

\$9,472.66. This purchase price represented the appraised value of the land and the building located thereon.

This office recently learned that a fire which occurred on June 12, 1971 completely destroyed the building. The owner made no attempt to inform the City of the loss at the time of the sale. On April 25, 1973, suit was initiated in Common Pleas Court to recover the value of the destroyed building.

As a result of subsequent negotiations, Mr. Mabarak has agreed to rescind the transaction and return the purchase price to the City in exchange for a deed to the property. Upon completion of the transfer, the parcel will be reinstated in the Elmwood Park Project and condemned in the normal manner.

We, therefore, respectfully request that Your Honorable Body approve the following Resolution.

Respectfully submitted,

BORIS K. YAKIMA

Assistant Corporation Counsel
By Councilman Eberhard:

Resolved, That the sale by which the City of Detroit purchased the property located at 2726-28 Waterloo, Detroit, Michigan from Anthony Mabarak be, and is hereby rescinded, and that the Controller's Office be and is hereby directed to prepare the necessary deed to effectuate this transaction, and that the funds returned to the City be deposited into the account from which they were originally drawn, all in accordance with the foregoing communication.

Approved:

MICHAEL M. GLUSAC

Corporation Counsel

Adopted as follows:

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

Nays — None.

Corporation Counsel

July 11, 1973

Honorable Common Council:

Re: Petition No. 6678 of Higgins Management Company to install gas coachlights on berm area at 1130, 1152 and 1160 Holcomb Ave.

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 Eberhard:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to Higgins Management Company, a Michigan Corporation, to install four gas coachlights at 1130, 1152 and 1160 Holcomb Avenue, Detroit, Michigan, the property being described as:

"The South 5 feet of Lot 100 and all of Lots 101 through 109, inclusive,

Holcomb and Sears Subdivision of Lots 1, 2, 3, 11, 12, 13 and the North ½ of Lot 19 of Subdivision of Private Claim No. 10 Robert Beaubien Farm and part of Private Claim No. 644, Hamtramck, Wayne County, Michigan, as recorded in Liber 7 of Plats on page 74, Wayne County Records."

Encroachment consists of four gas coachlights located 4 feet east of curb line, the first light being 14 feet north of alley, first north of Jefferson, then 77 feet, then 78 feet and finally 76 feet on the east side of Holcomb.

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

Provided, That said installation meets the requirements of any applicable Fire and Safety Codes; and

Provided, That permittee at the time of obtaining the no charge permits files with the City Controller 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 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 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 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 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, Henderson, Hood, Levin, Rogell, and President Ravitz — 7.
 Nays — None.

Corporation Counsel

July 12, 1973

Honorable Common Council:
 Re: Petition No. 6706 of Bob Maxey Lincoln-Mercury, Inc., a Delaware Corporation, to install concrete pots for trees and flowers on public property at 12740 Gratiot Ave.

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 Eberhard:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to Bob Maxey Lincoln-Mercury, Inc., a Delaware Corporation, to encroach on public property at 12740 Gratiot Avenue, Detroit, Michigan, property being described as:

"All of Lots 26 thru 35, both inclusive, and Lots 42 thru 44, both inclusive, of Rivards Home Subdivision of part of Lot 2 Mary Ann Fournier Estate Subdivision; and Lots 1 and 2 of Ed Rivard Subdivision of part of Lot 2 Mary Ann Fournier Estate Subdivision; and the North 135.70 feet of Lot 2, lying West of and adjoining Ed. Rivard Subdivision and South of and adjoining Gratiot Avenue, as widened, Mary Ann Fournier Estate Subdivision Private claim 613 and part of Private claim 394, City of Detroit, Wayne County, Michigan."

The area of said parcel is 76,210 square feet.

Encroachment consists of six concrete pots for trees and flowers located between the lot line and curb and placed four feet from said curb.

Provided, That the necessary permits be obtained from the Department of Public Works and that same shall be constructed and maintained under the rules and regulations of said department and the City Plan Commission and in accordance with plans submitted to and approved by them and the Department of Parks and Recreation; and

Provided, That the sole cost and expense of said encroachment and maintenance thereof be borne by permittee; 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:

MICHAEL M. GLUSAC
 Corporation Counsel

Adopted as follows:

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

Nays — None.

Corporation Counsel

July 11, 1973

Honorable Common Council:
 Re: Petition No. 6788 of Frederick M. Seymour and Evelyn E. Seymour to install gaslights on city property at 360-398 Parkview Ave.

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 Eberhard:

Resolved, That the Department of Public Works by and it is hereby authorized and directed to issue permits to Frederick M. Seymour and Evelyn E. Seymour to install and