

alley return entrances (into Yorkshire and Bishop Avenues) and requests such remain in their present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

City Engineering Division — DPW
By Council Member Everett:

Resolved, All of the east-west public alley, 20 feet wide, in the block bounded by Yorkshire, Bishop, Berden and Harper Avenues lying southerly of and abutting the south line of Lots 322 thru 332; also lying northerly of and abutting the north line of Lots 321 and 333 of "Grosse Pointe View Subdivision No. 1 of part of Private Claim 111 — lying South of Harper Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 50, Page 23, 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 an 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 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, concrete slabs or driveways, retaining or partition walls, (except necessary line fence; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering Department, if necessary) 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 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 further

Provided, That if it becomes necessary to remove the paved alley returns at the entrance (into Yorkshire and/or Bishop Avenues), 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 owners, their heirs or assigns; and further

Provided, 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 Cleveland, Cockrel, Everett, Ravitz, Scott, Tinsley-Williams, and President Pro Tem Hill — 7.

Nays — None.

**Department of Public Works
City Engineering Division**

September 22, 1995

Honorable City Council:

Re: Petition No. 3097, Traffic Jam and

Snug Restaurant (Dylan Enterprises). Requesting permission to construct and maintain a second building encroachment into the south side of W. Canfield; also a third building encroachment into the east public sidewalk space of Second at 511 W. Canfield (Note: The first building encroachment was granted by City Council on March 30, 1988-J.C.C. pages 759-60):

Petition No. 3097 of the "Traffic Jam and Snug Restaurant" requests permission to construct and maintain a second building addition encroaching about 12.50 feet by 26.66 feet into the south side of W. Canfield Avenue, 100 feet wide, east of Second Boulevard; also a third building addition encroaching about 9.00 feet by 145.00 feet into the east public sidewalk space of Second Boulevard, 100 feet wide, south of W. Canfield Avenue. [NOTE: The first building encroachment was granted by City Council on March 30, 1988 - J.C.C. pages 759-60.]

The petition was referred to the City Engineering Division - DPW for investigation and report. This is our report:

The encroachment request [which reduces the public sidewalk space on the east side of Second Boulevard to 8.00 feet wide] was approved by the Traffic Engineering Division - DPW.

The Detroit Edison Company, Public Lighting Department, and the Water and Sewerage Department have reported facilities in the area.

The Detroit Edison Company (DE Co.) reports the electrical service for "Traffic Jam" is located near the southeast corner of Second and W. Canfield. "Traffic Jam" steam service enters the building from Second Boulevard. To prevent damages to the restaurant power services the contractors can arrange for a "pre-construction" meeting with DE Co.

The Public Lighting Department (PLD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between PLD street lighting, electrical power circuits (and any other PLD facilities, including poles) and the proposed building addition encroachments.

The Water and Sewerage Department (DWSD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes (and any other DWSD facilities) and the proposed building addition encroachments.

All other involved city departments and privately owned utility companies have reported no objection to the building encroachments. Affected utilities have requested contractors make use of "Miss Dig" facilities before excavating in public

street rights-of-way. Should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations.

I am recommending approval of the petition and adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

City Engineering Division — DPW
By Council Member Everett:

Resolved, The City Engineering Division - DPW is hereby authorized and directed to issue permits to "Ben Edwards, owner of the Traffic Jam and Snug Restaurant (Dylan Enterprises, Inc.)" to construct and maintain a "second" proposed building addition encroaching into the south side of W. Canfield Avenue, 100 feet wide, east of Second Boulevard; also a "third" building addition encroaching into the east public sidewalk space of Second Boulevard, 100 feet wide, south of W. Canfield Avenue; abutting the following described property:

The north 150.00 feet of Lots 15 and 16, Block 97, of the "Subdivision of Blocks 97 and 98 of the Cass Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 259, Plats, Wayne County Records;

