chop House, Inc., to erect a canopy at 1431 Times Square, Detroit, Mich.

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 Van Antwerp:

Resolved, That the Departments of Public Works and Buildings and Safety Engineering be and they are hereby authorized and directed to issue permits to Berman's Chop House, Inc., a Michigan corporation, to erect a canopy, subject to the provisions of the Building Code as amended by Ordinance 744-F in Chapter 12, Article 6 of the Code of the City of Detroit, at 1431 Times Square, Detroit, Michigan, property being described as:

"N 35.74 feet in front and being N 46.81 feet in rear of 69, S 26.38 feet in front being S 13.19 feet in rear of 69, items 312 and 313."

The encroachment consists of a canopy with a pipe framework and a canvas covering 7 feet 6 inches wide, extending into public property to within 3 feet of curb with supporting stanchions being 4 feet from curb. The canopy will be 7 feet above grade of sidewalk and bearing letters measuring 6 inches.

Provided, That the necessary permits be obtained from the Departments of Public Works and Buildings and Safety Engineering under their rules and regulations and in accordance with plans approved by said departments and the Department of Streets and Traffic; and

Provided, That permittee at the time of obtaining said permits file with the City Controller a corporate surety bond approved by the Corporation Counsel in the sum of \$5,000.00 savings 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 providing for the faithful performance by 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 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