

# City of Detroit

Janice M. Winfrey  
City Clerk

OFFICE OF THE CITY CLERK

Vivian A. Hudson  
Deputy City Clerk

## DEPARTMENTAL REFERENCE COMMUNICATION

*Friday, January 27, 2017*

*To: The Department or Commission Listed Below*  
*From: Janice M. Winfrey, Detroit City Clerk*

---

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

---

DPW/CITY ENGINEERING

**1414**    *U-Wash Development Company LLC, request for Encroachment of Billboard into the Prest Ave Right of Way. At 15325 W Eight Mile*

# LINNELL & ASSOCIATES

A Professional Limited Liability Company

*ATTORNEYS*  
RICHARD D. LINNELL  
ANDREW J. HEROLD  
DAVID H. APPLEBAUM  
*OF COUNSEL*  
JACK K. WALLER

TO: The Honorable City Counsel  
Attention: Office of the City Clerk  
200 Coleman A. Young Municipal Center  
Detroit, Michigan 48226

FROM: U-Wash Development Company, LLC;  
U-Wash Plymouth Road Inc.; Mauricio Mickam.

RE: Petition for Encroachment of Billboard into  
the Prest Avenue Right of Way

DATE: January 20, 2017

To Whom It May Concern:

Attached to this cover letter please find a Petition for Encroachment of Billboard into the Prest Avenue Right of Way, Request for Hearing, and accompanying exhibits on behalf of the U-Wash Development Company, LLC and U-Wash Plymouth Road, Inc. Mr. Mauricio Mickam is the managing member of the entities requesting the Encroachment. Per the request of Mr. Keith McCrary, Mr. Mickam's direct contact number is (248) 867-3344. Otherwise, as Linnell and Associates, PLLC has been retained to assist U-Wash Development, U-Wash Plymouth Road and Mr. Mickam in filing this petition, please direct all correspondence, questions and billing requests to Linnell and Associates, PLLC. Please contact me at [rlinnell@linnellfirm.com](mailto:rlinnell@linnellfirm.com) or my assisting attorney Hunter Avis at [havis@linnellfirm.com](mailto:havis@linnellfirm.com) at any time via telephone, email, or whichever means is most convenient.

Sincerely,

/s/ Richard D. Linnell

RICHARD D. LINNELL  
Attorney at Law  
[rlinnell@linnellfirm.com](mailto:rlinnell@linnellfirm.com)  
(248) 977-4182

2804 ORCHARD LAKE RD | STE 203  
KEEGO HARBOR | MI 48320  
P: 248.977.4182 F: 248.232.6179

WWW.LINNELLFIRM.COM

**TO:** Keith McCrary  
ATTN: Office of the Clerk  
200 Coleman A. Young Municipal Center  
Detroit, Michigan 48226

**FROM:** U-Wash Development Co., LLC; U-Wash Plymouth Road Inc.; Mauricio Mickam  
(248) 867-3344; and Linnell & Associates, PLLC.

**RE:** 15325 W. Eight Mile Road Sign Encroachment Petition

**DATE:** 1/20/2017

---

**PETITIONER U-WASH DEVELOPMENT CO., LLC AND**  
**U-WASH PLYMOUTH ROAD INC'S. PETITION**  
**FOR ENCROACHMENT OF A BILLBOARD**  
**IN THE PREST AVENUE RIGHT OF WAY AND HEARING REQUEST**

**INTRODUCTION**

Petitioner U-WASH DEVELOPMENT CO., LLC, a Michigan Limited Liability Company (“U-Wash Development”) and U-Wash Plymouth Road, Inc. d/b/a/ The Original \$3.50 Soft Cloth Car Wash (“U-Wash Plymouth”), the owners of and operators of the car wash located at 15421 West Eight Mile Road, Detroit, MI 48235 (the “Car Wash”).

The Car Wash is currently in operation, and located at the intersection of Greenfield Road and the 8 Mile Service Road. The Car Wash is surrounded by a public alley running parallel to the 8 Mile Service Road, and Prest Avenue running parallel to Greenfield Road. For a visual reference please see below:



U-Wash Development is in the business of leasing property to car wash businesses in Detroit. In 2004, U-Wash Development had the opportunity to acquire the lot immediately across Prest Avenue from the Car Wash. This lot is commonly known as 15325 W. Eight Mile Road, Detroit, Michigan 48235 ("15325 W. Eight Mile").

U-Wash Development acquired the lot from the City of Detroit, with three primary restrictions on development and use of the lot summarized as (1) the previously existing structure on the lot would not be used for any car wash usage, however the purchaser may vend car wash products; (2) no ingress or egress permitted to the east-west alley behind 8 Mile; (3) the property abutting Prest Avenue shall be appropriately landscaped (**Exhibit A**, Quit Claim Deed). U-Wash Development removed the dilapidated structure on the lot, nicely landscaped it, and installed adequate fencing. When the lot was purchased, it had a freestanding billboard sign (the "Billboard") erected on what appeared to be the lot. The City instructed U-Wash Development on the location where the fence should be installed, and where and what kind of landscaping should be included on 15325 W. Eight Mile. Before the City released its interest on 15325 W.

Eight Mile, City officials came and personally made sure 15325 W. Eight Mile was completed to their satisfaction. Having performed fully, U-Wash Development received a Release of Reverter Interest confirming such (**Exhibit B**, release of interest).

After obtaining free and clear interest to 15325 W. Eight Mile, upon belief the Billboard was located on 15325 W. Eight Mile, U-Wash Development began using this billboard to advertise the Car Wash. For reference, a current Google Maps image of the billboard, and its location on the lot and proximity to Prest Avenue, is produced below.



