

Law Department

October 3, 1980

Honorable City Council:

Re: Petition of Twenty Grand, #4105,
for encroachment at 3067 East
Grand Boulevard.

Pursuant to your request, this office
has prepared the appropriate resolu-
tion granting the above petition in ac-
cordance with the recommendation of
the Environmental Protection and
Maintenance Department.

Respectfully submitted,
JOSEPH N. BALTIMORE

Assistant Corporation Counsel

By Council Member Rogell:

RESOLVED, That the Environmen-
tal Protection and Maintenance De-
partment be and it is hereby au-
thorized and directed to issue a permit
to Twenty Grand #4105 for permission
to encroach at 3067 East Grand
Boulevard, Detroit, Michigan, prop-
erty being described as:

"3067 East Grand Boulevard-
Right-of-Way"

Encroachment to consist of a sign to
be extended six feet from the property
line and fifteen feet from the existing
ground elevation.

PROVIDED, that the necessary
permit be obtained from the En-
vironmental Protection and Mainte-
nance 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 inde-
mnity agreement, in form approved by
the Law Department, saving and pro-
tecting 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 ex-
pressly on the condition that said en-
croachment 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-
fected 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 secur-
ing of the necessary permits referred
to herein shall be construed as accep-
tance of this resolution by the permit-
tee; 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:

SYL DELANEY

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Eberhard,
Hood, Kelley, McFadden, Rogell, and
President Pro Tem Mahaffey — 6.

Nays — None.

Law Department

October 3, 1980

Honorable City Council:

Re: Petition of Stevens Associates,
Inc. (#3598), for encroachment at
North Side of Larned between
Beaubien and St. Aubin.

Pursuant to your request, this office
has prepared the appropriate resolu-
tion granting the above petition in ac-
cordance with the recommendations
of the Environmental Protection and
Maintenance and Community and
Economic Development Departments.

Respectfully submitted,

JOSEPH N. BALTIMORE

Assistant Corporation Counsel

By Council Member Rogell:

RESOLVED, that the Environmen-
tal Protection and Maintenance De-
partment be and it is hereby au-
thorized and directed to issue a permit
to Stevens Associates, Inc. for permis-
sion to encroach at north side of
Larned between Beaubien and St.
Aubin, Detroit, Michigan, property
being described as:

"The Sidewalk Area: Item 1. To In-
stall post bumpers and steps which
will encroach into the public alley at
the rear of their building. The posts
are to prevent vehicular traffic from
parking and blocking fire exit doors at
the rear of their building; the said
doors are 19 inches above the alley
grade, and to install steps which will
also encroach into the alley.

Item 2. The petitioners, and their

adjoining property owners in the same block, be granted permission to plant trees in the sidewalk area on the north side of Larned and the west side of St. Antoine."

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 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:

SYL DELANEY

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Eberhard, Hood, Kelley, McFadden, Rogell, and President Pro Tem Mahaffey — 6.
Nays — None.

Law Department

September 26, 1980

Honorable City Council:

Re: Gayle Hutter vs. Edward Lee Baker and City of Detroit, DOT. Civil Action No.: 77 715 945 NI.

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in the memorandum. From this review, it is our considered opinion that a settlement in the amount of Twenty-Five Thousand (\$25,000.00) Dollars, is in the best interest of the City of Detroit.

We, therefore request the Finance Director to issue his draft in the amount of \$25,000.00 payable to Gayle Hutter, Administratrix of the Estate of Howard B. Welch, Deceased and her Attorneys Lopatin, Miller, Freedman, Bluestone, Erlich & Rosen, to be delivered upon receipt of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 77 715 945 NI.

Respectfully submitted,
MERCEDES MUECKENHEIM
Supervising Assistant
Corporation Counsel

Approved:

SYL DELANEY

Deputy Corporation Counsel

By Council Member Rogell:

Resolved, That the Finance Director be and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of Gayle Hutter, Administratrix of the Estate of Howard B. Welch, Deceased and Lopatin, Miller, Freedman, Bluestone, Erlich & Rosen, in the sum of Twenty-Five Thousand (\$25,000.00) Dollars in full payment of any and all claims which she may have against the City of Detroit and the Department of Transportation by reason of injuries sustained by Howard B. Welch which was the result of being struck by a DOT coach as he attempted to cross Grand River and which resulted 10 days later in his death, and that said amount be paid upon presentation of Release and Stipulation and Order of Dismissal of Lawsuit No. 77 715 945 NI, Wayne County Circuit Court, approved by the Law Department.

Approved:

SYL DELANEY

Deputy Corporation Counsel