

PROVIDED, that the necessary permit be obtained from the Environmental Protection and Maintenance Department and that the 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 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 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 so 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 said 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 expense.

Approved:

GEORGE G. MATISH
Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cockrel, Eberhard, Hood, Kelley, McFadden, Rogell, and President Pro Tem Mahafey — 7.

Nays — None.

Law Department

March 12, 1979

Honorable City Council:

Re: Petition of Machinery & Equipment Exch. Inc. No. 1217 for encroachment at 7250 Central Avenue, Detroit, Michigan 48210.

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

Respectfully submitted,

WALTER KOLTUNCHIK

Condemnation Services Coordinator
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 the Machinery and Equipment Exchange Inc., for permission to encroach at 7250 Central Avenue, Detroit, Michigan, property being described as:

"7250 Central Avenue across Bryden Avenue' just north of Warren Avenue, Detroit, Michigan."

Encroachment to consist of overhead low voltage power feeder line across Bryden Avenue extending from Machinery and Equipment Exchange, Inc. property just north of Warren Avenue.

PROVIDED, that the necessary permit be obtained from the Environmental Protection and Maintenance Department and that the 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 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 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 so 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 said 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 expense.

Approved:

GEORGE G. MATISH

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cockrel, Eberhard, Hood, Kelley, McFadden, Rogell, and President Pro Tem Mahafey — 7.

Nays — None.

Law Department

March 12, 1979

Honorable City Council:

Re: Petition of Detroit Bank and Trust Company, No. 6055 for encroachment at former Madison Theater at the corner of Broadway and Witherell Avenue

Pursuant to your request, this office has prepared the appropriate resolution granting the above petition in accordance with the recommendation of the Community and Economic Development Department and Environmental Protection and Maintenance Department.

Respectfully submitted,

WALTER KOLTUNCHIK

Condemnation Services Coordinator

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 the Detroit Bank and Trust Company, for permission to encroach at Broadway and Madison Avenues, Detroit, Michigan, property being described as:

"the public alley rear of the Madison Theatre at the southeast corner of Broadway and Witherell, property is described as being: 50 feet along westerly edge of Lots 19 and 20, Sec. 7,

and vacated 10 feet of land in front, Governor and Judges Plan."

Encroachment to consist of four inch (4") wide wall into public alley immediately adjacent to building wall, from alley grade to a depth of 42 inches and for a length of 50 feet along the building.

PROVIDED, that the necessary permit be obtained from the Environmental Protection and Maintenance Department and that the 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 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 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 so 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 said 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 expense.

Approved:

GEORGE G. MATISH

Deputy Corporation Counsel