On or about 2015, a City sign ordinance inspector came to the Car Wash and determined that the ownership of the Billboard was unclear. Importantly, it appeared to the inspector that U-Wash Development did not own the Billboard or the land on which the Billboard was constructed, as U-Wash Development had believed. Through investigations with the City sign ordinance inspector and a review of surveys, it became apparent that the Billboard was constructed just off the property line, and slightly in the right-of-way (**Exhibit C**, Survey). Through the aid and assistance of the City sign ordinance inspector, U-Wash Development was able to determine that the sign had been legally constructed as an encroachment in the right-of-

way for the Great Lakes Bowling Corporation (petition No. 12351) with City Counsel granting permission for the construction of the sign on or about December 7, 1961 (**Exhibit D**, City Counsel minutes). The Great Lakes Bowling Corporation no longer operates, and is not in the location it was when permission was granted for construction of the sign and the encroachment.

Now, for the reasons to be discussed, U-Wash Development seeks to petition for permission for the Billboard encroachment, and permission to use the Billboard and pay all associated fees with maintaining the Billboard encroachment and signage on the Billboard. The analysis as to why a grant of permission to encroach should be given to U-Wash Development will be formatted pursuant to the “Who” “What” “When” “Where” “Why” form indicated in the petition instructions.

## **ANALYSIS**

### **I. WHO**

U-Wash Development and U-Wash Plymouth seek permission for the encroachment into the right-of-way. U-Wash Development owns the lot where the Car Wash is located at 15421 W. Eight Mile Rd, as well as the lot the Billboard abuts, located at 15325 W. Eight Mile.

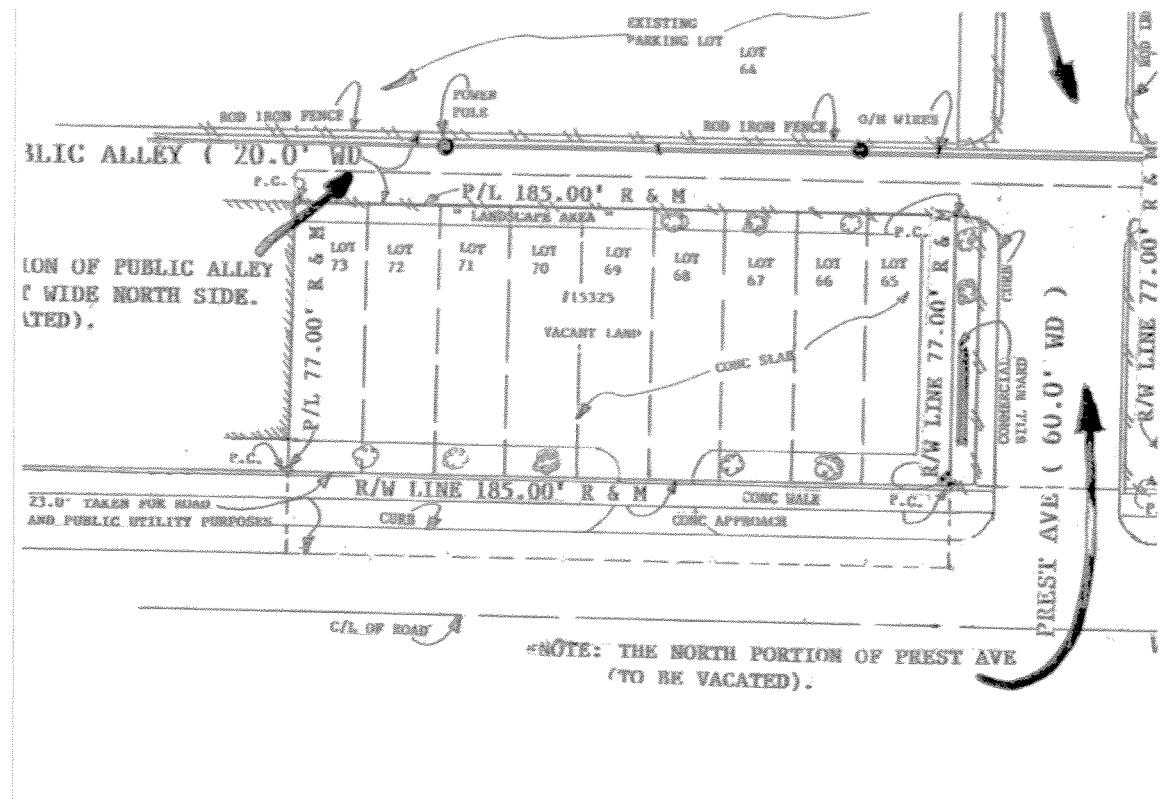
### **II. WHAT**

U-Wash Development seeks permission for an encroachment of a pre-existing Billboard into the Prest Avenue right-of-way.

### **III. WHERE**

The exact location of the Billboard is indicated in the survey reproduced here, and is parallel to the R/W Line and Prest Avenue. The Billboard is just outside of the property line for 15325 W. Eight Mile, and far inside the curb barrier. The Billboard is not in the roadway, and

there are no sidewalks or pedestrian rights of way for the Billboard to interfere with. A full size survey is attached as **Exhibit C** with more detail.



#### IV. WHEN

U-Wash Development seeks permission for, and to hold the rights to, the encroachment as soon as possible. The Billboard currently exists, and was initially constructed in 1961 with permission from the City of Detroit.

