

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 Cleveland, Eberhard, Hood, Kelley, Mahaffey, Rogell, and President Henderson — 7.
Nays — None.

Law Department

May 12, 1981

Honorable City Council:

Re: Petition of Forest City Enterprises Inc. #3577 for encroachment at 1431 Washington Boulevard.

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, City Planning Commission and the Department of Public Works.

Respectfully submitted,
JOSEPH N. BALTIMORE

Assistant Corporation Counsel

By Council Member Mahaffey:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue a permit to Forest City Enterprises, for permission to encroach at 1431 Washington Boulevard, Detroit, Michigan, property being described as:

"Lots 11 to 15 of Section 10, Governor and Judges Plan as recorded in Liber 34, Page 533 of Deeds, Wayne County Records"

Encroachment to consist of a 4 foot overhang into the right-of-way of Washington Boulevard at the 27 and 28 floors of the apartment tower commonly known as 1431 Washington Boulevard.

Provided, That the necessary permit be obtained from the Department of Public Works 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:

SYL DELANEY

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Hood, Kelley, Mahaffey, Rogell, and President Henderson — 7.
Nays — None.