

Law Department
February 7, 1975

Honorable City Council:

We recommend the adoption of the following resolution in order to pay employees of the City of Detroit injured in the course of their employment, Workmen's Compensation as provided by law.

Respectfully submitted,
THOMAS L. WALTERS,

Assistant Corporation Counsel
By Council Member Henderson:
Resolved, That the Finance Director be and he is hereby instructed to draw his warrant upon the proper fund in favor of:

Isaac Bryant, E.P.M.D., at the rate of \$112.00 per week, (\$107.00 plus \$5.00 for one dependent.)

Anderson Combs, E.P.M.D., at the rate of \$112.00 per week, (\$107.00 plus \$5.00 for one dependent.)

Eugene Zelany, Arts, at the rate of \$105.00 per week, (\$100.00 plus \$5.00 for one dependent.)

Henry Stitzman, Fire, at the rate of \$124.00 per week, (\$107.00 plus \$17.00 for three dependents.)

Mary Tucker, Hospital, at the rate of \$112.00 per week, (\$107.00 plus \$5.00 for one dependent.)

Chester Babbish, Recreation, at the rate of \$112.00 per week, (\$107.00 plus \$5.00 for one dependent.)

James Morton, Recreation, at the rate of \$105.00 per week, (\$100.00 plus \$5.00 for one dependent.)

Herbert Williams, Recreation, at the rate of \$112.00 per week (\$107.00 plus \$5.00 for one dependent.)

Karriem Shabazz, Zoo, at the rate of \$124.00 per week, (\$107.00 plus \$17.00 for three dependents.)

Approved:
NANSI IRENE ROWE
Acting Corporation Counsel

Adopted as follows:
Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Rogell, and President Levin — 8.

Nays — None.
RECONSIDERATION (No. 6) per motions before adjournment.

City Engineering Department
February 10, 1975

Honorable City Council:

Re: Petition No. 1252 Community and Economic Development Department Street and Alley Vacations Selden Court Rehabilitation Project.

We wish to advise that in carrying out the development plan for the area known as the Selden Court Rehabilitation Project which is being undertaken by the City pursuant to Act 344 of the Public Acts of 1945, as amended, the Community and Economic Development Department has requested that certain streets and alleys be vacated.

The Detroit Edison Company has replied that they have facilities that will have to be removed. They have

submitted a cost of \$12,065.36 to perform this work.

The Michigan Bell Telephone Company has replied that they have facilities that will have to be removed. They have submitted a cost of \$1,292.00 to perform this work.

A recent Michigan Supreme Court decision requires that the private utility companies be compensated for removal of their facilities in Urban Renewal area.

The Community and Economic Development Department has issued Interdepartmental Purchase Order No. S-22545 for \$2,700.00 for the removal of the Public Lighting Department's facilities.

They have also issued Interdepartmental Purchase Order No. S-22626 for \$13,000.00 for the relocation of fire hydrants in the area.

Easements for underground utilities are retained to service the area.

All street and alley pavement removal and the construction of new curb and walk, and the construction of necessary manholes will be done under contract number PW 6553.

All other City departments and private utility companies reported that they will be unaffected by the vacations or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
HERMAN T. DUDLEY,
Director.

Approved:
JAMES WATTS
Director
Environmental Protection and Maintenance Dept.

By Council Member Kelley:
WHEREAS, The City of Detroit is undertaking the rehabilitation of the area known as Selden Court Rehabilitation Project pursuant to Act 344 of the Public Acts of 1945, as amended, and

WHEREAS, In order to carry out the development plan for this project it is necessary for the City of Detroit to vacate certain streets and alleys in the area, therefore, be it

RESOLVED, That all that part of Cochrane Avenue, 65 feet wide, lying between and abutting the southerly line of Grand River, 100 feet wide, and a line 80 feet north of the north line of Magnolia Street, 50 feet wide; also

All that part of Harrison Avenue, 65 feet wide, lying between and abutting the southerly line of Grand River, 100 feet wide, and the northerly line of Hazel Street, 50 feet wide; also