#### V. WHY

As previously discussed, on or about December 7, 1961 City Counsel granted permission to the Great Lakes Bowling Corporation to construct the Billboard to advertise its bowling alley. At the time of construction, Prest Avenue served as an entrance to and extension of the parking

lot for the Great Lakes Bowling Alley. At the time of construction, City Counsel evaluated certain factors in deciding whether or not to grant permission for the sign. When City Counsel made its decision, Prest Avenue was not paved, but City Counsel was aware of the City's intent to pave Prest Avenue. Regarding Prest Avenue, the City Counsel noted that "[i]ts principal function is to serve as an entrance to the parking lot of the North Lanes Bowling Alley" and further reasoned:

*[i]t is quite evident that no sidewalks will ever be required, and it appears that no harm would result from the erection of a sign in the area between the curb and the easterly property of Prest Avenue (**Exhibit D**).*

Now, many years later, the City Counsel's reasoning is still sound and valid regarding a current grant of permission for the Billboard encroachment.

Firstly, the purpose of Prest Avenue has not changed since the initial grant of encroachment. Then, as now, Prest Avenue is a low-traffic roadway that primarily serves to allow ingress and egress to a parking lot. It is unlikely that the purpose of Prest Avenue will change in the foreseeable future. Secondly, there remains no need to construct a pedestrian sidewalk that might possibly interfere with the Billboard on Prest Avenue given that its length and use have not changed. Thirdly, while the Billboard is technically in the right-of-way, in actual application it is far removed from the road surface and poses no obstruction or danger whatsoever. Finally, before granting initial permission for the construction of the sign in 1961, City Counsel sought permission of the landowner of the property that abutted the portion of the street upon which the sign is to be erected, who had no objection. Now, U-Wash Development owns the abutting property, and as it seeks permission for the encroachment, it has no objection to the Billboard. Therefore, it is within the public interest to grant U-Wash Development

permission to use, maintain, and pay associated fees for the pre-existing, lawfully constructed Billboard that abuts its property at 15325 W. Eight Mile.

Please forward a copy of all correspondence to:

LINNELL & ASSOCIATES, PLLC

Dated: January 20, 2017

/s/ Richard D. Linnell

BY: RICHARD D. LINNELL (P59339)  
Attorneys for Petitioners  
2804 Orchard Lake Rd., Ste. 203  
Keego Harbor, Michigan 48320  
Telephone: (248) 977-4182

# **EXHIBIT A**

03290025 FEB 02 2004

LI-40082 Pa-64  
204114707 2/02/2004  
Bernard J. Younsblood  
Wayne Co. Register of Deeds

REGISTER OF DEED

QUIT CLAIM DEED

The City of Detroit, a Michigan public body corporate whose address is 2 Woodward, Detroit, MI 48226 quit claims to U-Wash Development Company LLC, a Michigan Limited Liability Company, whose address is P. O. Box 19120, Detroit, Michigan 48219, the premises located in the City of Detroit, Wayne County, Michigan, described as:

a/k/a 15325 W. Eight Mile

22/18720-8 (see attachment)

(The Property), for the sum of Seventeen Thousand Dollars and No Cents (\$17,000.00) subject to and reserving to Grantor its rights under public easements and rights of way, easements of record, applicable zoning ordinances, development plans pursuant to Act 344 of 1945 as amended (if any), and restrictions of record.

The estate conveyed by this deed is a fee simple subject to a condition subsequent such that if Purchaser has not obtained a certificate of occupancy or a certificate of acceptance (as applicable) for the Property within 12 months from the date of this Deed, then title to the Property shall revert to the Grantor upon the Grantor recording a notice of default (said notice to be recorded only after expiration of the 12 month period described above). The condition subsequent shall be deemed released upon recording of an affidavit by the authorized agent of the Grantor stating that the condition is released, or upon the Purchaser recording an affidavit with an attached copy of the certificate of occupancy or certificate of acceptance for the Property prior to the City recording a notice of default. The condition subsequent and the Grantor's reverter interest in the Property are specifically subject to a *bona fide* first mortgage lien securing purchase and/or construction financing for the Property if the mortgage is held by a state or federally chartered institution or is insured or guaranteed by an agency of the federal government. If the Property is rented for residential occupancy, the Property must be registered as a rental property pursuant to Ordinance 579-H (Detroit City Code § 26-5-42.5). Further subject to compliance with conditions set forth on Attachment A.

WITNESSES:

  
Print: EDWIN L. HILL  
Rose Harris

Print: ROSE HARRIS

GRANTOR: CITY OF DETROIT, a Michigan public body corporate

By:   
KATHLEEN L. ROYAL

STATE OF MICHIGAN )  
                          )ss.  
COUNTY OF WAYNE )

The foregoing instrument was acknowledged before me on DECEMBER 30, 2003, by  
KATHLEEN L. ROYAL, the EXECUTIVE MANAGER, REAL ESTATE DIVISION of the City of Detroit, a Michigan public  
body corporate, on behalf of the City.

NOTARY PUBLIC, STATE OF MICHIGAN  
My commission expires: April 15, 2007  
Print: LINDA R. BUEPS  
Notary Public, Wayne County, Michigan  
My commission expires: 4-15-07

Pursuant to § 18-5-12 of the Detroit City Code, I hereby certify that proper and fair  
consideration has been received by the City pursuant to this instrument.

/S/  
Finance Director

This deed is dated as of 1/21/04.

Approved as to form and execution:

J. Beckett  
SF Corporation Counsel

Approved by City Council on  
05 / 23 / 03, JCC pp \_\_\_\_\_ or  
Detroit Legal News, 06 / 04 / 03,  
pp \_\_\_\_\_ on file in my office.  
Approved by Mayor on 06/03/03.

