

That in addition to all other covenants in the contract contained, the Company, its successors or assigns agrees to save harmless the City of Detroit from any or all damages or liability of any kind, nature or description resulting to any person, persons, firm, corporation or individual from the construction or abandonment of the tunnel, screenhouse and super-structures covered by this agreement, or from the operation or maintenance of same by Ford Motor Company, its successors or assigns, whensoever the same may accrue, and to defend all actions whether in law or in equity at its own cost and expense brought against the City by reason of the said construction, operation, maintenance or abandonment of said tunnel, screenhouse or super-structures and to pay any and all judgments therein. It being the intent of this agreement to absolutely relieve the City of Detroit from any and all liability arising by reason of the construction or abandonment of the said tunnel, screenhouse and superstructure.

This amendment shall take effect as of the date hereof. The amount to be paid by the Company as provided in this amendment shall be payable in quarterly installments, and the first installment for the year commencing January 1, 1935, shall be payable forthwith, and all subsequent payments shall be made in quarterly installments January 1st, April 1st, July 1st and October 1st of each year, said quarterly payments to be payable in advance.

IT IS AGREED That Ford Motor Company shall not be liable to reimburse the City for any attorney or counsel fees expended or incurred by it prior to the date hereof in or about any suits, actions or proceedings arising out of the construction, operation or maintenance of said tunnel, screenhouse or superstructure.

IN WITNESS WHEREOF the parties hereto have executed this agreement this day of A. D., 1935.

CITY OF DETROIT, By Its Board of Water Commissioners,
By
And Its President.
..... Its Secretary.

In the Presence of

FORD MOTOR COMPANY,
By
And Its
..... Its

In the Presence of

Confirmed by the Common Council of the City of Detroit this.....

day of, 1935

Approved:
RAYMOND J. KELLY,
Corporation Counsel.

By Councilman Van Antwerp:

Resolved, That in accordance with the decree of the Supreme Court in the case of Ford Motor Company vs. City of Detroit, et al., 267 Mich. 177, the City Treasurer be and he is hereby authorized and directed to accept from the Ford Motor Company taxes for the year 1931 upon the west 38.91 feet on Jefferson avenue being the west 31.5 feet on Medina avenue of lot 68 and all of lots 69, 70 and 71, except Medina avenue as opened, of subdivision of part of lot 7 on Private Claim No. 45 located in the City of Detroit, and in the amount of \$1,235.82 plus interest thereon at the rate of 5 per cent per annum, and taxes in the amount of the official assessments fixed upon said land for the years 1932-33, 1933-34 and 1934-35; and be it further

Resolved, That in accordance with said decision all other taxes upon said above described property, together with personal taxes levied upon water tunnel for the above years, are hereby cancelled and stricken from the records of the City of Detroit; and be it further

Resolved, That the Board of Water Commissioners be and it is hereby authorized and directed to enter into, sign and execute the foregoing amendment to the contract entered into on the 14th day of May, 1929, between the Ford Motor Company and the said Board of Water Commissioners; and be it further

Resolved, That the above amount stipulated to be paid, being in the nature of a fee and in lieu of taxes, the City Treasurer and City Controller be and they are hereby directed to credit the same to the General Fund.

Approved:
RAYMOND J. KELLY,
Corporation Counsel.

Adopted as follows:
Yeas—Councilmen Bradley, Dingeman, Jeffries, Lindsay, Lodge, Smith, Van Antwerp and the President Pro Tem—8.
Nays—None.

RESOLUTIONS AND ORDINANCES

By Councilman Lindsay:

Resolved, That resolution adopted July 31, 1934 (J. C. C., p. 1440-1), vacating a portion of the north and south alley in the block south of Sargent st., west of Elmwood ave., north of Milwaukee ave. and east of East Grand Blvd., on petition of St. Joseph Mercy Hospital (2100), be and

the same is hereby rescinded for the purpose of correction.

Adopted as follows:

Yeas—Councilmen Bradley, Dingeman, Jeffries, Lindsay, Lodge, Smith, Van Antwerp and the President Pro Tem—8.

Nays—None.

By Councilman Lindsay:

Resolved, That "All that part of public alley lying between East Grand Boulevard and Elmwood avenue; Milwaukee avenue and Sargent street, more particularly described as all of public alley, 12 feet wide lying east of and adjoining the easterly line of the north 72 feet of lot 15 of E. D. Foster's Subdivision of part of Lot 11 Fractional Sections 29 and 32, T. 1 S. R. 12 East, Detroit, Wayne County, Michigan, as recorded in Liber 8, page 23 of Plats of Wayne County Records and westerly of the westerly line of the north 72 feet of Lot 2, Block 3 of Kengel's Subdivision of that part of Out Lot 11 Subn. of Frac. Secs. 29 and 32 lying east of the centre of Craig avenue, if extended, Town 1 S. Range 12 East as recorded in Liber 9, page 12 of Plats of Wayne County Records," be and the same is hereby vacated to become a part and parcel of the adjoining property.

Provided, petitioner deeds to the City of Detroit "the southerly 6 feet of the northerly 78 feet of Lot 15 of E. D. Foster's Subdivision of part of Lot 11 Fractional Sections 29 and 32 T. 1 S. R. 12 E., Detroit, Wayne County, Michigan, as recorded in Liber 8, page 23 of Plats of Wayne County Records," to be used as a turn-around.

Provided further, "Turn-around is to be distinctly marked and no vehicles are to be permitted to park within its limits."

