

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 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 security 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 Corp. Counsel

Adopted as follows:

Yeas — Council Members Cockrel, Eberhard, Kelley, Rogell, and President Henderson — 5.

Nays — None.

Law Department

September 11, 1981

Honorable City Council:

Re: Petition of Fruehauf Corporation No. 5159 for encroachment of a messenger cable on the south side of Harper Avenue between Beniteau and Lemay Avenues, Detroit, MI.

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

Respectfully submitted,
JOSEPH N. BALTIMORE

Asst. Corp. Counsel

By Council Member Kelley:

Resolved, that the Department of Public Works be and it is hereby authorized and directed to issue a permit to Fruehauf Corporation for permission to encroach at 11148 Harper Avenue, Detroit, Michigan, property being described as:

"Lots 98 to 110 of E. W. Guenther's Subdivision, L. 39, P. 60; a portion of P.C. 688, L. 30, P. 210, Lots 433 to 438 of the Warren Park No. 1 Subdivision, L. 37, P. 51, Lots 23 and 24 of the Subdivision of P.C. 724 of Chancery File No. 611."

Encroachment to consist of the hanging of a messenger cable on the utility poles on the south side of Harper Avenue from Beniteau Avenue to Lemay Avenue.

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 Corp. Counsel

Adopted as follows:

Yeas — Council Members Cockrel, Eberhard, Kelley, Rogell, and President Henderson — 5.

Nays — None.

Law Department

September 11, 1981

Honorable City Council:

Re: Petition of United Auto Workers No. 5271 for encroachment at 8731 East Jefferson Avenue, Detroit, MI.

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

Respectfully submitted,

JOSEPH N. BALTIMORE,

Asst. Corporation Counsel

By Council Member Kelley:

Resolved, that the Department of Public Works be and it is hereby authorized and directed to issue a permit to United Auto Workers for permission to encroach at 8731 East Jefferson Avenue, Detroit, Michigan, property being described as:

"Lots 115 to 117 of Olde's Subdivision of Lots 24 and 25, P.C. 723, Hamtramck, Wayne County, Michigan, as recorded in Liber 12, Page 40, Plats, Wayne County Records."

Encroachment to consist of a new facade on the front of the existing UAW Dave Miller Building which will encroach 12 inches into the right-of-way of Jefferson, the encroachment to begin at a height of 7 feet 4 inches above the ground level.

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 Cockrel, Eberhard, Kelley, Rogell, and President Henderson — 5.

Nays — None.

Law Department

August 28, 1981

Honorable City Council:

Re: Ben F. Agnew vs. City of Detroit.

The Law Department has reviewed the above entitled workers' compensation matter, the facts and particulars of which are contained in the memorandum.

From that review, it is our opinion that a settlement in the amount of \$15,000.00 is in the best interest of the City of Detroit.

Respectfully submitted,

WILLIAM DIETRICH

Supervising Assistant

Corp. Counsel