

Resolved, That the Director of the Buildings and Safety Engineering Department be and he is hereby requested to have his department represented at said hearings before this body.

Adopted as follows:

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

Nays — None.

**Buildings and Safety
Engineering Department**

January 8, 1976

Honorable City Council:
Re: 3290 Rochester.

The request of Mr. Thomas Butler for rescission of the removal order of July 9, 1975 (J.C.C. Page 1408) has been investigated and we submit the following information:

The property consists of a masonry, three-story, multiple dwelling containing 18 apartments. The petitioner states that he intends to rehabilitate the property in the near future. The building appears structurally sound, but has suffered from considerable vandalism.

We respectfully recommend that the removal order be deferred, with the express stipulation that the building be maintained securely barricaded and should it again become open to trespass, we will request that the City Engineering Department proceed with demolition without further hearing.

Respectfully submitted,
CREIGHTON C. LEDERER,

Director

By Council Member Eberhard:

Resolved, That resolution adopted July 9, 1975 (J.C.C. p. 1408), for removal of dangerous structures at various locations, be and the same is hereby amended for the purpose of deferring the removal order for 3290 Rochester, only, in accordance with the foregoing communication.

Adopted as follows:

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

Nays — None.

**Buildings and Safety
Engineering Department**

January 9, 1976

Honorable City Council:
Re: 2679-81 Tyler.

The request of Latise Corp. for rescission of the removal order of December 17, 1975 (J.C.C. Page 2553) has been investigated and we submit the following information:

The property consists of a brick veneer, two-family dwelling which is structurally sound and repairable and the petitioner intends to rehabilitate the property. Inspection on January 8, 1976 revealed that the building is properly secured, except for one cellar window.

We respectfully recommend that the removal order be deferred with the express stipulation that the building be maintained barricaded until repairs have been completed. Should the building again become open, we will request that the City Engineering Department proceed with demolition without further hearing.

Respectfully submitted,
CREIGHTON C. LEDERER

Director

By Council Member Eberhard:

Resolved, That resolution adopted December 17, 1975 (JCC p. 2553), for the removal of dangerous structures at various locations, be and the same is hereby amended for the purpose of deferring the removal order for 2679-81 Tyler, only, in accordance with the foregoing communication.

Adopted as follows:

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

Nays — None.

City Engineering Department

January 19, 1976

Honorable City Council:

Re: Petition No. 3169 — Crown Packing Company. Vacation, Temporary Closing and Encroachment.

The above petition requests the conversion to easement for public utilities of the east-west alley south of Wilkins, east of Orleans; the vacation of the remaining portion of north-south alley, south of Wilkins and east of Orleans; the temporary closing of the Southerly 30 feet of Wilkins between Orleans and the Grand Trunk Railroad right of way; and permission to encroach into the temporarily closed right of way with a portable loading dock.

The above requests were approved by the Community and Economic Development Department.

The petition was referred to us for investigation and report. Our report is as follows:

Public Lighting Department: The petitioner has deposited \$1,575.00 for the estimated cost to relocate street lighting facilities from the area to be temporarily closed.

An easment is reserved in the vacating resolution for the Michigan Bell Telephone Company and the Detroit Metro Water Department for the maintenance of their facilities located in the remaining portion of north-south alley to be vacated.

All other involved City departments and privately owned utility companies reported that they have no objections to the proposed changes provided proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
HERMAN T. DUDLEY
Director

Approved:
JAMES WATTS

Director
Environmental Protection
& Maintenance Dept.

