

TROIT, a Michigan corporation with offices at 2211 E. Jefferson, Suite 560, Detroit, Michigan 48207, hereinafter referred to as "AMURCON."

WITNESSETH:

WHEREAS, AMURCON is the developer in an urban renewal project in the City of Detroit and entered into a Contract for Sale of Land for Private Redevelopment whereby it plans to build the Bicentennial Towers, and

WHEREAS, AMURCON has requested that the CITY vacate the twenty (20) foot public easement located between Alexandrine Avenue and Martin Place, which easement is parallel to and approximately 141 feet south of Alexandrine Avenue, and

WHEREAS, CITY has notified EDISON that it would be required to remove all of its electric utility equipment from said easement; and

WHEREAS, EDISON claims a property right in said easement to maintain, operate, construct and reconstruct its electric utility facilities within said easement including the right to be reimbursed for the costs of removing and relocating its facilities in the event EDISON is required to vacate the easement for an urban renewal project and CITY does not recognize such claim of right; and

WHEREAS, it is necessary at this time in order for AMURCON to obtain a building permit for the Bicentennial Towers project, that said easement be vacated and said electric utility equipment be relocated; and

WHEREAS, EDISON is willing to remove said electric utility facilities in said twenty (20) foot easement to facilitate the beginning of construction of the Bicentennial Towers, provided that such removal shall be without any prejudice to or waiver of EDISON'S rights or claims of any nature; and

WHEREAS, EDISON'S present estimate for the cost of removal and relocation is \$61,451.41 with the final cost to be based upon the actual construction costs used in the field at the time of construction and nothing in this Agreement shall constitute a waiver by EDISON of its right to proceed with the collection of said final amount in whatever manner necessary.

NOW THEREFORE, it is agreed by and between the parties hereto that EDISON will remove its electric utility equipment from the above-mentioned easement and that such removal shall be without prejudice to or waiver of EDISON'S claims and rights therein if any.

IT IS UNDERSTOOD that this Agreement refers specifically to AMURCON'S petition for vacation numbered 3018 and shall in no way be applicable to any other urban renewal project now in progress or any project to be started in the future by either AMURCON or CITY.

IT IS ALSO UNDERSTOOD that the relocation as agreed to by this Agreement shall be contingent upon

EDISON obtaining rights of way for an alternate route, if necessary, and that said relocation shall be done as soon as possible in accordance with EDISON'S standard work schedules, 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, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

*RECONSIDERATION (No. 9), per motions before adjournment.

Environmental Protection &
Maintenance Department
City Engineering Division

April 2, 1976

Honorable City Council:
Re: Petition No. 2274

Community and Economic Development Department Conversion to Easement of Martin Place, between Woodward and John R.

The above petition requests the conversion of Martin Place, 100 feet wide, between Woodward and John R, into an easement for public utilities. The requested conversion into easement for public utilities was approved by the Community and Economic Development Department. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

The petitioner has issued the following Purchase Order, which has been credited to the department named, for the purpose indicated:

Public Lighting Department

Purchase Order No. R 03159, \$2,350.00

For the estimated cost to remove street lighting facilities from the street to be vacated.

All other involved City Departments and privately-owned utility companies reported that they have no objections to the conversion of public right of way into an easement provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

JAMES W. WATTS

Director

By Council Member Cleveland:

RESOLVED, That all that part of Martin Place, 100 feet wide, lying between and abutting the easterly line of Woodward Avenue, 120 feet wide, and the westerly line of John R, 84 feet wide, as platted in the "Medical Center Urban Renewal Plat No. 1," part of Park Lots 20 to 24 and 26 and Private Claims 1, 2, and 5, City of Detroit, Wayne County, Michigan, as recorded in Liber 88, Pages 74, 75, and 76, Plats, Wayne County records; and as platted in the "Medical Center Urban Renewal Plat No. 2," part of

Park Lots 25 to 30 and part of Private Claims 1, 2, and 5, City of Detroit, Wayne County, Michigan, as recorded in Liber 90, Pages 89, 90, and 91, Plats, Wayne County records; and as platted in "Harper Hospital's Subdivision of the west part of Park Lots 24 and 25, City of Detroit, Wayne County, Michigan, as recorded in Liber 8, Page 53, 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, 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 Environmental Protection and Maintenance 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.

Adopted as follows:
Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood,

Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

*RECONSIDERATION (No. 10), per motions before adjournment.

Department of Health

March 11, 1976

Honorable City Council:

Re: Northeast Health Center

The Health Department currently operates a Health Center in the recreation building of the Charles Street Housing Project. The location is not readily visible from the street and is not served by adequate public transportation. There has also been considerable demand from the project community for a return of the building to its former use.

As a result of the inadequacies of this Center, the Health Department has purchased a site located at East Seven Mile Road between Bloom and Buffalo Streets for the construction of a new Health Center. Federal funds in the amount of \$500,000 have been allocated toward this construction.

It is estimated by the Engineer's Office that the cost of this Center will be \$775,000 and we are therefore requesting that \$275,000 be allocated from available Block Grant funds for this purpose.

Respectfully submitted,
WILLIAM CLEXTON
Public Health Director
ANTHONY P. DeVITO
Planning Director

Approved:

MERVIN D. WINSTON
Deputy Budget Director
G. F. FISCHER
Deputy Finance Director

By Council Member Eberhard:

RESOLVED, That the Finance Director be and is hereby authorized and directed to transfer the sum of: \$140,000 from Appropriation No. 4230 Drug Abuse, \$10,000 from Appropriation No. 4231 Community Mental Health, \$125,000 from Appropriation No. 4018 Block Grant Contingencies and \$275,000 to Appropriation No. 4822 Northeast Health Center; and be it further

RESOLVED, That Finance Director be and he is hereby authorized and directed to honor vouchers when presented in accordance with the foregoing communication and this resolution.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

*RECONSIDERATION (No. 11), per motions before adjournment.

Historical Department

March 12, 1976

Honorable City Council:

Re: Community Development Block Grant Funds

We are requesting that a sum of \$173,000 be allocated to the Historical