All that part of Hazel Street, 50 feet wide, lying between and abutting the southerly line of Grand River, 100 feet wide, and a line 65.16 feet east of

and parallel to the easterly line of Twelfth Street, 54.84 feet wide; also

All that part of Selden Street, 50 feet wide, lying between and abutting a line 65.16 feet east of and parallel to the easterly line of Twelfth Street, 54.84 feet wide, and the easterly line of the north-south public alley, 15.76 feet wide, second easterly of Twelfth Street; also

All that part of Selden Street, 50 feet wide, lying between and abutting the southerly line of Grand River, 100 feet wide, and the westerly line of the north-south public alley 15.76 feet wide first west of Harrison Avenue; also

All that part of Selden Court, 30 and 15 feet wide, lying between and abutting the northerly line of Selden Street, 50 feet wide, and a line 65.16 feet east of and parallel to the easterly line of Twelfth Street, 54.84 feet wide; also

All of the north-south and east-west alleys not previously vacated, 15, 20, and 15.76 feet wide in the block bounded by Twelfth Street, Harrison, Magnolia, and Selden Street; also

All that part of the north-south public alley, 15.76 feet wide, lying between the northerly and southerly Selden Street, Selden Court, and Harrison; also

All that part of the north-south public alley, 15.74 feet wide, in the block bounded by Selden Court, Selden Street, Harrison, and Grand River; also

All that part of the public alley, 18 feet wide, in the block bounded by Harrison, Cochrane, Hazel, and Grand River Avenues; also

All that part of the north-south public alley, 18.84 feet wide, in the block bounded by Harrison, Cochrane, Magnolia, and Hazel, lying between and abutting the southerly line of Hazel Street, 50 feet wide, and a line which begins in the easterly line of said alley at a point 80 feet northerly of Magnolia Street, 50 feet wide, thence westerly at right angles to said easterly line, to the centerline of said alley thence northerly along said centerline, 10 feet, thence westerly along a line at right angles to the centerline, to the westerly line of said alley;

All of the foregoing streets and alleys being part of the following subdivisions:

"Dickinson's Subdivision" of that part of Outlot 10 lying north of Magnolia Street and west of National Avenue of the Subdivision of Private Claim 27 being the Rear Concession of the Lognon Farm, Detroit, Wayne County, Michigan, as recorded on July 17, 1888, in Liber 11, Page 99, Plats, Wayne County records; and

"McGraw's Subdivision" of part of the Lognon Farm, Detroit, Wayne County, Michigan, as recorded on June 23, 1873, in Liber 2, Page 33, Plats, Wayne County records; and

"Albert Crane's Section of the

Thompson Farm" being part of Private Claim 227, late Springwells, now Detroit, Michigan, as recorded on March 11, 1857, in Liber 1, Page 11, Plats, Wayne County records; and as shown on City Engineering Department drawing No. X-1252 as revised on February 7, 1975.

Be and the same are hereby vacated as public streets and alleys to become a part and parcel of the abutting property subject to the following easement agreements for subsurface public utilities:

In Selden Court, 30 and 15 feet wide, lying between and abutting the northerly line of Selden Street, 50 feet wide, and a line 65.16 feet east of and parallel to the east line of Twelfth Street, 54.84 feet wide;

In Hazel Street, 50 feet wide, lying between and abutting a line 65.16 feet east of and parallel to the east line of Twelfth Street, 54.84 feet wide, and the southerly line of Grand River, 100 feet wide;

In Selden Street, 50 feet wide, lying between and abutting a line 65.16 feet east of and parallel to the east line of Twelfth Street, 54.84 feet wide, and the east line of the north-south alley first east of Selden Court;

In Selden Street, 50 feet wide, lying between and abutting the westerly line of the north-south public alley first east of Selden Court and abutting the southerly line of Grand River, 100 feet wide,