Jackie Marie  
City Clerk

This Instrument Drafted by:

City of Detroit Law Department  
1650 First National Building  
660 Woodward Avenue  
Detroit, MI 48226

When recorded, return to:

City of Detroit Planning and Development  
Real Estate Division  
65 Cadillac Square, Ste. 1100  
Detroit, MI 48226

Exempt from transfer taxes pursuant to MCL § 207.505(h)(i) and MCL § 207.526(h)(i)

QCO 12 6R 2ps S E(h) (M) NO REVENUE ATTACHED

**"ATTACHMENT A"**

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 65, 66, 67, 68, 69, 70, 71, 72 and 73 except Eight Mile as widened; "Division Heights Subdivision" being part of the Northwest ¼ of Section 6, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan. Rec'd L. 50 P. 36 Plats, W.C.R.

DESCRIPTION CORRECT  
ENGINEER OF SURVEYS

BY Morton Dunn  
METCO SERVICES, INC.

a/k/a 15325 W. Eight Mile  
Ward 22 Item 18720-8

EH:jk

Additional restrictions on development:

The Property is subject to the following restrictions imposed by Detroit City Council by resolution adopted 5/23/03 authorizing sale of the Property to Purchaser:

1. The structure at 15325 W. Eight Mile may not be utilized for any car wash usage and no car wash equipment may be installed in this building; however purchaser may vend car wash products.
2. There shall be no ingress or egress permitted to the east-west alley behind 15325 W. Eight Mile so that the flow of traffic will not be affected on Audrey or Greenfield, and appropriate permanent fencing, landscaping or other barriers shall be erected along the east-west alley.
3. The portion of the Property abutting Prest Street shall be appropriately landscaped.

Compliance with these restrictions shall be a prerequisite of issuance of a certificate of occupancy for the Property and the restrictions set forth on this page may not be released except by specific authorization of Detroit City Council.

**RETURN TO:**

Linda G. Anderson  
Attorney at Law  
13407 Farmington Rd., Ste. 102  
Livonia, MI 48150

# **EXHIBIT B**

03541708 MAR 15 2005

33580337 MAY 19 20

Lr-42718 Pa-135  
205245336 5/13/2005  
Bernard J. Youngblood  
Wayne Co. Register of Deeds

### AFFIDAVIT- RELEASE OF REVERTER INTEREST

In accordance with MCL §§ 565.451a(b), this affidavit is submitted for recording to state facts that terminate an estate or interest in certain real property located in the City of Detroit, Wayne County, Michigan (the "Property"), more particularly described as:

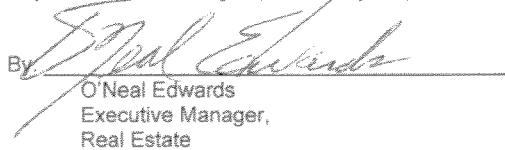
Land in the City of Detroit, County of Wayne and State of Michigan being Lots 65, 66, 67, 68, 69, 70, 71, 72 and 73 except Eight Mile as widened; "Division Heights Subdivision" being part of the Northwest ¼ of Section 6, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan. Rec'd L. 51, P. 18 Plats, W.C.R.

Ward 22, Item 18720-8, more commonly known as **15325 W. Eight Mile**

1. The City of Detroit sold the Property pursuant to U-Wash Development Company LLC, a Michigan Limited Liability Company, whose address is P.O. Box 19120, Detroit, MI 48219 ("Grantee") by a deed dated December 30, 2003 and recorded by the Wayne County Register of Deeds on February 2, 2004 at Liber 40082, Pages 64 & 65, Wayne County Records, Register number 204114707 (the "Deed").
2. The conveyance evidenced by the Deed was subject to a condition subsequent such that title would revert to the City of Detroit in certain events.
3. By execution of this affidavit, the undersigned certifies that the City of Detroit's reverter interest in the Property has terminated, and the City of Detroit releases its reverter interest to Grantee, its successors and assigns.

This release is dated February 11, 2005.

City of Detroit, a Michigan public body corporate

By   
O'Neal Edwards  
Executive Manager,  
Real Estate

STATE OF MICHIGAN)  
ss.  
COUNTY OF WAYNE )

The foregoing instrument was acknowledged before me on FEBRUARY 11, 2005 by O'Neal Edwards, the Executive Manager, Planning & Development Department, Real Estate Division, of the City of Detroit, a Michigan public body corporate, on behalf of the City.

MARGARET NEAL  
NOTARY PUBLIC WAYNE CO., MI  
MY COMMISSION EXPIRES Apr 26, 2007

  
Print: Margaret Neal  
Notary Public, Wayne County, MI  
My commission expires: April 26, 2007

This instrument drafted by:  
City of Detroit Law Department  
1650 First National Building  
660 Woodward Avenue  
Detroit, MI 48226  
By: Timothy A. Beckett P40479  
Attorney at Law

When recorded, return to:  
Linda G. Anderson  
Attorney at Law  
13407 Farmington R., Ste. #102  
Livonia, MI 48150

