

fied mail to the owners of all real property within the proposed Industrial Development District.

Approved:

PHYLLIS A. JAMES  
Corporation Counsel

#### Exhibit A

City of Detroit (4086 Michigan) Parcel I: Lot 34, Block 4 and Lot 28, Block 2, Bela Hubbard Subdivision, according to the Plat thereof as recorded in Liber 4 of Plats, Page 94, Wayne County Records.

Also Lots 1 and 31, Hypolite Brossard's Subdivision, according to the Plat thereof as recorded in Liber 9 of Plats, Page 39, Wayne County Records.

Also Lot 84 of Plat of the subdivision of private claim 563 for the heirs of J.B. Campau, according to the Plat thereof as recorded in Liber 1 of Plats, Page 94, Wayne County Records.

Also a parcel situated and lying in part of private claims 77 and 563 described as: Beginning at the intersection of the easterly line of Scotten Avenue with the southerly property line of the New York Central Railroad Company right-of-way (100 feet in width); thence northerly along said easterly line of Scotten Avenue, 82.59 feet; thence northeasterly at an angle of 55 degrees 25 minutes, 653.12 feet; thence southeasterly at right angles, 68 feet to a point on the southerly property line of the 100 foot right-of-way of the New York Central Railroad Company; thence southwesterly at right angles, 700 feet westerly measured along said southerly property line of the New York Central Railroad Company to the point of beginning, being the land conveyed by the New York Central Railroad Company to Hancock Realty Company, Inc. by deed dated December 17, 1952 and recorded in Liber 11758, Page 551, Wayne County Records, and subject to the leases and easement recited in that deed.

Excepting from the above description the following: A strip of land on the southerly side of the New York Central Railroad Company's right-of-way between Scotten Avenue and West Grand Boulevard, varying in width from 2 feet at westerly end to 3.8 feet at easterly end, conveyed by William H. Grigg and Berta Hanna, co-partners doing business as the Grigg-Hanna Company, to New York Central Railroad Company by Quit Claim Deed dated April 15, 1919 and recorded on August 7, 1919 in Liber 1331, Page 134 of deeds, Wayne County Records, and to which reference is hereby made for a more particular description of said land.

Also excepting from the above description the following:

A small parcel located in the southeast corner of Lot 84 of aforesaid taken by the City of Detroit for a perpetual right-of-way for street purposes, which parcel is more particularly described as:

Beginning at a point in the northerly line of Michigan Avenue (120 feet, as widened), said point also being the southeasterly corner of said Lot 84; thence along the northerly line of Michigan Avenue, North 88 degrees 52 minutes 45 seconds West, 8.35 feet to a point; thence along a line North 1 degree 07 minutes 15 seconds East, 16 feet to a point on the easterly line of said Lot 84; thence along said line, 26 degrees 26 minutes 45 seconds East, 18.05 feet to the place of beginning.

#### PARCEL II:

That part of Lots 22 through 24 inclusive lying South of Bangor Court, Lots 13 through 21 inclusive, except the North 15 feet and vacated Bangor Avenue, Hypolite Brossard's Subdivision, according to the plat thereof as recorded in Liber 9 of Plats, Page 39, Wayne County Records.

#### Exhibit B

City of Detroit — 3350 Scotten Avenue.

Lots 2 through 11, inclusive, and part of Lot 12 and part of Lots 25 and 26 and Lots 27 to 30, inclusive, together with vacated alleys adjoining, Hypolite Brossard's Subdivision and vacated Bangor Court and Bangor Street, according to the recorded Plat thereof, as recorded in Liber 9, of Plats, Page 39, Wayne County Records, and more particularly described as follows: beginning at the intersection of the northerly line of vacated Bangor Court and the easterly line of Scotten Avenue and proceeding, thence along the easterly line of Scotten Avenue north 28 degrees 12 minutes 46 seconds west 138.42 feet; thence north 27 degrees 12 minutes 14 seconds east 256.53 feet to a point on the westerly line of Bangor Avenue, thence along the westerly line of vacated Bangor Avenue south 27 degrees 59 minutes 44 seconds east 405.62 feet to a point on the northerly line vacated Bangor Court, thence along the northerly line of Bangor Court south 89 degrees 47 minutes 55 seconds west 246.81 feet to the point of beginning.

Adopted as follows:

Yeas — Council Members Cockrel, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 6.

Nays — None.

