

Urban Renewal Plat No. 2", recorded in Liber 90 of Plats, Pages 89 through 91, Wayne County Records, and as converted to easement by the Journal of the City Council of the City of Detroit on May 25, 1977, pages 1140 and 1141, all more particularly described as: Beginning at the intersection of the centerline of Willis Ave., 100 ft. wide, with the Wly line of Brush St., 187.35 ft. wide, thence along the extension Ely of said centerline, N. 59°50'30" E. 187.80 ft., thence along the Ely line of said Brush St., S. 26°09'00"E., 521.06 ft.; thence along the Sly line of vacated Alexandrine Ave., 50 ft. wide, and the Nly line of Lot 7 of said Medical Center Urban Renewal Plat No. 1, S. 63°41'30"W. 57.35 ft.; thence along the Wly line of said Lot 7 and the Ely line of Brush St., 35 ft. wide, lying Ely of said park, S. 26°08'30"E. 100.90 ft.; thence S. 63°51'30"W. 130.00 ft.; thence along the Wly line of Brush St., 35 ft. wide, lying Wly of said park N. 26°08'30"W. 179.87 ft.; thence along the Wly line of Brush St., 187.35 ft. wide, N. 26°09'00"W. 429.10 ft., to the point of beginning.

Encroachment to consist of constructing a new Magnetic Resonance Imaging facility below ground (over 108,000 square feet) into the public street right-of-way beneath Brush Street between Canfield and Mack Avenues, abutting the above described lots;

Provided, That petitioner shall provide construction plans and obtain the approval of the City Engineering Department and all other involved City departments prior to any construction; and further

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded by and at the permittee's expense in the Office of the Register of Deeds for Wayne County; and

Provided, That petitioner file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims which may arise therefrom; and further

Provided, That no right in the public street shall be considered waived by this permission which is granted expressly on the condition that the obstruction in connection therewith shall be removed at the expense of the grantee at any time when so directed by the City Council; and

Provided, If at any time it becomes necessary to repair or replace utilities located or to be located in said street by the acceptance of this permission, the owners for themselves, their heirs and assigns, waive claims for any damages to the encroaching installations

and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Department at the owner's expense; and further

Provided, That this resolution is revocable at the will, whim or caprice of the City Council, and the grantees by the acceptance of this permission waive any right to claim damages or compensation for any structures constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges not expressly stated herein.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

*RECONSIDERATION (No. 4), per Motions before Adjournment.

City Engineering Department

July 18, 1985

Honorable City Council:

Re: Petition No. 3388, B & M Foods Service Corp. Request to use portion of berm for private off-street parking along Whitcomb, and temporary close a portion of the east-west alley north of Seven Mile between Sussex and Whitcomb.

We are returning herewith Petition No. 3388 of B & M Foods Service Corp. requesting use of berm for private off-street parking along Whitcomb Avenue and temporary closing of a portion of east-west public alley, 20 feet wide, north of Seven Mile Road between Sussex and Whitcomb Avenues.

The temporary closing request was approved by the Community and Economic Development Department with certain restrictions. The request for off-street private parking was approved by the Berm Committee with certain restrictions.

The petitioner has agreed by filed letter to accept the requirements of the Berm Committee and pay an annual private use fee of \$150.00 to the Community and Economic Development Department — Real Estate Division.

All other City departments and privately owned utility companies have reported they have no objections to the proposal, provided they have the right to ingress and egress at all times to their facilities.

An appropriate resolution containing the necessary condition is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS
 Director

By Council Member Peoples:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to B & M Foods Service Corp. to close all that part of the east-west public alley, 20 feet wide, north of Seven Mile Road between Sussex and Whitcomb Avenues lying north of and abutting the north line of Lots 89 to 94 and the west 12.5 feet of Lot 88 of Daniel V. Wolf's Avon Boulevard Subdivision of part of the Southwest Quarter of the Southwest Quarter of Section 6, T.1S., R.11E., Greenfield Township, City of Detroit, Wayne County, Michigan as recorded in Liber 49, Page 94 of Plats, Wayne County Records, on a temporary basis to expire on August 1, 1990.

Provided, petitioner furnishes an agreement in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permit, and providing for the faithful performance by the grantee of the term hereof, and files same with the Finance Department, and further

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded in the office of the Wayne County Register of Deeds by and at the permittee's expense, and further

Provided, the Grantee shall acquire no implied or other privileges not expressly stated herein; and further

Provided, That the property owned by petitioner and adjoining the temporary alley closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of said alley, and further

Provided, That no building or other structure is constructed in said alley; that petitioner shall observe the rules of the City Engineering Department; and further the City of Detroit retains all rights and interests in the area herein temporarily closed; the City and all utility companies retain their rights to establish, maintain, and service any utilities in said area of temporarily closed alley, and further

Provided, That at the expiration of said permit, all obstructions therein shall be removed at the expense of the grantee, and the public property affected shall be restored to a condition satisfactory to the City Engineering Department, by and at the permittee's expense, and further

