

By Council Member Mahaffey:

RESOLVED, that the Finance Director be and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of Marvin Taylor and Larry K. Bowerman, his attorney, in the sum of \$400.00 in full payment of any damages which they may have against the City of Detroit by reason of the City of Detroit's failure to maintain a building owned by it, known as the Wheeler Recreation Center located at 637 Brewster, in the City of Detroit, on or about July 9, 1971, and that said amount be paid upon presentation of releases and a discontinuance of Civil Action No. 226-201 satisfactory to the Law Department.

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Hood, Mahaffey, Rogell, and President Levin — 6.

Nays — None.

#### Law Department

November 28, 1975

Honorable City Council:

Re: Petition No. 2573, Milton Pett, maintain awning encroachment at 1128 East Grand Boulevard.

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,  
NANCY A. McCAUGHAN,

Asst. Corporation Counsel

By Council Member Mahaffey:

RESOLVED, that the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue a permit to Milton Pett for permission to encroach at 1128 E. Grand Boulevard, Detroit, Michigan, property being described as:

"Lots 1 and 2 of Andres sub. as recorded in L. 21 Plats P. 93, WCR."

Encroachment to consist of canvas awning with galvanized pipe frame 29'3" long, 6'3" in height and encroaching 4' into public property on the west side of the building.

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 regulation, and in accordance with plans submitted to and approved by said department.

PROVIDED, that permittee at the time of obtaining said permits file with the Finance Department an indemnity agreement in form approved by the Law Department, saving and protecting the City of Detroit harmless from and any 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 encroachments; 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 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 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 expenses.

Approved:

KERMIT G. BAILER

Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Hood, Mahaffey, Rogell, and President Levin — 6.

Nays — None.

#### Law Department

November 28, 1975

Honorable City Council:

Re: Petition 2919 - Tristar Developments, Inc. for change of name on encroachment permit for property at N.E. corner of W. Grand Blvd. & Second, and to file an indemnity agreement in lieu of the original encroachment bond.

Pursuant to your request, this office has prepared the appropriate resolution granting the above petition in accordance with the recommendation of the Buildings and Safety Department.

Respectfully submitted,  
NANCY A. McCAUGHAN  
Asst. Corporation Counsel

By Council Member Mahaffey:

WHEREAS, the Petitioner, TRISTAR DEVELOPMENTS, INC., has acquired the property located on the northeast corner of W. Grand Blvd. and Second Avenue; and

WHEREAS, the previous owner of the property, Fisher-New Center