Encroachment to consist of a "second" proposed building addition (restaurant expansion, including below grade footings) extending about 12.50 feet by 26.66 feet into the south side of W. Canfield Avenue, 100 feet wide, east of Second Boulevard; also a "third" proposed building addition (restaurant expansion, including below grade footings) extending about 9.00 feet by 145.00 feet into the east public sidewalk space of Second Boulevard, 100 feet wide, south of W. Canfield Avenue. [NOTE: The "first" building encroachment was granted by City Council on March 30, 1988 - J.C.C. pages 759-60.] The building address is 511 W. Canfield (property described above);

Provided, That before any construction into said portions of public street rights-of-way, the petitioner shall apply to the Buildings and Safety Engineering Department for a building permit. Also, the use and maintenance of said building encroachments shall comply with the rules and regulations of the City Engineering Division - DPW, the Buildings and Safety Engineering Department, and the DPW - Traffic Engineering Division; and further

Provided, That the grade and alignment of the remaining public sidewalks shall be subject to the review and approval of the City Engineering Division - DPW. Also, the restoration of the remaining public sidewalks shall be subject to the specifications, inspection, and permits of the City

Engineering Division - DPW. All costs for construction, maintenance, and permits to replace the remaining public sidewalks shall be borne by the petitioner. All public rights-of-way shall be maintained safe and convenient for public travel. Dylan Enterprises, Inc. shall be liable for all claims, demands, costs, damages, expenses, and causes of action of every kind and character arising in favor of any person, or other legal entity on account of personal injuries or death or damage to property caused by or claimed or alleged to have arisen out of failure to properly install and maintain any encroachments within public street rights-of-way. The installation and maintenance of the remaining public sidewalks and said encroachments shall comply with the rules and regulations of the Department of Public Works (and Buildings and Safety Engineering Department, if necessary); and further

Provided, Said building addition encroachments shall be according to the specifications of the Public Lighting Department (PLD), including the minimum vertical clearance of one foot and a minimum horizontal clearance of three and one-half feet between PLD traffic signal conduit, handholes, poles, street lighting conduit (and any other PLD facilities) and the proposed building addition encroachments; and further

Provided, Said building encroachments shall be constructed and maintained according to the specifications of the Water and Sewerage Department (DWSD), including the minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes (and any other DWSD facilities) and the proposed building addition encroachments; and further

Provided, The property owned by the petitioner and the building encroachments shall be subject to proper zoning or regulated use (Board of Zoning Appeals Grant); and further

Provided, Whenever it becomes necessary to occupy or barricade the public rights-of-way for construction and/or maintenance of the building addition encroachments, such work shall be done under City Engineering Division - DPW permits and inspection with all costs borne by the petitioner; and further

Provided, If the electric or steam power service lines (or conduit), water lines (or mains), sewers, or other utility facilities located (or to be located) in the public street rights-of-way shall break or be damaged as a result of any action on the part of the petitioner or their assigns (by way of illustration but not limitation, such as storage of materials or any construction not in accordance with this resolution

or Detroit Building Code), then the petitioner or assigns shall be liable for all costs incidental to the repair of the broken or damaged utility. The petitioner and assigns shall be liable for all claims, damages, or expenses resulting from their action(s); and further

Provided, If it becomes necessary to repair or replace the electric or steam power service lines (or conduit), water lines (or mains), sewers, or other utility facilities located (or to be located) in the public street rights-of-way, the owners for themselves, their heirs or assigns (by acceptance of permits for construction near buried utility lines, conduits or mains, overhead electric or telephone wires, and utility poles) waives all claims for damages to the encroaching installations and agree to pay the costs incurred in their removal (or alteration), if removal (or alteration) becomes necessary; and further

Provided, That said permits issued by the City Engineering Division - DPW, and the Buildings and Safety Engineering Department are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinances(s), or resolution(s), or City policies (governing the placement of building encroachments in public rights-of-way) are amended to provide for the levying thereafter, of a fee, charge or rental, to be hereafter determined upon, for the occupancy of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said Charter, or code(s), or ordinance(s), or resolution(s), or policies; also said permittee does hereby bind itself thereunto, and to accept said permits on the conditions hereby imposed, and in the event said permittee shall contest the validity of said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; and further

