

Adopted as follows:
 Yeas — Council Members Cleveland, Cockrel, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.
 Nays — None.
 *RECONSIDERATION (No. 5) per Motions before Adjournment.

Department of Public Works
 January 30, 1980

Honorable City Council:
 Re: Vacation and Dedication — Streets & Alleys, Virginia Park NDP MICH. A-4-2. Petition by CEDD - (1324).

On November 14, 1979, your Honorable Body approved sales to Lexington Village Limited Dividend Housing Association of certain parcels in the Virginia Park Neighborhood Development Project. Also on December 5, your Honorable Body approved a development plan change to vacate and dedicate certain rights of way within and adjacent to the parcels to be sold to Lexington Village Limited Dividend Housing Association.

In order to convey title to the property to Lexington Village, it is necessary that the rights of way within these parcels be vacated pursuant to the Virginia Park Development Plan. However, at this time, relocation of certain tenants has not been completed. We have been advised that the mortgagee, MSHDA, will proceed to issue its loan commitment to the developer if the City will effectuate the required vacations and dedications.

Although all of the property within the project has been purchased either by the City or the Ford Hospital, as the other party in the Development Project, it will be necessary to include a reservation clause within the vacating resolution providing for the delay in the vacation of certain streets and alleys adjacent to occupied houses until all dwellings are unoccupied and removed from the project area.

An appropriate resolution is attached for the consideration of your Honorable Body.

Respectfully submitted,
 LOUIS W. KLEI
 City Engineer

Approved:
 JAMES W. WATTS
 Director

By Council Member Mahaffey:
 WHEREAS, That in order to develop the area known as the Virginia Park Neighborhood Development Project it is necessary to vacate certain streets and alleys or portions thereof, and to

dedicate new streets and alleys, therefore be it

RESOLVED, That the westerly 26 feet of Rosa Park Boulevard (formerly 12th Street) (66 feet wide) in the following locations: in the block between Lothrop and LaMothe Avenues and lying easterly of and abutting Lots 24 and 25 in "Whitney's Subdivision of Lots 1, 2, and South part of Lots 3, 6 and 11, ¼ Section 54, and Lots 16, 18, 38 and 40 of T. S. Anderson's Subdivision of Lots 7 and 8 of ¼ Section 54, 10,000 Acre Tract", as recorded in Liber 27, Page 78, Plats, Wayne County;

Also, in the block between LaMothe Avenue and Bethune Avenue and lying easterly of and abutting Lots 42 and 43 of the above described subdivisions;

Be and the same are hereby vacated as portions of public streets to become part and parcel of the abutting property, and be it further

RESOLVED, That the following portions of alleys:

The easterly 70.0 feet of 20 feet wide, east and west public alley between Lothrop Avenue and LaMothe Avenue and lying north of Lots 23 and 24, south of Lots 25 and 26 in the above described Whitney's Subdivision;

Also, the easterly 70.0 feet of the 20 feet wide, east and west public alley in the block between LaMothe Avenue and Bethune Avenue, and lying north of Lots 41 and 42, south of Lots 43 and 44 in the above described Subdivision;

Be and the same are hereby vacated as public alleys to become part and parcel of the abutting property; and be it further

RESOLVED, That the following land is hereby dedicated to the public for alley purposes:

The easterly 25 feet of Lot 22, lying north of Lothrop Avenue in the above described Whitney's Subdivision;

Also the easterly 25 feet of Lot 45, lying south of Bethune Avenue, in the above described Subdivision; and be it further

RESOLVED, That the easterly 20 feet of the westerly 46 feet of Rosa Parks Boulevard (formerly 12th Street) 66 feet wide, lying easterly of those parts of vacated street between Lothrop and LaMothe Avenues and LaMothe and Bethune Avenues described above, be and the same is hereby vacated as public streets and are hereby converted into public easements over the above vacated portions, which easements shall be subject to the covenants and agreements, uses, reservations and regulations enumerated later in this resolution

tion, which shall be observed by the owners of the lots abutting on said streets and by their heirs, executors, administrators and assigns forever; and be it further

RESOLVED, That all that part of the east-west public alley, 10 feet wide, in the block bounded by Rosa Parks, Woodrow Wilson, Delaware, and Seward as platted in Blocks 13 of the Irving Place Subdivision on $\frac{1}{4}$ Section 55 of 10,000 Acre Tract in T.1S, R.11E., as recorded in Liber 11, Page 5, Plats, Wayne County records, lying northerly of and abutting the northerly line of lots 1 and 13 and the easterly 14.0 feet of Lot 14, being further described as that portion of the alley between the easterly line of Rosa Parks Boulevard as widened to 120 feet and the westerly line of Woodrow Wilson; also

All that part of the east-west public alley, 16 feet wide, in the block bounded by Woodrow Wilson, Poe, Delaware, and Seward, lying northerly of and abutting the northerly line of lots 1 to 14, of Block 12 of the above mentioned subdivision, and lying southerly of and abutting the southerly line of lots 13 to 24, Block 15, Beck's Subdivision of part of $\frac{1}{4}$ Section 55 and 56, 10,000 Acre Tract, as recorded in Liber 4, Page 59, Plats, Wayne County records; also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Rosa Parks, Woodrow Wilson, Pallister, and Delaware lying between and abutting the rear line of lots 1 to 26, the easterly 18.19 feet of lot 27 and the easterly 18.46 feet of lot 28 all inclusive of Block 14, of the Irving Place Subdivision as recorded in Liber 11, Page 5, Plats, Wayne County records; also

All that part of east-west public alleys, 20 feet wide, in the blocks bounded by Woodrow Wilson, Merrill, Pallister, and Delaware as platted in blocks 6 and 11 of the last mentioned subdivision; also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Merrill, John Lodge Freeway, Pallister, and Delaware abutting the rear line of lots 3 to 28 and the westerly 35 feet of lots 1 and 2, all inclusive of the last mentioned subdivision; also

