

11, Town 1 South, Range 11 East, Township of Greenfield, Wayne County, Michigan. Rec'd L. 28, P. 37 Plats, W.C.R. and be it further

Resolved, That the Planning and Development Department Director of Development Activities or his authorized designee be authorized to issue a Quit Claim Deed for the described property to reflect the correct legal description.

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.

Nays — None.

**Planning & Development Department**

May 11, 2005

Honorable City Council:

Re: Reprogramming: Delray Senior Housing.

The Planning and Development Department hereby respectfully requests the City Council to act on the attached resolution authorizing the reprogramming of \$150,000 in Block Grant funds appropriated for Motown Museum public facilities improvements (\$122,780.65) and Joyfield Caregivers (\$27,219.35) which is needed for the payment of outstanding invoices for the Delray Senior Housing project located at 275 West Grand Boulevard. HUD will not release the funds for the Motown Museum due to its inability to document the national objective criterion; while Joyfield Caregivers returned its funds due to an inactive organization.

We respectfully request the authorization of your Honorable Body for this change and to amend the Consolidated Plan for the stated purpose.

Respectfully submitted,  
HENRY B. HAGOOD

Director of Development Activities

By Council Member S. Cockrel:

Resolved, That the Detroit City Council hereby approves amending the HUD Consolidated Plan to reflect the reprogramming of Community Development Block Grant funds in accordance with the foregoing communication; and

Resolved, That the Mayor of the City of Detroit, Kwame M. Kilpatrick, is hereby authorized to amend the HUD Consolidated Plan, including all understandings and assurances contained therein to the U.S. Department of Urban Development (HUD) in accordance with the foregoing communication; and

Resolved, That the Finance Director be and is hereby authorized to decrease Appropriation 07615 Motown Museum Public Facility by \$122,780.65; and

Resolved, That the Finance Director be and is hereby authorized to decrease Appropriation 10656 Joyfield Caregivers by \$27,219.35; and

Resolved, That the Finance Director be and is hereby authorized to increase Appropriation 04837 Delray Senior Housing by \$150,000; and

Resolved, That the Finance Director be and is hereby authorized to accept and process all documents reflecting these changes.

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.

Nays — None.

**Department of Public Works  
City Engineering Division**

June 15, 2005

Honorable City Council:

Re: Petition No. 3309 — Joseph Brophy/Covington Apartments, L.L.C. requesting for the closure of an alley in the area of Covington and Third Avenue.

Petition No. 3309 of “Joseph Brophy/Covington Apartments, L.L.C.” at 1344 Bennaville Street, Birmingham, Michigan 48009, request conversion to easement of a portion of the East-West public alley 20 feet wide and dedication of land for a new alley outlet all in the block bounded by Covington Avenue, 45 feet wide, Manderson Avenue, 60 feet wide, Whitmore Avenue, 60 feet wide, and Third Avenue, 60 feet wide.

The request was approved by the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

The petitioner (Joseph Brophy/Covington Apartments, L.L.C.” at 1344 Bennaville Street, Birmingham, Michigan 48009), must build a new public alley at no expense to the City of Detroit. The petitioner intends to acquire land and set-aside funding to build the new alley. The alley shall be built by private contract within property to be owned or controlled by the petitioner under City Engineering Division — DPW inspection and permits. When the alley is completed to city specifications, the petitioner shall deed the property to the city. City Council is requested to declare the city’s ‘intent’ to accept the executable warranty deed to the city. City Council is requested to declare the city’s ‘intent’ to accept the executable warranty deed and alley for public purposes; provided said property complies with the requirements of Detroit codes and ordinances, also know as the ‘Environmental Review Guidelines’ and provided the Law Department concludes that the grantor possess the appropriate rights, title, and interest in properties to convey said land to the city for alley and other public purposes. The dedication and construction of

the 20 feet wide north-south strip of land for public alley purposes must be completed before the vacations to avoid the creation of a dead-end alley.

If the petitioner at any time plans to discontinue use of the paved alley entrance (into Manderson Avenue), the petitioner shall pay all incidental removal cost.

All other city departments and private utility companies have reported no objection to the conversion of public rights-of-way into a private easement for utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
WILLIAM TALLEY

City Engineering Division — DPW  
By Council Member S. Cockrel:

Resolved, All that part of the East-West public alley, 20 feet wide, lying Southerly of and abutting the South line of the West 15 feet of Lot 271 and abutting Lots 272 through 276, both inclusive; and abutting the South 44.03 feet of the Southeasterly line of Lot 277, and lying Northerly of and abutting the North line of Lots 283 through 285, both inclusive, and the West 15.00 feet of Lot 286; and lying Westerly of and abutting the West line of said Lot 283 all in the "Merrill-Palmer Subdivision" being a Subdivision of Part of Section 11 T. 1 S. R. 11 E., City of Detroit, Wayne County, Michigan as recorded in Liber 45 Pages 54-55, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a private easement for public utilities of the full width of the alley, 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 alley and by their heirs, executors, administrators and assigns, forever to wit:

First, Said owners hereby grant to and for the use of the public easement or right-of-way over said vacated public alley 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 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 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 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 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, retaining or partition walls, 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 utilities in said easements, 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 further

Provided, That if it becomes necessary to remove the paved return at the entrance (into Manderson Avenue), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications with all costs borne by the abutting owner(s), their heir or assigns; 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.

Resolved, The Planning and Development Department Director is hereby authorized to issue a quit-claim deed to transfer the following vacated public right-of-way for the fair market value and/or other valuable consideration:

Land in the City of Detroit, County of Wayne, State of Michigan; being the East 20.00 feet of Lot 286 in the "Merrill-Palmer Subdivision" being a Subdivision of Part of Section 11 T. 1 S. R. 11 E., City of Detroit, Wayne County, Michigan as recorded in Liber 45 Pages 54-55, Plats, Wayne County Records;