Provided, The permittee (at the time of obtaining said permits) shall file 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 or unfaithful performance by the permittee of the terms thereof, and in addition to pay any claims, damages or expenses that may arise out of the maintenance of said encroachment; and further

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

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

Provided, The filing of the indemnity agreement and/or the securing of the necessary permit(s) referred to herein shall be construed as acceptance of this resolution by the permittee; and further

Provided, 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 Cleveland, Cockrel, Everett, Ravitz, Scott, Tinsley-Williams, and President Pro Tem Hill — 7.

Nays — None.

Mayor's Office

August 29, 1995

Honorable City Council:

Re: The Hospice of Southeastern Michigan Project Designation of Project Area and Project District Area and Confirmation of Special Directors.

The Board of Directors of the Economic Development Corporation met on August 1, 1995 and adopted a Resolution of Inducement for the Hospice of Southeastern Michigan Project. A copy of that Resolution with the Project Area and Project District Area is on file in the City Clerk's Office.

In accordance with Section 4(2) and 4(3) of Public Act No. 338 of 1974, as amended, I hereby appoint the following individuals to the Board of Directors of the Economic Development Corporation of the City of Detroit as community representatives of the Hospice of Southeastern Michigan Project.

Dennis Archanbault, 4201 St. Antoine, Detroit, Michigan 48202.

John W. Gardner, 18247 Fielding, Detroit, Michigan 48219.

Section 4(2) of Public Act 338 directs that for each project undertaken by the Economic Development Corporation of the City of Detroit, two additional members shall be appointed to serve on the Board of Directors.

In regards to their duties, the Act states that they "shall serve only in respect to that project and shall be representative of neighborhood residents and business interests likely to be affected by the project and who shall cease to serve when the project for which they are appointed is either abandoned, or if undertaken, is completed in accordance with the project plan."

The appointees are qualified to fulfill the responsibilities associated with the positions and were selected on the basis of their demonstrated interest and their willingness to serve. Therefore, your approval of these appointments is

requested.

In accordance with Section 12(1) of Act 338, your approval of the Hospice of Southeastern Michigan Project Area and Project District Area is also requested.

Sincerely,
DENNIS W. ARCHER

Mayor

City Council Resolution Approving Designation of the Economic Development Corporation of the City of Detroit (Hospice of Southeastern Michigan Project) Project Area, Project District Area and Confirming Appointment of Two Additional Directors of the Economic Development Corporation of the City of Detroit for the Project

By Council Member Ravitz:

Whereas, There exists in the City of Detroit (the "City") the need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industries and commercial enterprises in order to strengthen and revitalize the City's economy and to encourage the location and expansion of commercial enterprises to provide needed services and facilities to the City and its residents; and

Whereas, A Project to alleviate the aforesaid conditions and accomplish said purposes has been initiated by The Economic Development Corporation of the City of Detroit (hereinafter referred to as the "EDC"); and

Whereas, The proposed project would consist of the development of a 40,000 square foot, 81 bed nursing home and related office space for hospice patients and terminally ill persons, designed for and capable of providing employment and services to the residents of the City; and

Whereas, The EDC, in conformity with Act 338 of the Public Acts of 1974, as amended ("Act 338"), has designated the hereinafter described Project Area and Project District Area for such a program to this City Council for its approval thereof.

Now, Therefore, Be It Resolved by the City Council of the City of Detroit as follows:

1. The following Project Area, as designated by the EDC, be, and is hereby certified as approved:

See Exhibit attached hereto.

2. The Council hereby determines that there are no other parcels of property apart from the Project Area that will be affected. The following Project District Area, coterminous with the Project Area, is designated by the EDC, and is hereby certified as approved:

See Exhibit attached hereto.

3. It is hereby determined that there are less than eighteen (18) residents, real property owners or representatives of establishments located within the Project District Area who are eligible to serve on