#### Department of Public Works City Engineering Division

July 1, 1996

Honorable City Council:

Re: Petition No. 1758 Blue Cross-Blue Shield of Michigan, Vacation of Streets and Alley; also Encroachments and Dedications; also Temporary Street Closing in the area bounded by Beaubien, St. Antoine, Fort and Lafayette

Petition No. 1758 of "Blue Cross Blue Shield" requests the (outright) vacation of the remaining east-west public alley, 20

feet wide, in the block bounded by Beaubien, St. Antoine and E. Fort Streets, and E. Lafayette Avenue. The petition requests the conversion of Fort Street, 50 feet wide, lying between Beaubien Street (120 feet wide) and St. Antoine Street (50 feet wide) into a private easement for public utilities; subject to proposed overhead encroachments. The petition requests the conversion of St. Antoine Street, 50 feet wide, between Fort Street and E. Lafayette Avenue (120 feet wide) into a private easement for public utilities; subject to proposed overhead encroachments.

An agreement is pending between "Blue Cross Blue Shield of Michigan" and the Detroit Transportation Corporation. Therefore, the temporary public street closing of E. Fort Street (in front of the Bricktown Station) at Beaubien is an interim arrangement.

The owner of the Cornice and Slate Building, a property on the national historic registry, is supporting the vacation of the public streets and alley. The Planning and Development Department has reviewed and approved the proposed development site.

City Council approved the transfer of land to the Downtown Development Authority [DDA] on May 27, 1987 (J.C.C. pages 1160-61). On March 13, 1996 (J.C.C. pages 578-79), your Honorable Body authorized the DDA to sell property to "Blue Cross-Blue Shield of Michigan."

The development plan includes a 170,000 square feet office building, and a 500 vehicle parking garage near their existing Detroit Service Center Building(s).

The petition was referred to the City Engineering Division — DPW for investigation (utility clearances) and report. This is our report:

The Traffic Engineering Division — DPW approved the permanent public street closing(s).

Blue Cross-Blue Shield will pay all costs to adjust or relocate the utility services of Comcast Cablevision.

Engineering details are not complete for the proposed overhead encroachments crossing the vacated public streets. Therefore, four agencies will need to review and approve building plans before any construction within parcel(s) containing the vacated public streets. Blue Cross-Blue Shield will make application to Buildings and Safety Engineering Department for a building permit. Simultaneously, Blue Cross-Blue Shield must submit building plans to Ameritech/Michigan Bell Telephone Company, Detroit Transportation Corporation, the Public Lighting Department, and the Water and Sewerage Department. This is necessary to prevent damages or maintain public

utility services, and operate the "People Mover" system. The resolution contains provisions to protect the "People Mover" system and utility services.

Detroit Edison Company [DE Co.], and the Water and Sewerage Department [DWSD] will retain private utility easements (within the vacated public alley) to maintain services to the "People Mover" as well as the Cornice and Slate Building. The resolution contains provisions to protect the utility services of DE Co. and DWSD.

The resolution establishes the public street right-of-way of both Beaubien and E. Lafayette as 120 feet wide.

I am recommending adoption of the attached resolution.

Respectfully submitted  
SUNDAY JAIYESIMI,  
City Engineer

By Council Member Hood:

Resolved, All that part of the east-west public alley, 20 feet wide, in the block bounded by Beaubien (120 feet wide; as established below in this resolution) and St. Antoine Streets, E. Fort Street, and E. Lafayette Avenue (120 feet wide; as established below in this resolution) lying southerly of and abutting the south line of the eastern 2.52 feet of Lot 114, and Lots 111 thru 113; also lying northerly of and abutting the north line of the eastern 36.20 feet of Lot 108, Lot 109, and Lot 110 of the "Plat of a part of the Beaubien Farm in the City of Detroit, as surveyed into town lots for the proprietors by John Mullet, Surveyor", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 475, City Records; also lying southerly of and abutting the south line of Lots 7 thru 9, and Lot 10 (said parts of lots also lying south of proposed E. Lafayette, and west of St. Antoine); also lying northerly of and abutting the north line of Lots 7 thru 9, and Lot 9 (said lots also lying north of E. Fort, and west of St. Antoine) of the "Plat of the Antoine Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 27, Page 197, Deeds, Wayne County Records;

Be and the same is hereby vacated (outright) as part of a public (alley) right-of-way to become part and parcel of the abutting property; subject to the following provisions, easements, building and use restrictions for the Water and Sewerage Department, and the Detroit Edison Company:

