

## Corporation Counsel

December 11, 1973

Honorable Common Council:

Re: Petition No. 7427 of Jean K. Rooney for a fence encroachment at 18200 Redfern.

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,

JOHN R. MCKINLAY

Assistant Corporation Counsel

By Councilman Rogell:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to Jean K. Rooney, to install a redwood fence on public property at the northeast corner of Redfern and Curtis Avenue, Detroit, Michigan, property being described as:

"Lot 75 and S 10 ft. of 74, Redfern Lawns Sub."

Encroachment to consist of a redwood fence on Curtis side being six (6) feet in height erected ten (10) feet south of the south property line for a distance of forty (40) feet along Curtis being between drive apron and house approximately two (2) feet back of roadway.

Provided, That the necessary permit be obtained from the Department of Public Works and that same shall be constructed and maintained under its rules and regulations in accordance with plans submitted to and approved by said department; and

Provided, That said permittee shall be subject to any tax which may be levied against it under the terms of Public Act 189 of 1953 and such other taxes as may be properly assessed and levied; and

Provided, That permittee at the time of obtaining said permit 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 permit and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise by reason of the issuance of said permit 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 said permit 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 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 said permittee at its sole cost and 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 indemnity agreement and the securing of the necessary permit referred to herein shall be construed as acceptance of the terms of this resolution by the permittee; and

Provided, That this permit shall not be assigned or transferred without the written approval of the Common Council.

Approved:

ROBERT W. McCLEAR

Acting Corporation Counsel

Adopted as follows:

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

Nays — None.

## Corporation Counsel

December 13, 1973

Honorable Common Council:

Re: Confirmed Judgment of the Court and Jury Verdict, Civil Action No. 73-238-472-CC.

A report is herewith submitted in reference to the following: Civil Action 73-238-472-CC (Recorder's Court File 2588), entitled:

IN THE MATTER OF:

ACQUISITION OF LAND FOR URBAN RENEWAL DEVELOPMENT AND OTHER MUNICIPAL PUBLIC PURPOSES (THE ELMWOOD PARK REHABILITATION PROJECT NO. 3) IN AREA BOUNDED BY JOSEPH CAMPAU AVENUE, ELMWOOD AVENUE, MACOMB STREET AND MULLETT STREET.

Judgment of the Court which was rendered on November 9, 1973 and the Jury Verdict which was rendered on November 13, 1973 were both confirmed by Order of the Court signed on December 13, 1973. The grand total for the Judgment of the Court and Jury Verdict was \$405,501.00 and consisted of 10 fees, costs on 3 of the fees and 1 fixture award.

Respectfully submitted,

RONALD R. SOGGE

Assistant Corporation Counsel

Approved:

ROBERT W. McCLEAR

Acting Corporation Counsel

Received and placed on file.