Provided, That by reason of the vacation of the above described alley, the City of Detroit does not waive any right in the lateral sewer located therein, and shall at all times have the right to enter upon said premises if found necessary on account of said sewer to repair same, and provided further, that petitioner shall not build over the above described alley without first securing the approval of the City Engineer, Department of Buildings and Safety Engineering and Board of Health, and wherever column footings adjacent to the sewer extend below the bottom of the pipe, a solid concrete foundation shall be built extending from the centerline of the sewer to the bottom of the footing for the full length of the footing, and further

Provided, That petitioner reimburses the owners to the extent of the value of any utilities now installed in said alley which it may be necessary to abandon due to the closing of said alley, or bears the

entire expense of relocating or re-routing any public utilities or re-installed in said alley which it may be necessary to relocate or reroute due to the closing of same, and further

Resolved, That the City Controller be and he is hereby directed to execute quit-claim deed covering the property herein vacated.

Adopted as follows:

Yeas—Councilmen Bradley, Dingeman, Jeffries, Lindsay, Lodge, Smith, Van Antwerp and the President Pro Tem—8.

Nays—None.

By Councilman Van Antwerp:

Resolved, That the Department of Buildings and Safety Engineering be and is hereby authorized and directed to issue permit to Idell Reid (4598), (owner in fee of the premises herein referred to) (renewal) for the construction of a one-story building, 12 ft by 16 ft. by 10 ft. high, upon the premises known as 14922 Harper Ave., between Outer Drive and Wayburn Ave., being lot No. 19 of Frank B. Wallace Alter Road Gardens subdivision.

Provided, That said work shall be performed under the supervision of the Department of Buildings and Safety Engineering and in accordance with plans submitted to and approved by said Department, and

Provided, That no right shall be granted to the grantees herein to maintain such building for a longer period than one (1) year from the date of the passage of this resolution, and that during this period said building shall be used only for the purpose of frame real estate office, and

Provided, That said permit shall be issued only after a copy of this resolution has been duly recorded in the office of the Registrar of Deeds for Wayne County, and

Provided, That this resolution is revocable at the will, whim or caprice of the Common Council and also permits issued by virtue hereof, and grantees hereby expressly waive any right to claim damages or compensation from the City of Detroit for property constructed hereunder or for the removal of same, and further, that grantees acquire no implied or other privileges hereunder not expressly stated herein, and, further, that grantees shall file a bond to indemnify the city for the cost of removing such building, such bond to be for not less than Five Hundred (\$500.00) Dollars, nor less than one-quarter (1-4) of the cost of the building, and it is further stipulated that the grantees and their assigns hereby grant the Department of Buildings and Safety Engineering of its agents

right of entry on to their property for the purpose of demolishing or removing such building at any time after one year from this date or at any time that it may be so ordered by the Common Council and they expressly waive any claim for damages arising from their acts in so entering their premises and removing this building.

Adopted as follows:

Yeas—Councilmen Bradley, Dingeman, Jeffries, Lindsay, Lodge, Smith, Van Antwerp and the President Pro Tem—8.

Nays—None.

By Councilman Van Antwerp:

Resolved, That the Department of Police be and is hereby requested to make an investigation and survey of the traffic conditions at the intersection of McGraw and Saxon Aves., and submit report and recommendation to this body.

Adopted as follows:

Yeas—Councilmen Bradley, Dingeman, Jeffries, Lindsay, Lodge, Smith, Van Antwerp and the President Pro Tem—8.

Nays—None.

And the Council then adjourned.

FRED W. CASTATOR,
President Pro Tem.

RICHARD W. READING,
City Clerk.

ORDINANCE No. 296-C
(Insert opposite page 85)

AN ORDINANCE to amend Section 4 of Chapter 36 of the Compiled Ordinances of the City of Detroit for the year 1926.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That Section 4 of Chapter 36 of the Compiled Ordinances of the City of Detroit for the year 1926, be and the same is hereby amended to read as follows:

Sec. 4. No person shall make or continue, or cause to be made or continued, any cellar, door, windows or areas, or dig or construct or cause to be dug or constructed, any area or entrance thereto, around any cellar or

basement story of any building, or dig or construct, or cause to be dug or constructed, any vault, so that the same shall extend into the line of any street, alley or public place, without first presenting a petition and detailed drawing to the Common Council and obtain its approval, and thereafter obtaining the approval of the Department of Buildings and a permit from the Department of Public Works, upon the filing of said drawings with said Department of Public Works: Provided, that where such permits are granted they may be revoked on the order of the Common Council, when the cellar doors, areas or vaults shall be forthwith removed from the line of the street, alley or public place by the owner of the property, or at his expense; and provided further, that no cellar door, window or area shall extend more than 3 feet beyond building or lot line on any street where the sidewalk space is less than 18 and more than 10 feet wide, nor more than 4 feet beyond the building or lot line, where the sidewalk space is more than 18 feet wide, and shall be protected by solid cover pavement; and that no vault shall be dug or constructed so that the outerface of the wall shall extend beyond a point at least 4 feet from the curb line of any street; and provided further, That no cellar, door, window, area or areas or vault may be dug or constructed or caused to be dug or constructed around any cellar or basement story of any building so that the same shall extend beneath and/or into the line of any street, area or public place which has been widened or acquired by the city or any other subdivision of any public agency.

Sec. 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 3. This Ordinance is hereby declared to be immediately necessary for the preservation of the public peace, health and safety and is hereby given immediate effect.

Approved November 7, 1934.

FRANK COUZENS,
Mayor.

Attest:

RICHARD W. READING,
City Clerk.

The above ordinance will take effect on the 8th day of November, 1934.

RICHARD W. READING,
City Clerk.