

July 18

# CITY COUNCIL

(ADJOURNED SESSION)

All action of the City Council appearing herein is subject to reconsideration and/or approval of the Mayor.

Detroit, Friday, July 18, 1975

Pursuant to adjournment, the Council met at 11:00 A.M., and was called to order by the President, Hon. Carl Levin.

Present — Council Members Browne, Cleveland, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 8.

There being a quorum present, the Council was declared to be in session.

From the Mayor

June 27, 1975

Honorable City Council:

I am pleased to announce that I will, upon your approval, appoint Mr. Ray H. Boman, 13031 E. Outer Drive, Detroit, Michigan 48224 as a member of the Community Government Study Commission. Mr. Boman would replace Ms. Dorothy Goyvich, who has moved out of the City.

Respectfully submitted,  
COLEMAN A. YOUNG,  
Mayor

By Council Member Cleveland:

Resolved, That approval is hereby given to the appointment of Mr. Ray H. Boman, 13031 E. Outer Drive, Detroit, Michigan 48224, to the Community Government Study Commission, in accordance with the foregoing communication, to replace Ms. Dorothy Goyvich who has moved out of the City.

Adopted as follows:

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

Nays — None.

\*RECONSIDERATION (No. 1), per motions before adjournment.

Law Department

July 15, 1975

Honorable City Council:

Re: City of Detroit Plant Rehabilitation District No. 5

Enclosed for your consideration, is a resolution establishing Plant Rehabilitation District 5 as requested by Your Honorable Body at the public hearing held on July 16, 1975.

Respectfully submitted,

CARL RASHID, JR.

Assistant Corporation Counsel

By Council Member Rogell:

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, this City Council has the authority to establish "Plant Rehabilitation Districts" within the City of Detroit; and

WHEREAS, Jack Haines Company has petitioned this Council (Petition No. 2318) to establish a plant rehabilitation district as a location generally known as 2761 Stair Street, and more particularly described in Exhibit A; and

WHEREAS, this property is presently obsolete within the meaning of Act No. 198; and

WHEREAS, Jack Haines Company is the owner of all of the industrial property located within the proposed plant rehabilitation district; and

WHEREAS, written notice has been given by certified mail to Jack Haines Company of the Council's pending action on this resolution and of its right to a hearing on the establishment of the proposed district; and

WHEREAS, on July 16, 1975 a public hearing was held on the question of the establishment of the proposed plant rehabilitation district, at which Jack Haines Company and other residents and taxpayers of the City of Detroit had an opportunity to be heard; now therefore be it

RESOLVED, that the industrial property located at 2761 Stair Street and more particularly described in Exhibit A be, and it is hereby established as a Plant Rehabilitation District for purposes of Act No. 198 of the Public Acts of 1974; and be it further

RESOLVED, that said plant rehabilitation district be, and it is hereby designated as the "City of Detroit Plant Rehabilitation District No. 5."

Approved:

KERMIT G. BAILER  
Corporation Counsel  
EXHIBIT A

Land in the City of Detroit, County of Wayne, State of Michigan, described as follows:

Lots 223 thru 225 Burn's Subdivision of all that part of Lot 7 of the Subdivision of P.C. lying between Dix Avenue and Michigan Central Railroad property, Township of Springwells, Wayne County, Michigan as recorded in Liber 17, Page 3 of Plats Wayne County Records.

Adopted as follows:

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

Nays — None.

City Engineering Department

July 15, 1975

Honorable City Council:

Re: Petition No. 1756, J. J. Curran Crane Company, Vacation and Conversion to Easement of a portion of Patricia Avenue and the Alley east of Fort Street and north of Pleasant.

The above petition requests the vacation and conversion of the above street and alley. The requested conversion into easement for public utilities was approved by the Community and Economic Development Department. The petition was then



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referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

The petitioner has made the following deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated:

Detroit Metro Water Department, \$2,514.03. For the estimated cost of abandoning the water main and relocating a hydrant in the street to be vacated.

An easement is reserved in the vacating resolution for the Detroit Edison Company for the maintenance of its installations located in the public alley to be vacated.

All other involved City departments and privately-owned utility companies reported that they have no objection to the proposed vacations or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

HERMAN T. DUDLEY,  
Director

Approved:

JAMES J. WATTS

Environmental Protection &  
Maintenance Dept.

