

The approval of your Honorable Body and a waiver of reconsideration is requested.

Respectfully submitted,
AUDREY P. JACKSON
Purchasing Director

By Council Member Mahaffey:

Resolved, that Contract Number 2500954, referred to in the foregoing communication dated November 6, 2000, be hereby and is approved.

Adopted as follows:

Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 6), per Motions before Adjournment.

Planning & Development Department

October 25, 2000

Honorable City Council:

Re: Correction of Street & Alley Vacation Development Disposition: Parcel 105; located at the Northwest Corner of Conner and Mack Avenue

On October 11, 2000, (Legal News October 16, 2000, Page 7), your Honorable Body authorized the street and alley vacations of part of the above-captioned property to facilitate a solid parcel of land to be sold as a development parcel.

It has come to our attention that the Mack Avenue right-of-way was not clearly described in the original legal description as adopted by the Detroit City Council in the resolution.

We, therefore, request that your Honorable Body adopt the attached resolution authorizing an amendment to the "Streets and Alley Vacation" legal description and map to reflect a correction of the legal description and of the Mack Avenue Right of Way.

Respectfully submitted,
PAUL A. BERNARD
Director

By Council Member Scott:

Resolved, That in accordance with the foregoing communication, the authority to vacate the streets and alley described on the tax rolls as: Land in the City of Detroit, County of Wayne and State of Michigan being part of Private Claim 388; also part of Lot 21 of "Plan of Subdivision of Private Claims No. 385 and 386 for the heirs of the late H. Connor of Grosse Pointe" as recorded in Liber 49, Page 494 of Deeds, Wayne County Records, also part of Mack Avenue, variable width, as opened and confirmed by Court on May 7, 1926 and being more particularly described as follows: Commencing at the intersection of the westerly line of Conner Avenue, 86 feet wide, and the northerly line of Mack Avenue as confirmed by Court on May 7, 1926; thence S. 64°12'19"W., along the

said northerly line of Mack Avenue, 28.92 feet; thence S.31°11'51"E., 104.46 feet to the point of beginning; thence S.31°11'51"W. 205.81 feet to a point of curve; thence 61.80 feet along the arc of a curve, concave to the northeast, with a delta of 118°02'20", a radius of 30.00 feet and a long chord of 51.44 feet which bears S.27°49'19"W; thence S. 86°50'29"W. 559.68 feet to the southerly line of said Mack Avenue, thence N.25°47'41"W. 20.00 feet; thence N. 64°12'19"E. 538.60 feet to the point of beginning containing 73,630 square feet or 1.6903 acres more or less. Subject to any easements of record. That part of Mack Avenue included in this description is open public right-of-way and subject to any easements or restrictions as provided for in a resolution by Detroit City Council to vacate said right-of-way.

be amended to reflect the following correct legal description.

Resolved, Land in the City of Detroit, County of Wayne and State of Michigan being a part of Private Claim 388; also part of Lot 21 of "Plan of Subdivision of Private Claims No. 385 and 386 for the heirs of the late H. Conner of Grosse Pointe" as recorded in Liber 49, Page 494 of Deeds, Wayne County Records; being a part of Mack Avenue, variable width, as opened and confirmed by Court on May 7, 1926, being more particularly described as follows:

Commencing at the intersection of the westerly line of Conner Avenue, 86 feet wide, and the northerly line of Mack Avenue as confirmed by Court on May 7, 1926; thence S. 64°12'19"W., along the said northerly line of Mack Avenue, 28.92 feet; thence S.31°11'51"E., 104.46 feet to the point of beginning; thence continuing along said line S.31°11'51"W., 63.16 feet to a point of curve, also being the south line of said Mack Avenue, concave to the southeast, with a delta of 28°39'37", a radius of 350.00 feet, and a long chord of 173.25 feet which bears S. 78°32'07"W.; thence S.64°12'19"W. 376.68 feet along the south line of said Mack Avenue; thence N. 25°47'41"W., 20.00 feet; thence N.64°12'19"E., 538.60 feet to the point of beginning containing 13,041 square feet or 0.2994 acres more or less; and be it further

Resolved, Be and the same is hereby vacated as a public street and is hereby converted into a private easement for public utilities, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said street and by their heirs, executors, administrators and assigns, forever to wit:

First, Said owners hereby grant to and for the use of the public an easement of right-of-way over said vacated public

street 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 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 utility easement or right-of-way in and over said vacated street 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 or light pole 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 adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned task, 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, concrete slabs or driveways, retaining or partition walls, shall be built or placed upon said easement, nor change of surface ground made, without prior approval of the City Engineering Division-DPW.

Fourth, That if the owners of any lots abutting on said vacated street 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, 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 be it further

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

A Waiver of Reconsideration is requested.

Adopted as follows:

Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 7), per Motions before Adjournment.

**Department of Public Works
City Engineering Division**

November 13, 2000

Honorable City Council:

Re: Petition No. 2221-Part 2, Planning and Development Department requests for certain rights-of-way changes for the Compuware Development Project

On January 11, 2000, the Planning & Development Department requested your Honorable Body to vacate certain streets and alleys and establish various easements in the vicinity of Woodward, Campus Martius, Gratiot, Randolph and Monroe as necessary to implement the Compuware Headquarters development project. In response to this request, designated Petition 2221, the Department of Public Works, City Engineering Division, submitted a report and proposed resolution to your Honorable Body on July 13, 2000, which your Honorable Body adopted on July 21, 2000. However, that resolution did not eliminate the restrictions previously placed on the use of Gratiot Avenue and State Street.

On July 20, 1977, JCC page 1578, your Honorable Body had adopted a resolution permanently closing State Street between Woodward and the alley first west of Woodward, and Gratiot Avenue between Woodward and Farmer Street, to all traffic except emergency vehicles to facilitate construction of the "Woodward Avenue Plaza and Transitway." The current traffic plans for the area around Campus Martius and the Compuware Headquarters, as described in the Restated Compuware Development Agreement approved by your Honorable Body on July 21, 2000, require that these streets be reopened to vehicular traffic. Accordingly, it is necessary to rescind the 1977 resolution prohibiting vehicular traffic on these portions of State Street and Gratiot.

An appropriate resolution is attached for consideration by your Honorable Body. I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI

City Engineer
City Engineering Division - DPW

By Council Member Tinsley-Talabi:

Whereas, this City Council adopted a resolution on July 20, 1977, JCC p 1578, permanently closing State Street between Woodward and the north/south alley immediately west of Woodward, and