AFF /pg S cv

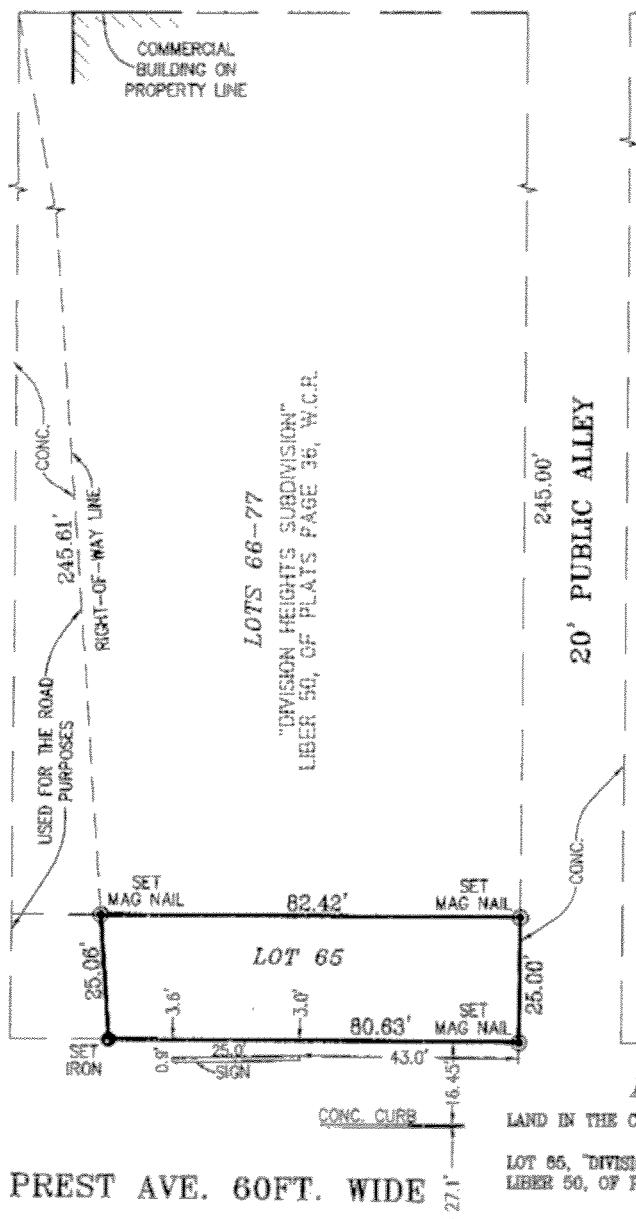
# **EXHIBIT C**

**CERTIFICATE OF SURVEY**  
**ENVIRO MATRIX LAND S.E.A. CORPORATION**  
*Surveying • Engineering*  
 401 S. Main Street, Clawson, MI 48017  
 (248) 588-2600 Fax (248) 588-3117  
 E-MAIL: envirolandsea@aol.com

JOB NO.: LS-04045

AUDREY AVENUE 60 FT. WIDE

EIGHT MILE ROAD (WIDTH VARIES)



PREST AVE. 60FT. WIDE

LEGAL DESCRIPTION  
 LAND IN THE CITY OF DETROIT, WAYNE COUNTY, MICHIGAN.  
 LOT 65, "DIVISION HEIGHTS SUBDIVISION", AS RECORDED IN  
 LIBER 50, OF PLATS, PAGE 36, WAYNE COUNTY RECORDS.

CLIENT :	KETAN MEHTA	
SITE LOCATION :	PREST AVE. & EIGHT MILE RD.	
CITY, STATE :	DETROIT, MICHIGAN	
COUNTY :	WAYNE	DATE : JULY 16, 2009
SURVEYED BY :	B.B.	SCALE : 1" = 30'
CHECKED BY :		DWG. # : LS-04045-LOT-65
DRAWN BY :	R.P.	SHR. # : 1 OF 1

VIJAYSINH U. MAHIDA P.E., P.S. #17806



*Vijaysinh Mahida*

153464-~~1~~ M. 8 M. 10  
LOCATION: 20750' PREST DATE: 1-8-09  
ON HIGHWAY DIRECT  
BETWEEN ~~COR~~ 8 MILE AND NORFOLK  
OWNER: GREAT LAKES SAILING CORP.  
ADDRESS: 6366 WOODWARD-2  
DIRECTOR: LENO SIGN CO.  
ADDRESS: 6369 JONES LODGE EXP. -2

TYPE	GRADE	ILLUMINATED	MATERIAL	METHOD	PLASTIC	ZONE	12706
NON-ILLUMINATED	HORIZONTAL MEASUREMENT: HORIZONTAL WOODING NORTH LINES - Modern measured App. 100' by J.C.C. 1a-1a-61 WITH CONDITIONS.	VERTICAL 30' 25'	453 sq ft.	453 sq ft.	453 sq ft.	12	<i>12706</i>
<b>TEMPORARY</b>							
AUGUST 2009							

J.C.C. 1.00  
RE: 12.00 13.00

# **EXHIBIT D**

Part of James Campau Farm, L 2 P 18 structure and to assess the costs of same against the property known as 3603-5 Joseph Campau (read) re-known as 2831 Mack Lot 23 Sanderson Subdivision; L 1 P 251 of Plat WCR.

Respectfully submitted,  
CLYDE E. DOUGHERTY,  
Honorable Common Councilman  
Re: 3632 Trillium Lot 17a J. W. Jonat

and the 8½ acre stone Subdivision, L 1 P 225; plates Works by him is hereby authorized and directed to dismantle and remove dangerous structures at 8227 Chancery, 3611 Chancery, 3622 Trillium and 3603-5 Joe Campau (read) Mack Ave. and assess the costs for same against the property more particularly described in the foregoing communication.

See the attached Unsafe Building Report for details regarding the structural condition of the buildings which was held at this Department's office on November 28, 1961.

