

vironmental 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:

KAY SCHLOFF
Acting Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.

Nays — None.

Law Department

January 11, 1980

Honorable City Council:

Re: Petition of Martin Stein No. 2739 for Encroachment at 1217 Griswold Street, Detroit, Michigan 48226.

Pursuant to your request, this office has prepared the appropriate resolution granting the above petition in accordance with the recommendations of the Buildings and Safety Engineering and the Environmental Protection and Maintenance Departments.

Respectfully submitted,

WALTER KOLTUNCHIK

Condemnation Services Coordinator

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 Martin Stein for permission to encroach at 1217 Griswold Street, Detroit, Michigan, property described as:

"Lot 58, Section 8, Governor and Judges Plan, as recorded in Liber 34, Page 543 of Deeds, Wayne County Records."

Encroachment to consist of gas vents that will encroach into the public alley which are required by the installation of gas furnaces on all floors of the six-story building located at 1217 Griswold Street to vent the products of combustion out of the rear wall.

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 af-

fects shall be resorted 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 thereby 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:

KAY SCHLOFF

Acting Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.

Nays — None.

Law Department

January 10, 1980

Honorable City Council:

Re: Dorothy Branchman, Guardian of Robert Branchman, vs. City of Detroit (Police Dept.) P.O., John Gardner, Harry Schneider and Fred Baker, J & S. Circuit Court No. 79-932-939 NO. Our File: 79-5255.

Representation by the Law Department of the City employee(s) or officer(s) listed below is hereby recommended, as we concur with the recommendation of the Head of the Department and believe that the City Council should find and determine that the suit against the defendant(s) arises out of or involves the performance in good faith of the official duties of such defendant(s).

Defendant(s): P.O. John Gardner, Badge No. 2857; P.O. Harry Schneider, Badge No. 3637.

Respectfully submitted,

MERCEDES MUECKENHEIM

Asst. Corp. Counsel

By Council Member Kelley:

Resolved, that the Law Department is hereby authorized under the provisions of Chapter 16, Article 13 of the

Municipal Code of the City of Detroit and in accordance with the foregoing communication to provide legal representation to defendant(s): P.O. John Gardner, Badge No. 2857; P.O. Harry Schneider, Badge No. 3637.

Approved:

KAY SCHLOFF

Acting Corp. Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.

Nays — None.

Law Department

January 9, 1980

Honorable City Council:

Re: Petition of 1300 Lafayette East Apartments No. 2790 for Encroachment at 1300 Lafayette East Apartments.

Pursuant to your request, this office has prepared the appropriate resolution granting the above petition in accordance with the recommendations of the Recreation Department and the Department of Public Works.

Respectfully submitted,

WALTER KOLTUNCHIK

Condemnation Serv. Coordinator

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 1300 Lafayette East Apartments for permission to encroach at 1300 East Lafayette, Detroit, Michigan, property being described as:

"All that part of Lot 4, as platted in South Lafayette Park Subdivision on parts of Private Claim 6, 181, 7, 12, 13, 8 and 17, City of Detroit, Wayne County, Michigan, as recorded in Liber 88 of Plats, Pages 61, 62, 63 and 64, Wayne County Records, and described as: Beginning at the intersection of the S'y line of East Lafayette Avenue, 120 ft. Wide, with the W'y line of said Lot 4; thence along the S'y line of said East Lafayette Avenue, N. 59d 52m 15s E. 20.05 ft.; thence along the E'y line of a Public Easement, S. 26d 02m 41s E. 515.87 ft.; thence S. 59d 50m 25s W. 20.05 ft.; thence along the W'y line of said Lot 4, N. 26d 02m 41s W. 515.87 ft. to the point of beginning, containing 10,316.48 sq. ft. or 0.2368 acres of land; and parcel being subject to a public easement for public utilities as recorded on said plat.

Encroachment to consist of Walkway Easement through Public Park for access to and from swimming pool at 1300 Lafayette East Apartments.