By Council Member Cleveland:

RESOLVED, That all that part of the east-west public alley, 20 feet wide, south of Wilkins and east of Orleans, having been deeded for alley purposes on December 29, 1936 (J.C.C. page 821) and described as: "All that part of lot 17 of Lingeman's Subdivision of part of Outlot 7, Dequindre Farm, as recorded in Liber 1, Page 240 of Plats of Wayne County records, more particularly described as: Beginning at a point at the N.W. corner of Lot 17 of last mentioned subdivision, said point also being the intersection of the easterly line of Orleans Street, 40 feet wide, as now established, with the southerly line of Wilkins Street, 65 feet wide, as now established; thence N. 64 deg. E. along the south line of Wilkins Street, 65 feet wide, 90 feet to the easterly line of said lot 17; thence along the said easterly line of lot 17, S. 26 deg. E., 24 feet to a point; thence along a line N. 71 deg. W. 5.66 feet to a point; thence along a line south S. 64 deg. W., 86 feet to a point in the easterly line of Orleans Street, 40 feet wide, as now established; thence along the said easterly line of Orleans N. 26 deg. W., 20 feet to the place of beginning.

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement 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 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 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, with-

out 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 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,

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, 16 feet wide, not previously vacated south of Wilkins and east of Orleans being a part of the following subdivisions:

"Lingeman's Subdivision" of part of Outlot 7, Dequindre Farm, as recorded in Liber 1, Page 240, Plats, Wayne County records; and the

Plat of part of Outlot 7 of the Dequindre Farm as recorded in Liber 16 on pages 189, 230 and 243 of City 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, 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 Michigan Bell Telephone Company and the Detroit Metro Water Department 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 sewers, telephone 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 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 Michigan

Bell Telephone Company and the Detroit Metro Water Department.

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,

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 the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permit to Crown Packing Company to close the southerly 30 feet of Wilkins Avenue, 65 feet wide, between Orleans and Wilkins, all inclusive of the last two mentioned subdivisions, on a temporary basis for a period not exceeding three (3) years and to expire on January 21, 1979;

PROVIDED, That petitioner shall be subject to any tax which may be levied against him pursuant to law with regard to such use of public property, and further

PROVIDED, Petitioner furnishes an 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 permit, and providing for the faithful performance by the grantee of the terms hereof, and files same with the Finance Department, and further

PROVIDED, That said permit shall be issued only after a certified copy of this resolution has been duly recorded in the office of the Wayne County Register of Deeds by and at the permittee's expense, and further

PROVIDED, That the petitioner shall install parking bumpers according to plan No. 1092-2 Sheet G-1 as revised, said bumpers to be installed at the petitioner's expense.

PROVIDED, all cost of construction shall be borne by the petitioner.

PROVIDED, The City of Detroit retains all rights and interests in the area herein temporarily closed;

PROVIDED, The City and all utility companies retain their rights to establish, maintain, and service any utilities in said area of temporarily closed street; and further

RESOLVED, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue to the Crown Packing Company permits to construct a portable truck unloading dock which encroaches into the temporarily closed portion of Wilkins Avenue as described:

An encroachment into Wilkins being 8 feet by 24 feet located in the southerly 30 feet of Wilkins and 8 feet west of the west line of the Grand Trunk Railroad right of way.

PROVIDED, That no right in the public street shall be considered waived by this permission which is granted expressly on the condition that the facility in connection therewith shall be removed at the expense of the grantee at any time it is necessary to work on any of the utilities located in the street; and further

PROVIDED, If at any time in the future it becomes necessary to repair or replace the sewers or other utilities located or to be located in said street by the acceptance of this permission, the owners for themselves, their heirs and assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the Environmental Protection and Maintenance Department at the owners' expense; and further

PROVIDED, That at the expiration of said permit, all obstructions therein shall be removed at the expense of the grantee, the public property affected shall be restored to a condition satisfactory to the City Engineering Department, by and at the permittee's expense, and further

PROVIDED, This resolution is revocable at the will, whim, or caprice of the City Council, and further, that grantee acquires no implied or other privileges hereunder, not expressly stated herein.

Adopted as follows:

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

Nays — None.

Community & Economic Development Department

December 16, 1975

Honorable City Council:

Re: (No. 2734) To Establish a Development Improvement Area (DIA) in the Harmonie Park Area.

Submitted herewith is the Community and Economic Development Department's report relative to the above described petition. This request is made in accordance with the provisions of Section 140.0000 of the Zoning Ordinance. The subject properties are located in the area commonly