**Water and Sewerage Department—  
Sewer Easement Public Sewer  
Manhole Construction**

Provided, That a private utility easement for the Water and Sewerage Department is hereby reserved within the east-west public alley, 20 feet wide, in the block bounded by Beaubien (120 feet

wide; as established below in this resolution) and St. Antoine Streets, E. Fort Street, and E. Lafayette Avenue (120 feet wide; as established below in this resolution) lying southerly of and abutting the south line of the eastern 10.00 feet of Lot 8, Lot 7, and Lot 10 (said parts of lots also lying south of proposed E. Lafayette, and west of St. Antoine); also lying northerly of and abutting the north line of the eastern 10.00 feet of Lot 8, Lot 7, and Lot 9 (said lots also lying north of E. Fort, and west of St. Antoine) of the "Plat of the Antoine Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 27, Page 197, Deeds, Wayne County Records;

Provided, That by reason of the vacation of the above property, the City of Detroit does not waive any rights to the public sewers located or to be located therein, and shall have the right to enter upon the premises when necessary to repair, alter, service or install said public sewers; and further

Provided, That no building shall be constructed over (or near) said public sewers without prior approval (of any building construction) by the Water and Sewerage Department — Sewer Services Section and the Buildings and Safety Engineering Department. The property owner, "Blue Cross and Blue Shield of Michigan", shall make application to the Board of Water Commissioners to obtain approval to construct over (or near) the public sewer(s); and further

Provided, If the public sewers located or to be located in said property shall break, causing damage to any construction, property or materials, "Blue Cross and Blue Shield of Michigan" or their assigns (by acceptance of permits for construction over or near the public sewers) waive all claims for damages; and further

Provided, If the public sewers located or to be located in said property shall break or be damaged, as a result of any action on the part of "Blue Cross and Blue Shield of Michigan" or their assigns (by way of illustration but not limitation, such as storage of excessive weights of materials or construction not in accordance with Provision 3, mentioned above), then "Blue Cross and Blue Shield of Michigan" or assigns shall be liable for all costs incidental to the repair of such broken or damaged public sewers. "Blue Cross and Blue Shield of Michigan" and assigns shall be liable for all claims, damages, or expenses resulting from their action(s); and further

Provided, That one sewer manhole shall be constructed over the remaining public sewer within said private utility easement for the Water and Sewerage Department. The sewer manhole shall be placed about 150.00 feet westerly of the

west line of St. Antoine Street, 50 feet wide, within said private utility easement for the Water and Sewerage Department. The costs for plan review, sewer manhole, bulkheading, or other related construction that may be required by the Water and Sewerage Department (designed to prevent damage to the existing sewer that must remain publicly-owned to service the Cornice and Slate Building or other properties down-stream from the above described vacated public alley), including inspection and permits, shall be paid by "Blue Cross and Blue Shield of Michigan"; and further

#### **Detroit Edison Company Easements**

Provided, That a private utility easement for the Detroit Edison Company is hereby reserved within two parts of the east-west public alley, 20 feet wide, in the block bounded by Beaubien (120 feet wide; as established below in this resolution) and St. Antoine Streets, E. Fort Street, and E. Lafayette Avenue (120 feet wide; as established below in this resolution);

The first part of said private utility easement for the Detroit Edison Company being described as follows: Lying southerly of and abutting the south line of the eastern 2.52 feet of Lot 114, the western 19.48 feet of Lot 112, and Lot 113; also lying northerly of and abutting the north line of the eastern 36.20 feet of Lot 108, and the western 40.19 feet of Lot 109 of the "Plat of a part of the Beaubien Farm in the City of Detroit, as surveyed into town lots for the proprietors by John Mullet, Surveyor", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 475, City Records; and

The second part of said private utility easement for the Detroit Edison Company being described as follows: Lying southerly of and abutting the south line of the eastern 60.00 feet of Lot 10; also lying northerly of and abutting the north line of the eastern 60.00 feet of Lot 9 (said lot also lying north of E. Fort, and west of St. Antoine) of the "Plat of the Antoine Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 27, Page 197, Deeds, Wayne County Records; and further

First, said owners hereby grant to and for the use of the Detroit Edison Company an easement or right-of-way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing utilities such as, electric light conduits and/or electric power cable or things usually placed or installed by the Detroit Edison Company in a public alley 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 utility easement or right-

of-way in and over said vacated alley herein above described shall be forever accessible to the maintenance and inspection forces of the Detroit Edison Company, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any electric light conduit and/or electric power cable, or light pole or any Detroit Edison Company utility facility placed or installed in the utility easement or right-of-way. The Detroit Edison Company shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned tasks, with the understanding that the Detroit Edison Company shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition.

