

By Councilman Watson: Resolved, That resolution presented by Councilman Watson and adopted June 20, 1922 (J. C. C., p. 1159), granting permission to Thomas Liflander to sell bags on the Eastern Market be and the same is hereby rescinded.

Adopted as follows: Yeas—Councilmen Bradley, Castator, Ewald, Kronk, Littlefield, Vernor, Watson and the President Pro Tem—8. Nays—None.

By Councilman Bradley: AN ORDINANCE changing the names of certain streets.

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

Sec. 1. That the names of the streets and highways known as Castle street, between Wetherby and Central; Nelson street, between Harper and Houston; Albert street between Wesson and Howell; Alden street between Warren and Livernois; Burlington street, between Belleterre and Stoepel; Charles street, between Hamilton and Gibson; Gable street, between Van Dyke and Center Line; Graham street, between Petoskey and Martindale; Huntington street, between alley west of Audobon and Poupard; Isabelle street, between Briggs and westerly city limits; Ogden street, between Sherwood and G. T. R. R.; Park avenue, between Dix and Toledo; Also Medbury avenue, between Holcomb and McClellan, and Lamb avenue, between McClellan and Cooper;

Sec. 2. This ordinance shall take immediate effect thirty days after its approval by the Mayor.

Read twice by title, ordered printed and laid on the table.

By Councilman Bradley: AN ORDINANCE changing the name of Somerset avenue from Woodward avenue to John R. street, to Dakota avenue.

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

Section 1. That the name of the street and highway heretofore known as Somerset avenue, extending between Woodward avenue and John R. street, be and the same is hereby changed to and shall be known as Dakota avenue.

Sec. 2. This ordinance shall take immediate effect thirty days after its approval by the Mayor.

Read twice by title, ordered printed and laid on the table.

By Councilman Bradley: AN ORDINANCE to amend Sections 2, 3, 4, 5, 6, 7, 8 and 9 of Chapter 214 of the Compiled Ordinances of the City of Detroit of 1920.

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

Section 1. That Sections 2, 3, 4, 5, 6, 7, 8 and 9 of Chapter 214 of the Compiled Ordinances of the City of Detroit of 1920, be and the same are hereby amended to read as follows: Sec. 2. Such cancellations and vacations shall take effect on the 31st day of May, 1920. No person, firm or corporation shall occupy any part of any street, alley or public place in the City of Detroit, for the installation, operation or maintenance of any spur track without first having obtained a permit and filed a bond and agreement as herein provided.

Sec. 3. Persons, firms or corporations may be permitted in the discretion of the Common Council, upon application to the Common Council, to install spur tracks in the streets, alleys and other public places in the City of Detroit for a period of one year from date of issuance or until revoked by the Common Council; and the filing of an application, agreement and bond as hereinafter provided, and upon the payment of an annual fee to the Commissioner of Public Works in the sum of \$25.00. Such permits to be non-transferable except with the express consent of the Common Council, and no person, firm or corporation shall receive any such permit for the installation of such spur track in any of the streets, alleys, or other public places of the city except on the filing of an agreement and the giving of a bond as herein provided. Said permit may be extended annually by payment to

31 the Commissioner of Public 32 Works of an annual fee of 33 \$25.00 and the annual renewal 34 or continuation of the bond 35 provided for, subject, however, 36 to the revocation by the Com- 37 mon Council as herein provided.

Sec. 4. The resolution adopted by the Common Council at the time that the permit is granted hereunder for the installation of spur or side tracks shall read substantially as follows:

Resolved, That subject to the provisions and requirements of Chapters 213 and 214 of the Compiled Ordinances of the City of Detroit of 1920, as amended, and subject to the provisions of this resolution, the Commissioner of Public Works is hereby authorized and directed to issue a permit to connect the private property of said railroad in the manner as indicated by the blueprint or drawing filed with the application for said permit.

Provided, That no right in the public streets, alleys or other public places shall be considered waived by the City of Detroit by the granting of this permission, which is granted and accepted expressly upon the condition that said spur track or side track and any and all obstructions in connection therewith shall be removed at any time when so directed by the Common Council, and further

Provided, That this grant or permit is given under the express condition that the grantee herein shall, within fifteen days file with the City Clerk an agreement that all planking, paving or replacing of the rails and eighteen (18) inches outside thereof or farther if necessary to cover the approaches, is to be done by or under the direction of the Commissioner of Public Works when the grantee has deposited a sufficient sum to cover the cost of same and of installing the necessary drainage; and at all times during the life of this grant, pay the expense of repairing or repaving the roadway and sidewalk between the rails or said side-track or spur-track and for a distance of eighteen inches or farther outside of same, if necessary, whenever such repairs or repaving are directed by said Commissioner of Public Works, which agreement shall be fur-

ther conditioned that the grantee shall indemnify and save harmless the City of Detroit from any and all damages growing out of the defective condition of so much of said roadway as it is obligated hereunder to maintain, and that the failure of the Commissioner of Public Works to give said grantee notice of such defective condition shall in no event operate to defeat the right of the City of Detroit to be indemnified and saved harmless from any and all such damages or expense arising which agreement shall contain a stipulation that the privileges hereby granted shall be automatically terminated by any change of grade which may affect the relative physical situation obtaining at the date hereof; the City Clerk shall not accept this agreement unless it is accompanied by or has in it incorporated a good and sufficient bond in the sum of \$5,000.00, guaranteeing to the City of Detroit the performance by the grantee herein of the conditions herein imposed and shall also contain a waiver of all grade separation damages that may be suffered by said grantee in connection with said side-track or spur-track herein granted and a waiver of such other or further grade separation damages as the Common Council may require.

Sec. 5. It shall be the duty of any person, firm or corporation shipping or receiving freight cars over any railroad siding or spur-track in the City of Detroit, which crosses a public street or alley, either within or without the lines of the right of way of any railroad, and is not a public team track in the judgment of the Commissioner of Public Works; whether such spur or side-track is extended by or owned, controlled or operated by a railroad company or other person, firm or corporation, to file an application with the Department of Public Works for a permit to transfer freight cars across such street or alley; and the Department of Public Works is hereby authorized to issue a permit upon such application, conditioned upon the payment of an annual rental of \$25.00, to be paid to the Permit Clerk of said Department, in advance, on or before the 31st day of May of each and every year unless permit is revoked by the Department of Public Works or the Common Council.