

assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and be it further

Resolved, That all that part of Pet-oskey Avenue, 50 feet wide, abutting the front line of Lots 47 to 61 and Lots 86 to 100 as platted in the "Marshall Park Subdivision" of the north 30 acres of the southwest quarter of the north-west quarter of Section 15, Town 1 South, Range 11 East, Greenfield Township, City of Detroit, Wayne County, Michigan, as recorded in Liber 33, Page 54, Plats, Wayne County Records,

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the street, 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 or right-of-way over said vacated public street hereinabove described for the sole purposes of maintaining, repairing, removing, or replacing below ground public utilities such as water mains, sewers, gas lines or mains, telephone or electric light conduits or things now placed or installed beneath such street with the right to ingress and egress at any time to and over said easement for the purposes 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 of the City Engineering Department,

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

Fourth, that if any utility 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

Provided, That the entire construction cost of new drainage, sidewalks, curbs and existing street return removal shall be borne by the petitioner or assigns in accordance with City permits, specifications and inspection; and further

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

City Engineering Department

November 6, 1985

Honorable City Council:

Re: Petition No. 3494, Hermes Automotive Manufacturing Corp., request to erect overhead crane-way across Twenty-Third Street south of Risdon.

Returning herewith, print and Petition No. 3494 of Hermes Automotive Manufacturing Corp. requesting permission to erect an overhead crane-way across Twenty-Third Street, 60 feet wide, south of Risdon Avenue.

The City Engineering Department has reviewed the plans submitted by the petitioner and has no objection to the encroachment.

All other involved City departments and privately owned utility companies have reported they have no objections to the proposed encroachment or they have reached satisfactory agreement with the petitioner regarding their installations.

An appropriate resolution granting the petition, is attached for consideration by your Honorable Body.

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Eberhard:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to Hermes Automotive Manufacturing Corp. to encroach overhead across Twenty-Third Street, 60 feet wide, south of Risdon Avenue, abutting part of the front lien of property described as:

Lots 1, 2, 5, 6 and the north 10 feet of Lots 3 and 4 as platted in Mrs. Mary H. Gillett's Subdivision of part of Outlot 59, Porter Farm, South of Chicago Road, T.1S., R.12E., City of Detroit, Wayne

County, Michigan as recorded in Liber 4, Page 70 of Plats, Wayne County Records

Encroachment to consist of erecting an overhead crane-way (measuring 52.6 feet by 64 feet with approximate street pavement clearance of 20.2 feet) across the public street right-of-way over Twenty-Third Street, south of Risdon Avenue, abutting the above described lots;

Provided, That such encroachment shall be constructed according to the sealed plans submitted on sheet numbers E1 and E3-A, drawing number 743, dated May 22, 1985 as revised by George Aho and Sons, Inc.; and

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 further

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

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 further

Provided, If at any time in the future it becomes necessary to repair or replace the 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. 6), per Motions before Adjournment.

Neighborhood Services Department

October 10, 1985

Honorable City Council:

Re: Authorization to Increase Appropriation #7153 for the 1985-86 Head Start Program by \$287,031 from \$8,456,911 to \$8,743,942.

When your Honorable Body approved the Neighborhood Services Department's (NSD) budget for Fiscal Year 1985-86, Appropriation Account #7153 was established at \$8,456,911 based on our estimate at that time of the grant amount we would receive for the 1985-86 Head Start Program.

We have recently received notification of a subsequent grant award increasing our funding level to \$8,743,942. The local match of twenty-five percent (25%) will be provided by the delegate agencies.

Therefore, we respectfully request your authorization to increase the 1985-86 Head Start Appropriation #7153 from \$8,456,911 to \$8,743,942 with a waiver of reconsideration.

Respectfully submitted,
CASSANDRA SMITH GRAY
Executive Director

Approved:

W. I. STECHER

Budget Director

JOHN P. KANTERS

Deputy Finance Director

By Council Member Collins:

Resolved, That the Neighborhood Services Department be and is hereby authorized to increase the Appropriation Account #7153 by \$287,031 due to an increase in funding from \$8,456,911 to \$8,743,942 and be it further;

Resolved, That the Finance Director be and is hereby authorized to increase the necessary accounts and honor vouchers in accordance with the foregoing communication and regulations of the Department of Health and Human Services.

Adopted as follows:

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

Nays — None.

*RECONSIDERATION (No. 7) per Motions before Adjournment

Neighborhood Services Department

October 10, 1985

Honorable City Council:

Re: Authorization to Increase Appropriation #7155 for the Parent Child Center by \$26,278 from \$494,761 to \$521,039.

When your Honorable Body approved the Neighborhood Services Department's 1985-86 Appropriation Account #7155 was established at \$494,761 based