It is respectfully requested that your Honorable Body direct the Department of Public Works to dismantle and remove these dangerous structures and to assess the cost of same against the property known as 8622 Trillium, Lot 17a J. W. Jonat stone Subdivision, L 1 P 225; plates WCR.

Respectfully submitted,  
CLYDE E. DOUGHERTY,  
Honorable Common Councilman.

Buildings and Safety Engineering  
Honorable Common Councilman  
Re: 3603-5 Joseph Campau (read)  
(also known as 2831 Mack) Lot 23 Sanderson Subdivision, L 1 P 251

Plats WCR between Syc. Joseph and Mack Ave. (read) re-known as 2831 Mack Ave. Gentlemen—There is a vacant, frame, 2 one and one-half story one family dwelling located on the rear of this property. The building is open to trespass and the elements. See the attached Unsafe Building Report for details regarding the structural condition of the building.

The owners and interested parties were notified of the dangerous condition of the building as required in Section 125 of the Building Code. The owner appeared at the condemnation hearing which was held at this Department's office on November 20, 1961. The owner stated that he wished to sell the property and that he would barricade the building but to date he has not abated the dangerous condition.

It is respectfully requested that your Honorable Body direct the Department of Public Works to secure the building and have this dangerous structure removed and to assess the costs as 4646 Wainard, Lot 411 Plat of Godfrey Farm, L 7 P 55 Plat WCR.

Respectfully submitted,  
CLYDE E. DOUGHERTY,  
Honorable Common Councilman.

Buildings and Safety Engineering  
Honorable Common Councilman  
Re: 367-59 S. Post, Lot 38, Marned, Ducharme and Schmitz Subdivision, L 1 P 77 Plat WCR.

Gentlemen—Works to construct a one and two-story frame, three

family dwelling located on this property. The building is open to trespass and the elements. See the attached Unsafe Building Report for details regarding the structural condition of the building. The owners and interested parties were notified of the dangerous condition of the building as required in Section 125 of the Building Code.

Two interested parties appeared at the condemnation hearing which was held at this Department's office on December 6, 1961. They stated that they were without funds and could do nothing about the building. It is respectfully requested that your Honorable Body direct the Department of Public Works to secure the building and have this dangerous structure removed and to assess the costs of same against the property known as 607-59 S. Post, Lot 38 Marned, Ducharme and Schmitz Subdivision, L 1 P 77 Plat WCR.

Respectfully submitted,  
CLYDE E. DOUGHERTY,  
Honorable Common Councilman.  
By Councilman Smith: *[Signature]*  
Resolved, That the Dept. of Public Works be and is hereby authorized and directed to secure bids for the removal of dangerous structures at 607-59 S. Post, Lot 38 Marned, Ducharme and Schmitz Subdivision, L 1 P 77 Plat WCR.

Respectfully submitted,  
CHARLES A. MURKIN,  
City Plan Commission,  
GLORIA C. RICHARDS,  
Department of Public Works,  
By Councilman Patrick:

Resolved, That the Dept. of Public Works be and it is hereby authorized and directed to issue permit to Great Lakes Bowling Corp., to erect a parking lot directional sign in the right-of-way of Prest Ave., south of Eight Mile Rd., subject to its being located so set forth and subject to the conditions as described in the foregoing communication. Including that petitioner shall secure the required sign permit from the Dept. of Buildings & Safety Engineering, which department is hereby authorized and directed to issue in accordance with its rules and regulations, and further. 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 sign and all observations in connection therewith shall be removed at the expense of the grantee at any time when so directed by the Common Council, and that the public property affected shall be restored to a condition satisfactory to said department by said grantee at its expense, and further. Provided, That said permit issued by the Dept. of Public Works is granted with the distinct understanding that

Under these circumstances there appears to be no reason why this application should not be granted; and therefore the Department of Public Works and the City Plan Commission recommend that the Department of Buildings and Safety Engineering be authorized and directed to issue a permit for a sign as indicated on the plans submitted herewith; provided, it is constructed within the easel of 8 ft. of the right-of-way of Prest Avenue between Eight Mile Road and the alley first southerly thereof and no closer than 4 ft. southwesterly of the fire hydrant located in Prest Avenue immediately south of Eight Mile Road. The Department should also make provisions satisfactory to the Corporation Council's office to indemnify the City of Detroit from any claims or damages that might result from the erection of the sign and further that the issuance of the permit for sign construction be subject to revocation at the will of the City of Detroit, or caprice of the Common Council.

Respectfully submitted,  
CLYDE E. DOUGHERTY,  
Honorable Common Councilman.  
By Councilman Smith: *[Signature]*  
Resolved, That the Dept. of Public Works be and is hereby authorized and directed to issue permit to Great Lakes Bowling Corp., to erect a parking lot directional sign in the right-of-way of Prest Ave., south of Eight Mile Rd., subject to its being located so set forth and subject to the conditions as described in the foregoing communication. Including that petitioner shall secure the required sign permit from the Dept. of Buildings & Safety Engineering, which department is hereby authorized and directed to issue in accordance with its rules and regulations, and further. 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 sign and all observations in connection therewith shall be removed at the expense of the grantee at any time when so directed by the Common Council, and that the public property affected shall be restored to a condition satisfactory to said department by said grantee at its expense, and further. Provided, That said permit issued by the Dept. of Public Works is granted with the distinct understanding that

Under these circumstances there appears to be no reason why this application should not be granted; and therefore the Department of Public Works and the City Plan Commission recommend that the Department of Buildings and Safety Engineering be authorized and directed to issue a permit for a sign as indicated on the plans submitted herewith; provided, it is constructed within the easel of 8 ft. of the right-of-way of Prest Avenue between Eight Mile Road and the alley first southerly thereof and no closer than 4 ft. southwesterly of the fire hydrant located in Prest Avenue immediately south of Eight Mile Road. The Department should also make provisions satisfactory to the Corporation Council's office to indemnify the City of Detroit from any claims or damages that might result from the erection of the sign and further that the issuance of the permit for sign construction be subject to revocation at the will of the City of Detroit, or caprice of the Common Council.