Third, 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 by written permission of the Detroit Edison Company; also necessary security installations, such as, by way of illustration, but not limitation: line fence, gates, and guard house structures shall be subject to the review and approval of the Detroit Edison Company] shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division — DPW,

Fourth, that if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other Detroit Edison Company utilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by and the Detroit Edison Company, the utility owners,

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3 of the Detroit Edison Company easement portion of this resolution, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged Detroit Edison Company utilities; and further

Provided, That before any construction shall be permitted within the vacated (out-right) part of the private easement for the Water and Sewerage Department, and

the Detroit Edison Company [public utilities, mentioned above], Blue Cross and Blue Shield of Michigan, shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the petitioner shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval. All costs for plan review associated with the protection of sewers and/or other construction that may be required by DWSD [designed to prevent damages and maintain public sewer(s)], including but not limited to inspection and permits, shall be paid by Blue Cross and Blue Shield of Michigan and/or their contractors; and be it further

**Public Street Vacations; Subject to Provisions Protecting Utilities and the People Mover System**

Resolved, All that part of St. Antoine Street, 50 feet wide, between E. Fort Street and E. Lafayette Avenue (120 feet wide) lying westerly of and abutting the west line of the southern 24.07 feet of Lot 11, and Lot 10 [said lots being in the block bounded by St. Antoine, Hastings, E. Fort, and E. Lafayette]; also lying westerly of and abutting the west line of the vacated east/west public alley [20 feet wide, in the block bounded by St. Antoine, Hastings, E. Fort, and E. Lafayette; having been previously vacated by City Council on March 27, 1962 — J.C.C. pages 590-92]; also lying westerly of and abutting the west line of Lots 7 thru 9 [said lots being in the block bounded by St. Antoine, Hastings, E. Fort, and E. Lafayette]; also lying westerly of and abutting the west line of the vacated part of E. Fort Street [50 feet wide, between St. Antoine and Hastings; having been previously vacated by City Council on September 10, 1968 — J.C.C. page 2215]; also lying easterly of and abutting the east line of the southern 24.07 feet of Lot 11, and Lot 10 [said lots being in the block bounded by Beaubien, St. Antoine, E. Fort, and E. Lafayette]; also lying easterly of and abutting the east line of the east-west public alley [20 feet wide, in the block bounded by Beaubien, St. Antoine, E. Fort, and E. Lafayette]; also lying easterly of and abutting the east line of Lots 7 thru 9 [said lots being in the block bounded by Beaubien, St. Antoine, E. Fort, and E. Lafayette]; also lying easterly of and abutting the east line of E. Fort Street [50 feet wide, between Beaubien and St. Antoine] of the "Plat of the Antoine Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 27, Page 197, Deeds, Wayne County Records; and

All that part of Fort Street, 50 feet wide, lying between Beaubien Street and St. Antoine Street (50 feet wide) lying southerly of and abutting the south line of the eastern 0.62 feet of Lot 108, Lot 109, and Lot 110; also lying northerly of and

abutting the north line of the eastern 49.62 feet of Lot 96, and Lot 95 of the "Plat of a part of the Beaubien Farm in the City of Detroit, as surveyed into town lots for the proprietors by John Mullet, Surveyor", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 475, City Records; also lying southerly of and abutting the south line of Lots 7 thru 9, and Lot 7 (said lots also lying north of E. Fort, and west of St. Antoine); also lying northerly of and abutting the north line of Lots 6 thru 9 (said lots also lying south of E. Fort, and west of St. Antoine) of the "Plat of the Antoine Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 27, Page 197, Deeds, Wayne County Records;

First, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public streets herein above 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 things usually placed or installed underground 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 utility easement or right-of-way in and over said vacated streets herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone cable or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition,

Third, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls, (exceptions as follows: [1] city-approved brick pavers; and [2] city-approved line fence; NOTE: Said fence and gate installations shall be subject to the review and approval of the Planning & Development Department, Buildings and Safety Engineering Department, Water and Sewerage Department, and Fire Marshal; and [3] certain proposed over-

head encroachments within the above described vacated public streets; NOTE: Any encroachments shall be subject to the review and approval of building permit plans by certain city departments, privately/owned utility company, and the "People Mover" system as listed below in provisions of this resolution) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division — DPW,

