

Law Department

May 12, 1975

Honorable City Council:
Re: Petition No. 1982, National Bank of Detroit for underground cable encroachment across alley at rear of 5400-5460 W. Fort.

Pursuant to your request, this office has prepared the appropriate resolution granting the above petition in accordance with the recommendations of the City department involved.

Respectfully submitted,
JOHN E. CROSS

Assistant Corporation Counsel
By Council Member Hood:

RESOLVED, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue a permit to National Bank of Detroit for permission to encroach into public property at the rear of 5400-5460 W. Fort Street, Detroit, Michigan, property being described as:

"Lots A, B, C, D and 2 and 1 of the William B. Wessons Subdivision of Lot 1."

Encroachment to consist of a three (3) pair, sixteen (16) gauge jacketed cable installed in a 2 inch galvanized iron pipe from the building terminal box proceeding under and across the 20 foot wide east-west alley between Junction Avenue and Morrell St. alley to a cable pole on the north side of said alley.

PROVIDED, That the necessary permit be obtained from the Environmental Protection and Maintenance Department and that same shall be constructed and maintained under its rules and regulations and in accordance with plans submitted to and approved by said Department.

PROVIDED, That permittee at the time of obtaining said permit file with the Finance Department an indemnity agreement in form approved by the Law Department, 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 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 encroachments shall be removed at the expense of the permittee at any time when so directed by the City 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 City 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 City 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:

KERMIT G. BAILER

Corporation Counsel

Adopted as follows:

Yeas—Council Members Cleveland, Eberhard, Hood, Kelley, Mahaffey, Rogell, and President Levin — 7.

Nays — None.

Law Department

May 13, 1975

Honorable City Council:
Re: Petition No. 2193 — Fort Street Presbyterian Church — Request to transfer tree planters and for permission to plant trees in sidewalk, 631 W. Fort.

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,
JOHN E. CROSS

Assistant Corporation Counsel
By Council Member Kelley:

RESOLVED, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue a permit to Fort Street Presbyterian Church for permission to encroach upon the public sidewalk in front of and along side of the Fort Street Presbyterian Church, such church located at 631 W. Fort, Detroit, Michigan property being described as:

"Public walkway in front of 631 W. Fort."

Encroachment to consist of three trees in the public sidewalk in front of the Church at 631 W. Fort Street.

PROVIDED, That the necessary permit be obtained from the Environmental Protection and Maintenance Department and that same shall be constructed and maintained under its rules and regulations and in accordance with plans submitted to and approved by said Department, the City Engineering, Community and Economic Development and Recreation Departments and the Department of Transportation.

PROVIDED, That the types of planting materials to be used in the