Respectfully submitted,  
CLYDE E. DOUGHERTY,  
Honorable Common Councilman.  
By Councilman Smith: *[Signature]*  
Resolved, That the Dept. of Public Works be and is hereby authorized and directed to issue permit to Great Lakes Bowling Corp., to erect a parking lot directional sign in the right-of-way of Prest Ave., south of Eight Mile Rd., subject to its being located so set forth and subject to the conditions as described in the foregoing communication. Including that petitioner shall secure the required sign permit from the Dept. of Buildings & Safety Engineering, which department is hereby authorized and directed to issue in accordance with its rules and regulations, and further. 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 sign and all observations in connection therewith shall be removed at the expense of the grantee at any time when so directed by the Common Council, and that the public property affected shall be restored to a condition satisfactory to said department by said grantee at its expense, and further. Provided, That said permit issued by the Dept. of Public Works is granted with the distinct understanding that

By the Acceptance of this instrument made by the City and accepted by the Contractor under the Contract provided, fully responsible for any and all claims, demands or expenses which may arise by reason of the fact known or such permit, and further, that in the event of the Charter of the City of Detroit being amended in such manner as will provide for the levying of a fee, charge or rental to be thereafter determined upon, or for the enforcement of any ordinances or resolutions being enacted provides for an annual charge or rental for the occupancy of public streets, alleys or other public places, that the grantee will pay above fees, charge or rental provided for its said character or name or resolution, and that said grantee does hereby bind himself to accept and to accept said permit on the conditions hereby imposed and in the event of the sale or lease of said Contract concerning the name of said Contractor, the name of said Contractor shall immediately become void and shall not be used to pay same, full authority is given to the said Contractor to revoke this instrument if he so desires, and hereby expressly waives any right to claim damages or compensation for the removal of name, and further, that grantee acquires no implied or other privileges heretunder present or future.

Adopted at the 21st day of November, 1933.

Yours—Councilman Connor, President  
Boswell, Smith, Van Antwerp, Wise,  
Youngblood and President Beck—8.  
Absent—None.

Provided, That this instrument of the Common Councils and districts hereby expressly waives any right to claim damages or compensation for the removal of name, and further, that grantee acquires no implied or other privileges heretunder present or future.

Adopted at the 21st day of November, 1933.

Yours—Councilman Connor, President  
Boswell, Smith, Van Antwerp, Wise,  
Youngblood and President Beck—8.  
Absent—None.

Property for the purpose of construction heretofore or for other purposes heretofore previously stated hereinabove.

Adopted at the 21st day of November, 1933.

Yours—Councilman Connor, President  
Boswell, Smith, Van Antwerp, Wise,  
Youngblood and President Beck—8.  
Absent—None.

Contractor York Corporation, 1000 South Hall-Convention Avenue. Adjusted Contract Price: \$340,642.00. Contract Price: \$340,642.00. Contract No. 303400.

Gentlemen—This is to certify that all work required of the Contractor in the performance of this Contract has been fully completed and found acceptable under the terms and conditions hereof, and that the total value of such completed work, including all Contract changes, daily

Honorable Common Council:

Contract No. 303400

(MH-62-W) is for Concession Equipment in Cobo Hall — Convention Areal. O. W. Burke Company is the Contractor.

In the development of the work specified under the subject Contract the Contractor was requested to furnish a quotation for the substitution of an ice cuber machine for an ice making machine. Such work resulted in a credit of \$142.00. However, the necessary mechanical and electrical work involved, together with the Contractor's overhead, amounted to \$1,270.00.

This claim was previously presented to Honorable Body and in accordance with authorization granted by J.C.C., p. 58-61, Page 153, we have paid to the Contractor with this understanding that such payment is

and are now reported with respect to the remaining \$62.00. The foregoing items have been examined in detail and found up to analysis. The Civic Center Commission, in their opinion, that the amount, plaintiff's \$1,270.00, is due to the Contractor, is fair and reasonable for the work involved. d. b. Stewart, attorney for the Plaintiff, Mr. E. Giffels & Rosenthal, Attorneys for the Contractor, is of the opinion that the amount, plaintiff's \$1,270.00, is due to the Contractor, is fair and reasonable for the work involved. According to the Civic Center Commission respectfully, recommends payment of the amount claimed to your Honorable Body approve the sum of \$1,270.00 of the claim filed under cover 100% of the claim filed under cover 100% of the claim filed under J.O.C. 7-25-61. P. 58-61, Page 153.

Sufficient Funds are currently available in our Account No. 175-9640-025, extra to Contract No. 30400 (MH-62-W). This amount, when paid, will be deducted from the cost of this item. J.O.C. 7-25-61, P. 58-61, Page 153.

By Councillor Boswell, October 17, 1933.

Whereas, from the foregoing examination, it appears that all work required to be performed by the Contractor under the Contracts therin wherein, the work has been fully completed, and wherein, the completed work has been found acceptable under the terms and conditions of said Contract by the Civic Center Commission, for whom the work was performed; therefore be it

Resolved, That the said Contract be and is hereby accepted by J.O.C.

