

of \$800, in full payment of any and all claims which the plaintiff and his attorney may have against the defendant arising out of the said facts and series of circumstances spelled out in the complaint filed by plaintiff; and that said amount be paid upon presentation of a discontinuance of Wayne County Circuit Court Civil Action No. 72-222-480-CZ with prejudice and without cause executed by plaintiff's attorney and presentation of a release properly executed by plaintiff, said documents to be approved by the Office of the Corporation Counsel.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Henderson, Hood, Levin, Wierzbicki, and President Ravitz — 7.

Nays — None.

Corporation Counsel

February 16, 1973

Honorable Common Council:

Re: Petition Number 5835 of General Motors Corporation to construct and maintain a pedestrian bridge across Cass Avenue between Milwaukee and West Grand 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

Assistant Corporation Counsel

By Councilman Hood:

Resolved, That the Departments of Public Works and Building and Safety Engineering be and they are hereby authorized and directed to issue permits to General Motors Corporation, a Delaware Corporation, to construct and maintain a pedestrian bridge across Cass Avenue at the fourth floor level between the General Motors Building and the new parking structure located on the East side of Cass Avenue, Detroit, Michigan, over land described as:

Beginning at a point on the Easterly line of Cass Avenue (80.00 feet wide), said point being distant North 26 degrees 19 minutes 00 seconds West a distance of 127.47 feet from the Northeasterly corner of said Cass Avenue and Milwaukee Avenue (60.00 feet wide); proceeding thence from said point of beginning South 63 degrees 41 minutes 00 seconds West, across Cass Avenue as platted in the "Moran and Moross Subdivision" (Liber 8 of Plats, Page 15 Wayne County Records), a distance of 80.00 feet to the Westerly line of said Cass Avenue; Thence North 26 degrees 19 minutes 00 seconds West, along said Westerly street line, a distance of 50.00 feet to a point; Thence North 63 degrees 41 minutes 00 seconds East, across said Cass Avenue, a distance of 80.00 feet to a point on the Easterly

line of said Cass Avenue; Thence South 26 degrees 19 minutes 00 seconds East, along said Easterly street line, a distance of 50.00 feet to the point of beginning.

The encroachment consists of 4000 square feet in area. The elevation, according to City of Detroit datum, of the bottom of the proposed Air Rights Easement is El. 202.00 feet, as compared to an elevation of El. 149.81 feet for the center line of Cass Avenue pavement.

Provided, That the necessary permits be obtained from the Departments of Public Works and Buildings and Safety Engineering and that same shall be constructed and maintained under their rules and regulations and in accordance with plans submitted to and approved by those departments, the Department of Streets and Traffic and the City Plan Commission as to materials, colors and general appearance; and

Provided, That permittee file with the office of the City Controller an Indemnity Bond in the sum of Twenty-Five Thousand (\$25,000.00) Dollars, 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 all costs for construction and the use of same shall be borne by permittee; and

Provided, That no advertising material of any type is displayed on any part of the bridge; and

Provided, That the issuance of permits for said installation shall not in any way waive the rights of the City to utilize the area for street widening or other purposes as may become necessary in the future; and

Provided, That said permittee shall be subject to any tax under the provisions of the General Property Tax Act which may be levied against it pursuant to law with respect to the pedestrian bridge and its appurtenances; 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 the 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

by the Departments of Public Works and Building and Safety Engineering

are granted with the distinct understanding that in the event of the Charter of the City of Detroit being amended in such manner as will provide for the levying thereafter, of a fee, charge or rental, to be hereafter determined upon, or in the event of an ordinance or resolution being enacted providing for an annual charge or rental to be charged thereafter, for the occupancy of public streets, alleys or other public places, that the grantee will pay said fee, charge or rental provided for in said Charter, or ordinance or resolution and that said grantee does hereby bind himself thereunto and to accept said permits on the conditions hereby imposed and in the event of said grantee contesting the validity of said Charter amendment, ordinance or resolution or of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; 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 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 the written approval of the Common Council; 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.

Approved:

ROBERT D. McCLEAR
Acting Corporation Counsel

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Henderson, Hood, Levin, Wierzbicki, and President Ravitz — 7.

Nays — None.

Corporation Counsel

February 5, 1973

Honorable Common Council:

Gentlemen — Your Honorable Body by resolution of December 21, 1972, J.C.C. Page 3152, authorized acquisition of land bounded by Jefferson, Randolph, Congress and Brush for the Municipal Parking Authority.

The acquisition of 18 parcels for the project consists of various commercial office buildings, parking lots and retail stores.

Dean Appraisal Company has submitted an estimate of \$25,650.00,

to make an appraisal of each parcel which will include the fee value, fixtures and an estimated cost of demolition of the buildings, plus \$150.00 per day for consultation, negotiation, pre-trial conferences and court testimony if necessary.

If this meets with your approval, the attached resolution is submitted for your consideration.

Respectfully submitted,
RONALD R. SOGGE
Assistant Corp. Counsel

Approved:

J. P. KANTERS
Deputy Controller

By Councilman Hood:

Resolved, That the Municipal Parking Authority be and is hereby authorized to obtain appraisal services and related work for the Jefferson-Randolph parking garage site from the Dean Appraisal Company at costs outlined in the above communication not to exceed a total of \$30,150 and be it further

Resolved, That the sum of \$30,150 be transferred from account 844-9660-900 unallocated appropriations to account 844-9660-935 Jefferson-Randolph garage site and that this account be reimbursed as and if required from account 195-9090-918 General Public Improvements — Parking Facility and be it further

Resolved, That the Controller transfer funds and honor vouchers when submitted in accordance with this resolution.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Henderson, Hood, Levin, Wierzbicki, and President Ravitz — 7.

Nays — None.

Corporation Counsel

February 9, 1973

Honorable Common Council:

Gentlemen — In response to your letter of January 4, 1973, enclosed please find a proposed ordinance amending the Building Code, which incorporates recommendations made by Project Neighborhood Improvement Program, Inc. in Petition No. 5526. This proposed ordinance provides that following demolition of buildings, the wrecking company is responsible for breaking basement walls and floors, backfilling with inorganic materials, removal of debris above grade, and erecting fences to inhibit dumping on vacant lots.

The further recommendation of Project N.I.P., Inc. - for amendments providing installation of top soil and grass seed - are not included in this amending ordinance. Discussions with the Department of Buildings and Safety Engineering, The Department of Public Works, C.D.C., and an attorney for the wrecking industry, uncovered the following problems:

1. Buildings and Safety Engineering feels that aesthetic measures such as