

discovered to be responsibility of Water Department.

Claimant requested reimbursement in the amount of \$871.63 but has agreed to accept the approved payment of \$435.86 made by the Board of Water Commissioners on August 9, 1971 and we concur in that recommendation and approve payment.

Respectfully submitted,

ALFRED SAWAYA,

Asst. Corporation Counsel

Approved:

ROBERT D. McCLEAR,

Acting Corporation Counsel

By Councilman Browne:

Resolved, that the City Controller be and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of B. Siegel Company in the sum of \$435.86 in full payment of any and all claims which they may have against the City of Detroit by reason of repairs of an underground leak between the meter and shut off box which was paid by claimant, and that said sum be paid upon presentation of release in form approved by the Corporation Counsel.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Van Antwerp, Wierzbicki, and President Ravitz — 8.

Nays — None.

Corporation Counsel

November 30, 1971

Honorable Common Council:

Re: Petition No. 2848 of Samary Parking Company, Inc. for temporary closing of alley at rear of 737-741 Bates and 1001-1015 Farmer Street, 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 Browne:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to Samary Parking Company, Inc., a Michigan Corporation, owner of the property adjoining the alley herein concerned, to close the northern seventeen (17') feet of the ten (10') foot alley at the rear of 737-741 Bates and 1001-1015 Farmer Street, Detroit, Michigan, on a temporary basis for a period not exceeding three years from the date of the resolution granting the permission in accordance with City Plan Commission, Plan No. A 1764.

Provided, That petitioner obtain permits from the Department of Public Works; and

Provided, That petitioner shall be subject to any tax which may be levied against it pursuant to law with regards to such use of public property; and

Provided, Petitioner first furnishes 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 permits, and providing for the faithful performance by the grantee of the terms hereof, and files same with the City Controller; 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 no building or other structure is constructed in said alley; that petitioner shall observe the rules and regulations of the Department of Public Works, and further subject to the following provisions:

The City of Detroit retains all rights and interests in the area herein temporarily closed;

The City and all utility companies retain their rights to establish, maintain and service any utilities in said area of temporarily closed alley; and

Provided, That at the expiration of said permits, all obstructions therein shall be removed at the expense of the grantee, and the public property affected shall be restored to a condition satisfactory to the Department of Public Works, by and at the permittee's expense; and

Provided, This resolution is revocable at the will, whim or caprice of the Common Council, and further, that grantee 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.

Approved:

JOHN R. MCKINLAY

Acting Corporation Counsel

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Van Antwerp, Wierzbicki, and President Ravitz — 8.

Nays — None.

Corporation Counsel

December 2, 1971

Honorable Common Council:

Re: Petition No. 3751 of Eleven - O - One Bldg. Co. for pilaster and

cornice encroachment on new building on the N.W. Corner of Michigan Avenue and Washington Boulevard, 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 Browne:

Resolved, That the Departments of Public Works and Buildings and Safety Engineering be and they are hereby authorized and directed to issue permits to Lawrence H. LoPatin and George E. Kawamoto, d-b-a Eleven - O - One Building Company, a Limited Partnership for a pilaster and cornice encroachment on the new building location at the Northwest corner of Michigan Avenue and Washington Boulevard known as 1101 Washington Boulevard, Detroit, Michigan.

Encroachment consists of attachment of precast columns vertically, encroaching 1'4" beginning 6 1/4" above grade on the Michigan Avenue side of the Building, and a spandrel along the entire face of the building encroaching 1'9" at a height of 22'6".

Provided, That the necessary permits be obtained from the Department of Buildings and Safety Engineering and the Department of Public Works, and that same shall be maintained under the rules and regulations of said departments and the Department of Parks and Recreation in accordance with plans submitted to and approved by them and the City Plan Commission; 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 maintenance of said permission; 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 encroachment 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 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:

JOHN R. MCKINLAY,
Acting Corporation Counsel

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Van Antwerp, Wierzbicki and President Ratz — 8.

Nays — None.

Corporation Counsel

December 21, 1971

Honorable Common Council:

Re: Petition No. 3808 of Philip N. Shammass and Adele Shammass, his wife for change of name and for the filing of an Indemnity Agreement in lieu of an Insurance Policy for existing encroachment at 2001 Brewster Avenue, 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,

Assistant Corporation Counsel

By Councilman Browne:

Resolved, That resolution adopted March 9, 1954 (J.C.C. pages 560-61) granting petition to Gunsberg Brothers Packing Co. to maintain building encroachment at 2001 Brewster Avenue, be and the same is hereby rescinded for the purpose of granting same to new owners, and, also, for the purpose of filing an indemnity agreement in lieu of public liability insurance policy now on file with the City Controller's Office, in accordance with the following resolution; therefore, be it hereby

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to Philip N. Shammass and Adele Shammass, his wife, new owners