By Council Member Browne:

**RESOLVED**, That all that part of Patricia Avenue, 80 feet wide, northerly of Pleasant Avenue, lying between and abutting the northerly line of the Fisher Freeway right of way and a line described as: Beginning at the northwest corner of Lot 26 of D. G. Riopelle's Subdivision as recorded in Liber 19, Page 6, Plats, Wayne County records; thence N. 57 deg. 43 min. 47 sec. W., 40.0 feet; thence S. 32 deg. 16 min. 13 sec. W., 60.05 feet; thence N. 57 deg. 43 min. 47 sec., W., 40.0 feet to the point of ending all of the above described street having been platted in D. G. Riopelle's Subdivision of Lot No. 2 of the subdivision of the Estate of Hyacinthe Riopelle, deceased, situated on Private Claim No. 61, south of the Butler and Wabash Railroad and east of Fort Street, Detroit, Wayne County, Michigan, as recorded in Liber 19, Page 6, 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 purposes of maintaining, installing, repairing, removing,

ing, 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 street 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 street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, upon whose property the poles or other 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 be it further

**RESOLVED**, That all that part of the north-south public alley, 18 and 35 feet wide, in the block bounded by Fort, Patricia, Pleasant, and the Wabash Railroad, having been platted in Burke and O'Brien's Subdivision of part of the west 1/3 of Private Claim 61 lying south of the Wabash Railroad, Ecorse, Wayne County, Michigan, as recorded in Liber 23, Page 45, Plats, Wayne County records;

Be and the same is hereby vacated as a public alley and is hereby converted into an easement of the full width of the alley for the Detroit Edison Company, 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 Detroit Edison Company an easement or right of way over said vacated public alley hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as electric light conduits or poles or things usually placed or installed



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in a public alley in the City of Detroit, with the right of 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 Detroit Edison Company,

THIRD, that if at any time in the future 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, upon whose property the poles or other utilities are located shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners, and be it further

RESOLVED, That the City Clerk is hereby authorized and directed to send a certified copy of this resolution to the Detroit Edison Company.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin

— 8.

Nays — None.

\*RECONSIDERATION (No. 3), per motions before adjournment.

City Engineering Department

July 15, 1975

Honorable City Council:

Re: Petition No. 2242 — St. Joseph Mercy Hospital. Request to use a portion of the street right-of-way of East Grand Boulevard for off-street parking.

In compliance with policy adopted by your Honorable Body on August 24, 1972 (J.C.C. Pages 2195-97) concerning use of berm areas for off-street parking of motor vehicles, the City Engineering Department has consulted with the Community and Economic Development Department, Law Department, and the Recreation and Transportation Departments regarding the above petition.

All departments have approved the use of the easterly 11 feet of the right-of-way of East Grand Boulevard between Trombley and Milwaukee as part of their off-street parking.

The petitioner has agreed to all of the conditions necessary including entering into an Occupancy Agreement with rental fee of \$500.00 per year.

The petitioner has deposited with the City Treasurer \$609.20 for the cost of moving a Department of Transportation passenger shelter on Milwaukee.

We are, therefore, submitting the following resolution authorizing the

use of the described area and recommend approval of same.

Respectfully submitted,  
HERMAN T. DUDLEY,  
Director

By Council Member Browne:

RESOLVED, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permits to Saint Joseph Mercy Hospital to use the easterly 11 feet of the right of way of East Grand Boulevard between Trombley and Milwaukee for off-street parking.

PROVIDED, That the necessary permits be obtained from the Environmental Protection and Maintenance Department, and

PROVIDED, That permittee at the time of obtaining 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 the petitioner enter into an Occupancy Agreement on the basis of a rental fee of \$500.00 per year; and

PROVIDED, That the Community and Economic Development Department is hereby authorized and directed to negotiate said Agreement; and

PROVIDED, That the Law Department is hereby directed to prepare said Agreement; and

PROVIDED, That the Finance Director is hereby authorized and directed to sign said Agreement; and be it further

RESOLVED, That said Agreement be considered confirmed when signed and executed by the Finance Director and approved as to form and execution by the Law Department; and be it further

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 plans 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, Concrete bumpers are to be furnished in the eleven foot strip to prevent the fence from being damaged or bent into the street right