In Harrison Street, the easterly 37 feet of said street, 65 feet wide, lying between and abutting the northerly line of Hazel Street, 50 feet wide, and abutting the southerly line of Grand River Avenue, 100 feet wide

In Cochrane Avenue, the easterly 20 feet of the westerly 50 feet of said street, 65 feet wide, lying between and abutting a line which is 80 feet north of the north line of Magnolia Street, 50 feet wide, and abutting the southerly line of Grand River Avenue, 100 feet wide;

In the north-south alley, 15.76 feet wide, first east of Selden Court and connecting the north and south portions of Selden Street:

FIRST, said owners hereby grant to and for the use of the public an easement or right of way under said vacated public streets and alleys hereinabove 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 things usually placed or installed under a public street and 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 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 by the City Engineering Department,

THIRD, that if at any time in the future the owners of any lots abutting on said vacated streets and alleys 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,

PROVIDED FURTHER, that if any utility located or to be 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 further

In the portion of north-south alley as described in the block bounded by Harrison, Cochrane, Magnolia, and Hazel Streets,

That by reason of the vacation of the above property, the City of Detroit does not waive any rights to the sewers located or to be located therein, and, at all times, shall have the right to enter upon the premises, if found necessary to repair said sewers, alter, service or install same, and further

PROVIDED, That no building shall be constructed over said sewers without the prior approval of such building construction by the Sewer Services Section of the Water and Sewerage Department and the Buildings and Safety Engineering Department; and further

PROVIDED, In the event that the sewer located or to be located in said property shall break, causing damage to any construction, property or materials above, the petitioners and their assigns, by acceptance of the permit for construction over said sewer, waive all claims for damages; and further

PROVIDED, That if the sewer located to be 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 any construction not in accordance with Provision 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 sewer; and shall also be liable for all claims for damages resulting from his action, and be it further

RESOLVED, That upon proper application, the Environmental Protection and Maintenance Department shall issue to the Detroit Edison Company and the Michigan Bell Telephone Company permits to relocate their pipes, poles and lines from the area vacated to public streets most conveniently located in reference to the vacated alleys and consistent with the public health, safety, convenience, and general welfare; and be it further

RESOLVED, That the Detroit Edison Company and the Michigan Bell Telephone Company are hereby directed to remove all their pipes, poles, and lines from the vacated streets and alleys within thirty days of a copy of this resolution; and further

RESOLVED, That the Community and Economic Development Department is hereby authorized and directed to pay the following estimated charges for private utility removal or relocation:

Detroit Edison Company, \$12,065.36.
Michigan Bell Telephone Company, \$1,292.00.

and be it further

RESOLVED, That if at any time in the future, Twelfth Street is widened from its existing 54.84 foot right of way, the catchbasin located at Hazel and Twelfth Street will be replaced with the entire cost being borne by the petitioner, his heirs or his assigns; and be it further

RESOLVED, That the City Clerk is hereby directed to mail to the Detroit Edison Company and the Michigan Bell Telephone Company a certified copy of this resolution.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Rogell, and President Levin — 8.

Nays — None.

*RECONSIDERATION (No. 7), per motions before adjournment.

From the Clerk

February 12, 1975

That on February 6, 1975, he presented that portion of the proceedings of February 5, 1975, which was "reconsidered" as is required by the Charter to be so presented to His Honor, the Mayor, for approval, and same was approved on February 7, 1975.

That the balance of the proceedings of January 29, 1975, was presented to His Honor, the Mayor, on February 4, 1975, and was approved by the Mayor on February 6, 1975.

Also, That an ordinance to amend Chapter 34, Article 1 of the Code of Detroit by amending Section 34-1-1, 34-1-2, 34-1-3, 34-1-4, 34-1-5, 34-1-7, 34-1-9, 34-1-10, 34-1-13, 34-1-14, 34-1-15, and 34-1-16, by adding new Sections to be known as Section 34-1-17, 34-1-18 and 34-1-19, and repealing Sections 34-1-8, 34-1-11 and 34-1-12,