

tingency Funds available for dangerous building demolition.

In order to make these funds available for dangerous building demolition at the earliest possible time, we hereby request the approval of your Honorable Body to transfer \$445,000 from Economic Opportunity Contingency funds to the Block Grant Demolition Account 22/8063/2279.

Respectfully submitted,
JAMES W. WATTS
 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 he is hereby authorized and directed to transfer the sum of \$445,000 from Appropriation 4018 Block Grant Contingencies to Appropriation No. 4236 Demolition Block Grant and honor vouchers when presented in accordance with the foregoing communication.

Adopted as follows:
 Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.
 Nays — None.
***RECONSIDERATION** (No. 8), per motions before adjournment.

**Environmental Protection & Maintenance Department
 City Engineering Division**

April 2, 1976

Honorable City Council:
Re: Petition No. 3018, Amurcon Corporation, Vacation of a portion of the easement in Lot 21 of Medical Center Urban Renewal Plat No. 2

The above petition requests the vacation of the portion of the above described easement east of Woodward, between Martin Place and Alexandrine. The requested vacation 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:

All City departments and privately-owned utility companies with the exception of the Detroit Edison Company reported that they will be unaffected by the vacation, or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The Detroit Edison Company claims a property right in said easement including the right to be reimbursed for the costs of removing and relocating its facilities. The Law Department advises that the City does not recognize such claim of right.

It is necessary at this time, in order for Amurcon Corporation to obtain a building permit for the Bicentennial Towers project, that said easement be vacated and said electric utility

equipment be relocated. Detroit Edison Company is willing to remove their facilities to facilitate the beginning of construction, provided such removal shall be without any prejudice to or waiver of Edison's rights of claims.

An agreement has been reached between the Detroit Edison Company, Amurcon Corporation, and the City of Detroit protecting Edison's rights for reimbursement if such reimbursement is ever ordered.

The agreement is made a part of the attached resolution and the agreement is attached for approval by your Honorable Body.

Respectfully submitted,
JAMES W. WATTS
 Director

By Council Member Cleveland:

RESOLVED, That all that part of the easterly portion of a 20 foot wide public utility easement located in Lot 21 of 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, more particularly described as: Beginning at a point in the southerly line of said 20 foot wide utility easement said point being N. 60 deg. 9 min. 30 sec. E. 94.95 feet from the easterly line of Woodward Avenue, 120 feet wide; thence S 86 deg. 32 min. 4 sec. W. 44.95 feet to a point in the northerly line of said easement; thence N. 60 deg. 9 min. 30 sec. E. 60.33 feet; thence S. 26 deg. 41 min. 20 sec. E. 20 feet; thence S. 60 deg. 9 min. 30 sec. E. 20 feet; thence S. 60 deg. 9 min. 30 sec. W, 18.96 feet to the point of beginning.

Be and the same is hereby vacated as a public utility easement to become a part and parcel of the abutting property, and be it further

RESOLVED, That the Detroit Edison Company is hereby directed to remove all their pipes, poles, and wires from the vacated portion of easement without expense to the City within thirty (30) days after receipt of a copy of this resolution, and be it further

RESOLVED, That the following Agreement made by the City of Detroit, the Detroit Edison Company, and the petitioner, Amurcon Corporation, be made a part of this resolution:

THIS AGREEMENT, made this 23 day of March, 1976, by and between the CITY OF DETROIT, a Michigan municipal corporation with offices at 350 E. Congress, Detroit, Michigan 48226, hereinafter referred to as "CITY" and THE DETROIT EDISON COMPANY, a corporation organized and existing concurrently under the laws of the States of Michigan and New York with offices at 2000 Second Avenue, Detroit, Michigan 48226, hereinafter referred to as "EDISON" and AMURCON CORPORATION OF DE-

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