Fourth, that if the owners of any lots abutting on said vacated streets and alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3 of the public street vacation portion of this resolution, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and further

Provided, That one sewer manhole shall be constructed for the Water and Sewerage Department over the remaining (three feet diameter) public sewer outside of said private easement for public utilities within E. Fort Street, 50 feet wide. The sewer manhole for the Water and Sewerage Department shall be placed about 40.00 feet easterly of the east line of proposed Beaubien Street, 120 feet wide. The costs for plan review, sewer manhole, bulkheading, or other related construction that may be required by the Water and Sewerage Department (designed to prevent damage to the existing sewer that must remain publicly/owned to service the "People Mover" system or other properties downstream from the above described vacated part of E. Fort Street), including inspection and permits, shall be paid by "Blue Cross and Blue Shield of Michigan"; and further

Provided, That prior to construction within any parcel(s) containing the above described vacated public streets, "Blue Cross and Blue Shield of Michigan" shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, "Blue Cross and Blue Shield of Michigan" shall submit said building plans to the following city departments, privately-owned utility company, and the "People Mover" system for their review and approval of any proposed overhead encroachments within the

above described vacated public streets:  
 Ameritech/Michigan Bell Telephone Company — Contact: Klaus Koenig [Phone: 313-389-9505]; and  
 Detroit Transportation Corporation — Contact: Albert A. Martin [Phone: 313-224-2160]; and  
 Public Lighting Department — Contacts: Michael Laskowski and Satish Sadwal [Phone: 313-267-7232]; and  
 Water and Sewerage Department — Contact: Diljit Singh [Phone: 313-224-4744];

All costs for plan review associated with the protection of utilities and/or other construction that may be required by Ameritech/Michigan Bell Telephone Company, Detroit Transportation Corporation, the Public Lighting Department, and the Water and Sewerage Department [designed to prevent damages, maintain public utility services, and operate the "People Mover" system], including but not limited to inspection and permits, shall be paid by Blue Cross and Blue Shield of Michigan and/or their contractors; and further

Provided, The City Engineering Division — DPW shall be unable to "sign-off" on any building plans, containing proposed overhead encroachments within the above described vacated public streets, unless said building plans shall have first been reviewed and approved by Ameritech/Michigan Bell Telephone Company, Detroit Transportation Corporation, the Public Lighting Department, and the Water and Sewerage Department [designed to prevent damages, maintain public utility services, and operate the "People Mover" system]; and be it further

**Temporary Public Street Closing—  
 Part of E. Fort Adjoining  
 the People Mover**

Resolved, The City Engineering Division — DPW is hereby authorized to issue permits to "Blue Cross and Blue Shield of Michigan" to close all that part of E. Fort Street, 50 feet wide, lying easterly of and abutting the east line of Beaubien Street (proposed 120 feet wide) on a temporary basis to expire on August 1, 2001; being more particularly described as follows:

Commencing at the intersection of the easterly line of Beaubien Street (60 feet wide) and the northerly line of E. Fort Street (50 feet wide); thence N.59°53'08"E., along said northerly line of E. Fort Street, 60.14 feet, to the point of beginning; thence N.59°53'08"E., along said northerly line of E. Fort Street, 45.24 feet; thence S.30°06'52"W., along the southerly extension of a line 0.62 feet westerly of and parallel to the westerly line of Lot 109 of the "Plat of part the Beaubien Farm" as recorded in Liber 6, Page 475 of City Records; 50.00 feet to

the southerly line of E. Fort Street; thence S.59°53'08"W., along said southerly line of E. Fort Street, 49.24 feet; thence N.26°11'45"W., along a line 60 feet easterly of and parallel to the easterly line of Beaubien Street (60 feet wide), 50.12 feet to the point of beginning; containing about 2,360 square feet or 0.0542 acre more or less;

Provided, "Blue Cross and Blue Shield of Michigan" shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public street closing; and

Provided, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; and

Provided, The property owned by the petitioner and adjoining the temporary public street closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the street; and

Provided, That no building or other structure shall be constructed on or over the public street. "Blue Cross and Blue Shield of Michigan" and/or the "Detroit Transportation Corporation" shall observe the rules and regulations of the City Engineering Division — DPW. The City of Detroit retains all rights and interests in the temporarily closed public street. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public street. Further, "Blue Cross and Blue Shield of Michigan" and the "Detroit Transportation Corporation" shall comply with all specific conditions imposed to insure unimpeded 24-hour-per-day access to the City and utility companies; and