Provided, That this grant may be revoked at the will, whim and caprice of the City Council without cause; and

if this grant is continued for the five (5) year period, the City Council may, upon request and if the circumstances justify accordingly, grant an extension thereto; and further

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to B & M Foods Service Corp. to use a portion of 25 feet by 50 feet berm area along the east side of Whitcomb Avenue between West Seven Mile Road and the east-west public alley, 20 feet wide, first north thereof for off-street private parking; property described as:

Lying west of and abutting the north 50 feet of the west line of Lot 94 of Daniel V. Wolf's Avon Boulevard Subdivision of part of the Southwest Quarter of the Southwest Quarter of Section 6, T.1S., R.11E., Greenfield Township, City of Detroit, Wayne County, Michigan as recorded in Liber 49, Page 94 of Plats, Wayne County Records;

Provided, That a certified copy of this resolution be recorded with the office of the Register of Deeds for Wayne County by and at permittee's expense; and

Provided, That permittee at the time of obtaining said permits files with the Finance Department an indemnity agreement in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permits and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said permission; and

Provided, That such use of said public property shall be made under the rules and regulations of the City Engineering Department and the Department of Transportation in accordance with plan number G-709 (approved by those departments) and the Community and Economic Development Department; and

Provided, That said permission may be rescinded at any time it is deemed necessary by the Department of Transportation, and further, that the issuance of the permits shall not in any way waive the rights of the City to utilize the area for street widening or other purposes as may become necessary in the future; and

Provided, That the parking area be paved, and concrete bumpers shall be installed on the east, south and west side of said area as curb stops. A clear space of at least 30 inches must be maintained between the parking area and the east Whitcomb Avenue curb. A

clear space of at least 30 inches must be maintained between the parking area and the edge of the sidewalk to prevent any vehicle from encroaching onto the pedestrian right-of-way; and

Provided, No stationary objects having a height greater than 6 inches, such as concrete flower pots, should be placed around the parking area; and

Provided, That the parking spaces shall not in any way waive the requirements of the Zoning Ordinance regarding Off-street parking; and

Provided, That permittee shall pay a yearly charge of \$150.00 to the Community and Economic Development Department — Real Estate Division for private use of the berm area prior to the City Engineering Department issuing a use permit; and

Provided, That this resolution is revocable at the will, whim, or caprice of the City Council and permittee hereby expressly waives any right to claim damages or compensation for removal of encroachment; and further that permittee acquires no implied or other privileges hereunder not expressly stated herein; and

Provided, That these permits shall not be assigned or transferred without written approval of the City Council; and

Provided, That the securing of the necessary permits referred to herein shall be construed as acceptance of the terms of this resolution by the permittee; and

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission, which is granted expressly on the condition that said encroachment and all obstructions in connection therewith shall be removed at the expense of the permittee at any time when so directed by the City Council, and that the public property affected shall be restored to a condition satisfactory to said Departments by said permittee at their expense.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

*RECONSIDERATION (No. 5), per Motions before Adjournment.

Community & Economic Development Department

July 19, 1985

Honorable City Council:

Re: North Industrial Rehabilitation Project, Mich. R-119 Land Disposition: 9.8188 acre Parcel North of

Caniff between Hawthorne and Russell.

We are in receipt of an offer from the Detroit Edison Company to exchange approximately 9.8 acres of Project land in the North Industrial Rehabilitation Project, Mich. R-119 for Detroit Edison's facilities and property at McNichols and Conner known as the Mt. Olivet Service Center. It has been agreed that both sites are approximately equal in value and no money will be exchanged for the proposed title transfer.

The developer possesses the qualifications and financial resources necessary to acquire and develop the land in accordance with the project development plan. The disposal of this land by negotiation is an appropriate method for making the land available for redevelopment and the proposed purchase agreement is in a satisfactory form.

We, therefore, request that your Honorable Body adopt the attached resolution authorizing the advertising of, and the holding of a public hearing concerning this offer on the 6th day of August, 1985, at 9:50 A.M.

Respectfully submitted,

EMMETT S. MOTEN, JR.

Director

By Council Member Peoples:

Resolved, That this proposed agreement between the City of Detroit and the Detroit Edison Company, a Michigan Corporation, 2000 Second Avenue, Detroit, Michigan 48226, to purchase and develop land in the North Industrial Rehabilitation Project, Mich. R-119, is in satisfactory form, and

That the disposal of this land by negotiation is an appropriate method for making the land available for redevelopment, and

That the developer possesses the qualifications and financial resources necessary to acquire and develop the land in accordance with the Development Plan, and

That the offer, to exchange approximately 9.8 acres of land in the North Industrial Rehabilitation Project for Detroit Edison property at McNichols and Conner known as the Mt. Olivet Service Center, is equal to the fair value of the land for use in connection with the Development Plan, and to hold a public hearing concerning this agreement on the sixth day of August, 1985, at 9:50 A.M.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.