Adopted as follows:

Yours—Councilmen Connor, Patrick, Youngblood and President Beck—8.

May 10, 1933. O. W. Burke Company.

SECRETARIAL RECOMMENDATION FOR COUNCILMAN VAN ANTWERP, WISE, YOUNGBLOOD AND PRESIDENT BECK

Councilman Van Antwerp moved to rescind the vote by which his resolution was adopted. In view of Councilman Bogell moved to suspend Rule 28 for the purpose of indefinitely postponing the motion of reconsideration, which motion prevailed as follows:

Yours—Councilmen Connor, Patrick, Youngblood and President Beck—8.

Bogell, Smith, Van Antwerp, Wise, Youngblood and President Beck—8.

Councilman Youngblood then moved that the motion to reconsider be indefinitely postponed, which motion prevailed. The regular order was resumed.

By Councillor Boswell, October 17, 1933.

Whereas, from the foregoing examination, it appears that all work required to be performed by the Contractor under the Contracts therin wherein, the work has been fully completed, and wherein, the completed work has been found acceptable under the terms and conditions of said Contract by the Civic Center Commission, for whom the work was performed; therefore be it

Resolved, That the said Contract be and is hereby accepted by J.O.C.

Adopted as follows:

Yours—Councilmen Connor, Patrick, Youngblood and President Beck—8.

May 10, 1933. O. W. Burke Company.

SECRETARIAL RECOMMENDATION FOR COUNCILMAN VAN ANTWERP, WISE, YOUNGBLOOD AND PRESIDENT BECK

Councilman Van Antwerp moved to rescind the vote by which his resolution was adopted. In view of Councilman Bogell moved to suspend Rule 28 for the purpose of indefinitely postponing the motion of reconsideration, which motion prevailed as follows:

Yours—Councilmen Connor, Patrick, Youngblood and President Beck—8.

Bogell, Smith, Van Antwerp, Wise, Youngblood and President Beck—8.

Councilman Youngblood then moved that the motion to reconsider be indefinitely postponed, which motion prevailed. The regular order was resumed.

By Councillor Boswell, October 17, 1933.

Whereas, from the foregoing examination, it appears that all work required to be performed by the Contractor under the Contracts therin wherein, the work has been fully completed, and wherein, the completed work has been found acceptable under the terms and conditions of said Contract by the Civic Center Commission, for whom the work was performed; therefore be it

Resolved, That the said Contract be and is hereby accepted by J.O.C.

Adopted as follows:

Yours—Councilmen Connor, Patrick, Youngblood and President Beck—8.

May 10, 1933. O. W. Burke Company.

SECRETARIAL RECOMMENDATION FOR COUNCILMAN VAN ANTWERP, WISE, YOUNGBLOOD AND PRESIDENT BECK

Councilman Van Antwerp moved to rescind the vote by which his resolution was adopted. In view of Councilman Bogell moved to suspend Rule 28 for the purpose of indefinitely postponing the motion of reconsideration, which motion prevailed as follows:

Yours—Councilmen Connor, Patrick, Youngblood and President Beck—8.

Bogell, Smith, Van Antwerp, Wise, Youngblood and President Beck—8.

Councilman Youngblood then moved that the motion to reconsider be indefinitely postponed, which motion prevailed. The regular order was resumed.

By Councillor Boswell, October 17, 1933.

Whereas, from the foregoing examination, it appears that all work required to be performed by the Contractor under the Contracts therin wherein, the work has been fully completed, and wherein, the completed work has been found acceptable under the terms and conditions of said Contract by the Civic Center Commission, for whom the work was performed; therefore be it

Resolved, That the said Contract be and is hereby accepted by J.O.C.

Adopted as follows:

Yours—Councilmen Connor, Patrick, Youngblood and President Beck—8.

May 10, 1933. O. W. Burke Company.

SECRETARIAL RECOMMENDATION FOR COUNCILMAN VAN ANTWERP, WISE, YOUNGBLOOD AND PRESIDENT BECK

Councilman Van Antwerp moved to rescind the vote by which his resolution was adopted. In view of Councilman Bogell moved to suspend Rule 28 for the purpose of indefinitely postponing the motion of reconsideration, which motion prevailed as follows:

Yours—Councilmen Connor, Patrick, Youngblood and President Beck—8.

Bogell, Smith, Van Antwerp, Wise, Youngblood and President Beck—8.

Councilman Youngblood then moved that the motion to reconsider be indefinitely postponed, which motion prevailed. The regular order was resumed.

By Councillor Boswell, October 17, 1933.

This bulletin provided for miscellaneous piping changes to coordinate the contract, with the Mechanical Contractors and to insure the development space to be released to avoid interference with steel supports. A quotation of \$10,000.00 was submitted for this work, 75% of which has been paid by authorization of J.C.C. 5-8-61, Page 689-40. To 25% balance due is \$800.00.

BULLETIN NO. 111.

This bulletin provided for miscel-

laneous changes and additions to

Concession Stand. A quotation of

\$80,000.00 was submitted for the

work, 10% of which was paid by au-

thorization of 7-28-61, J.C.C., Page 153. The 25% balance due is \$20,000.

This bulletin provided for miscel-

laneous charges to conform to some the Contractor sub-

2017-01-27

**1414**

**1414**      *Petition of U-Wash Development  
Company LLC, request for  
Encroachment of Billboard into the  
Prest Ave Right of Way. At 15325 W  
Eight Mile*

---

REFERRED TO THE FOLLOWING DEPARTMENT(S)

DPW/CITY ENGINEERING