All that part of Merrill Avenue, 60 feet wide, lying between and abutting the northerly line of Pallister Avenue, 70 feet wide, and the southerly line of Delaware Avenue, 60 feet wide, as platted in Blocks 3 and 6 of the last mentioned subdivision; also

All that part of Merrill Avenue, 60 feet wide, lying between and abutting

the northerly line of Delaware Avenue, 60 feet wide, and the southerly line (extended easterly) of the east-west public alley, 16 feet wide, north of Delaware, as platted in Blocks 4 and 5 of the last mentioned subdivision;

Be the same are hereby vacated as public streets and alleys to become a part and parcel of the abutting property; and be it further

RESOLVED, That all that part of Delaware Avenue, 60 feet wide, as platted in Blocks 13 and 14 of the Irving Place Subdivision recorded in Liber 11, Page 5, Plats, W.C.R. lying between the westerly line of Woodrow Wilson Avenue and a line connecting a point on said Delaware Avenue's north line which is 15.84 feet west of the southeast corner of Lot 14, Block 13 and a point on its south line which is 16.65 feet west of the northeast corner of Lot 27, Block 14; said line being the easterly line of Rosa Parks Boulevard as widened to 120 feet; also

All that part of Delaware Avenue, 60 feet wide, lying between and abutting the easterly line of Woodrow Wilson, 60 feet wide, and the westerly line of Poe Avenue, 80 feet wide, as platted in Blocks 11 and 12 of the last mentioned subdivision; also

All that part of Delaware Avenue, 60 feet wide, lying between and abutting the easterly line of Poe Avenue, 80 feet wide, and the westerly line of the John Lodge Freeway right of way, having been platted in Blocks 3, 4, 5, and 6, inclusive of the last mentioned subdivision,

Be and the same are hereby vacated as public streets and are hereby converted into public easements over the above vacated portions, which easements shall be subject to the covenants and agreements, uses, reservations, and regulations enumerated later in this resolution, which shall be observed by the owners of the lots abutting on said streets and by their heirs, executors, administrators and assigns forever,

The above described streets to be converted to public easements are subject to the following:

FIRST, said owners hereby grant to and for the use of the public an easement or right of way over said vacated public streets hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public street in the City of Detroit, with the right to ingress and egress at any time to and over said

easement for the purpose above set forth.

SECOND, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including but not limited to concrete slabs or driveways, retaining or partition walls (except necessary line fence) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval by the Department of Public Works.

THIRD, that if at any time in the future the owners of any lots abutting on said vacated streets shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, upon whose property the poles or other utilities are located shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

PROVIDED FURTHER, that if any utility located or to be located in said property shall break or be damaged as a result of any action on the part of the petitioner or assigns (by way of illustration but not limitation), such as storage of excessive weights of materials or construction not in accordance with Section 2, mentioned above, then in such event the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and be it further

RESOLVED, That the vacation or conversion to easement of the portions of street and alleys described in this resolution will not take effect until such a time as all occupied dwellings which presently exist adjacent thereto shall be demolished and removed from the project area.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.

Nays — None.

***RECONSIDERATION** (No. 6) per Motions before Adjournment.

From the Clerk

February 13, 1980

That on February 7, 1980, he presented that portion of the proceedings of February 6, 1980, which was "reconsidered" as is required by the Charter to be so presented to His Honor, the Mayor, for approval, and same was approved on February 11, 1980.

That the balance of the proceedings of January 30, 1980 was presented to His Honor, the Mayor, on February 5, 1980, and was approved by the Mayor on February 12, 1980, with the excep-

tion of a resolution that the City offer to its employees a choice of non-profit HMO's, etc., which he "Neither Approved Nor Vetoes."

Also, That the following ordinances were presented on February 5, 1980 to His Honor, the Mayor, for approval and same were approved on February 11, 1980:

An ordinance to amend Chapter 68, by amending District Map No. 75 of Ordinance 390-G (the Zoning Ordinance), by rezoning Eliza Howell Park from an R1 to a PR classification.

An Ordinance to amend Chapter 68, by amending District Maps No. 75 and 76 of Ordinance 390-G (the Zoning Ordinance), by rezoning Outer Drive-Fullerton Park from an R1 to a PR classification.

An Ordinance to amend Chapter 68, by amending District Map Nos. 77 and 78 of Ordinance No. 390-G, known as the "Detroit Zoning Ordinance," to re-zone River Rouge Park.

An Ordinance to amend Chapter 68, by amending District Map No. 73 of Ordinance 390-G (the Zoning Ordinance), by rezoning Rouge Valley Park from R1 to a PR classification.

An ordinance to amend Chapter 12, the Building Code, to provide for permissible street projection for mechanical appurtenances and certification and testing of fire safety systems.

Also, that he was served with the following papers issued out of Wayne Circuit Court, and same were referred to the Law Department:

Summons and Complaint, Inez Luck, pl., vs. City of Detroit, Detroit Public School District, et al, def.

Also, That the proceedings of the Special Session of February 11, 1980, which were "reconsidered", were presented to His Honor, the Mayor, for approval, on February 11, 1980, and same were approved by the Mayor on that same date.

Placed on file.

From the Clerk

February 13, 1980

Honorable City Council:

This is to inform your Honorable Body that I am in receipt of the following petitions since the last regular session, and recommend their reference as follows.

Respectfully submitted,
JAMES H. BRADLEY,
City Clerk

GENERAL ORDER

3201—Detroit May Day Committee, hold motorcade in southwest Detroit on Saturday, February 9, 1980, to promote "May Day."