

Controller first 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 permission, and providing for 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 permittee shall maintain said landscape at its own expense and in accordance with rules and regulations of the Department of Parks and Recreation; 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 Parks and Recreation by and at 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 said encroachment; and further, that permittee acquires no implied or other privileges hereunder not expressly stated herein; and

Provided, That said permission 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 permission 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:

MICHAEL M. GLUSAC
Corporation Counsel

Adopted as follows:

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

Nays — None.

Corporation Counsel

September 11, 1972

Honorable Common Council:

Re: Petition No. 5113 and Sketch of Cummings-Moore Graphite Co. for permits to maintain loading dock encroachment in public

alley in the rear of 7045 S. Cahalan, 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 permits to Cummings-Moore Graphite Co., a Michigan Corporation, to maintain existing loading dock encroachment at the rear of 7045 S. Cahalan, Detroit, Michigan, for a period of three years commencing from the date of this resolution. The property is described as:

Lots 70 through 64, Hannan's Ferndale Subdivision No. 2, Liber 31, Page 36, Plats, Wayne County Records.

Encroachment consists of a concrete block loading dock building, being 15' above grade, encroaching into the public alley 18' across the alley and 12.9' along same alley.

Provided, That the necessary permits be obtained from the Department of Public Works; and

Provided, That same shall be maintained under the rules and regulations of the Departments of Public Works and Buildings and Safety Engineering in accordance with plans approved and permitted by said departments; and

Provided, That said permittee shall be subject to any tax which may be levied against it under Public Act 189 with respect to this encroachment; 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 encroachment; 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 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 removal of encroachment, 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:

MICHAEL M. GLUSAC
Corporation Counsel

Adopted as follows:

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

Nays — None.

Corporation Counsel

September 7, 1972

Honorable Common Council:

Re: DSR Employees' Request for Representation

Gentlemen—We are herewith forwarding to you the attached DSR employees' requests for representation by this office in accordance with Ordinance No. 834-F.

These requests arise out of motor vehicle accidents arising out of the employees' course of employment as indicated in the brief summary attached to each complaint from the Department of Street Railways.

This office, therefore, approves the attached requests for representation as accidents involved arise out of the performance in good faith of the employees' official duties.

Respectfully submitted,

MICHAEL M. GLUSAC,

Corporation Counsel

By Councilman Eberhard:

Resolved, That the office of the Corporation Counsel, acting by and through the Department of Street Railways' Legal Division, be and is hereby authorized, under the provisions of Section 16-13-3 of the Municipal Code of the City of Detroit, to undertake to provide legal representation for the following defendants:

1. Claude Ballard, DSR File 70-5151.
2. Delaney R. Ferguson, DSR File 69-4806.
3. Clinton Franklin Gaston, DSR

File 70-2011.

4. Bernard Kelly, DSR File 71-5553.

5. Adam Luc, DSR File 71-2769.

6. Benjamin Marshall, DSR File 70-3986.

7. Jasper Stephens, DSR File 72-3111.

8. James E. Strahan, DSR File 71-4721.

9. John Robert Washington, DSR File 71-0858, in the suits of:

1. Sharon Ray, vs. City of Detroit, Department of Street Railways, and Claude Ballard, Civil Action No. 213-378 R.

2. Thomas Higginbotham, vs. City of Detroit, Department of Street Railways, and Delaney R. Ferguson, Civil Action No. 212 979 R.

3. Ardell Wagoner and Beverly Wagoner, his Wife, vs. Curtis Denny and Clinton Franklin Gaston, jointly & severally, Civil Action No. 4 170 058.

4. Rosemary Adams, Carl Adams and Bernard Pfenninger, vs. City of Detroit, Department of Street Railways, and Bernard Kelly, jointly & severally, Civil Action No. 204 690 R.

5. Carrie White Priestley, vs. Arlene J. Wesley, Adam Luc & City of Detroit, Dept. of Street Railways, J. & S., Civil Action No. 214 025.

6. Carol Albright as Admx. of Estate of Charles Albright, Dec'd. & Carol Albright, Indv., vs. City of Detroit, Dept. of Street Railways, and Benjamin Marshall, Civil Action No. 213 279 R.

7. Arthur Clifton, vs. City of Detroit, DSR, Jasper Stephens, Henry Lee Taylor, Jr., j & s, Civil Action No. 214 605.

8. Charlene E. Gaines, Florence Hansberry and Armand Hansberry, vs. City of Detroit, Dept. of Street Railways, and James E. Strahan, J. & S., Civil Action No. 214 082 R.

9. Bernice & George C. Ronzi, vs. City of Detroit, Dept. of Street Railways, and John Robert Washington, Civil Action No. 211 190 R, and further

Resolved, That the City Clerk is hereby directed to forward the files concerning each of the foregoing cases to the Corporation Counsel for his procedure in the matters.

Adopted as follows:

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

Nays — None.

Corporation Counsel

August 29, 1972

Honorable Common Council:

Gentlemen — The following Accounts Receivable are recommended for cancellation:

Motor Transportation		
Henry Y. Brown, Jr. J-50426		\$ 90.94
Raul Buentello L-08892		232.08
Tanzel Courtney K-61003		50.29
Roy Gladney K-77128		107.51
Leon Harris L-00271		50.09