Provided, All of "Blue Cross and Blue Shield of Michigan" and/or the "Detroit Transportation Corporation" public property installation(s) shall be subject to the review and approval of the City Engineering Division — DPW (if necessary, in conjunction with the Fire Marshal, Traffic Engineering Division — DPW, and the Planning and Development Department); and

Provided, That any "Blue Cross and Blue Shield of Michigan" plans, depicting proposed public property installation(s), shall be reviewed and approved by Ameritech/Michigan Bell Telephone Company, Detroit Transportation Corporation, the Public Lighting Department, and the Water and

Sewerage Department [for the purpose of adequate horizontal and vertical clearance(s) to prevent damages, maintain public utility services, and operate the "People Mover" system]. All costs for plan review, including but not limited to inspection and permits, shall be paid by "Blue Cross and Blue Shield of Michigan" and/or their contractors; and

Provided, This resolution does not permit the storage of materials, display of merchandise, or advertising signs within the temporarily closed public street. Further, the placement of materials, merchandise, or advertising signs on any adjacent berm area is prohibited. It is the intent of this provision to prohibit private advertising within public rights-of-way, but not signs conforming to the current Michigan Manual of Uniform Traffic Control Devices; and

Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division — DPW and the "Detroit Transportation Corporation" by "Blue Cross and Blue Shield of Michigan" at "Blue Cross and Blue Shield's" expense; and

Provided, This resolution is revocable at the will, whim or caprice of the City Council without cause. "Blue Cross and Blue Shield of Michigan" waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

Provided, This permit shall not be assigned or transferred without the written approval of the City Council; and be it further

Resolved, The following described city-owned properties are hereby dedicated for public street purposes:

#### **Dedications for Widening of Beaubien & Lafayette**

Land in the City of Detroit, Wayne County, Michigan being all of that part of the east-west public alley (20 feet wide, in the block bounded by Beaubien, St. Antoine and E. Fort Streets, and E. Lafayette Avenue) lying between the easterly line of Beaubien Street (60 feet wide) and a line 60.00 feet easterly of and parallel to the easterly line of said Beaubien Street; also all of Lot 107, and parts of Lots 108, 111, 112, 113, and 114 of the "Plat of a part of the Beaubien Farm in the City of Detroit, as surveyed into town lots for the proprietors by John Mullet, Surveyor", as recorded in Liber 6, Page 475, City Records; also all of Lot 12, and parts of Lots 7, 8, 9, and 11 of the "Plat of

the Antoine Beaubien Farm", as recorded in Liber 27, Page 197, Deeds, Wayne County Records; being more particularly described as follows:

Beginning at the intersection of the easterly line of Beaubien Street (60 feet wide) and the northerly line of E. Fort Street (50 feet wide); thence N.59°53'08"E., along said northerly line of E. Fort Street, 60.14 feet; thence N.26°11'45"W., along a line 60.00 feet easterly of and parallel to the easterly line of said Beaubien Street, 227.63 feet; thence N.59°52'32"E., along a line 70.00 southerly of and parallel to the southerly line of E. Lafayette Avenue (50 feet wide), 390.26 feet; thence N.26°11'45"W., along the westerly line of St. Antoine Street (50 feet wide), 70.16 feet; thence S.59°52'32"W., along the southerly line of E. Lafayette Avenue (50 feet wide), 450.40 feet; thence S.26°11'45"E., along the easterly line of Beaubien Street (60 feet wide), 297.79 feet to the point of beginning; containing about 45,290 square feet or 1.0397 acres more or less; and be it further

Resolved, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Cockrel, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 6.

Nays — None.

#### **Department of Public Works Administrative Division**

June 24, 1996

Honorable City Council:

Re: Cancellation of 82 Confirmed Assessments for Weedcutting on Vacant Lots on Various Listed Assessment Rolls.

We recommend cancellation of the list of vacant lot billings, on file in the City Clerk's office, which were assessed by the Department of Public Works for weed-cutting cost.

Assessed Amount Total: \$8,879.73

Respectfully submitted,

CLYDE D. DOWELL

Director

Approved:

J. EDWARD HANNAN

Budget Director

By: GENE P. MOSS

Executive Assistant Director,

Finance

By Council Member Tinsley-Williams:

Resolved, That the Finance Director be and she is hereby authorized to cancel accounts receivable bills in accordance with the foregoing communication.

Adopted as follows:

Yeas — Council Members Cockrel, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 6.

Nays — None.