

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 streets and alleys 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 is hereby authorized and directed to issue a permit to Mr. J. Nykiel, owner of Joey's Stable Restaurant, to encroach into the northerly 30 feet of Copland Avenue, 50 feet wide, converted into a public easement in the above portion of this resolution, with footings for a carport cover support to be approximately 13 feet south of the north line of Copland Avenue and for the cover over the carport all being in "Tait and Harbaugh's Addition to the Village of Delray" as recorded in Liber 11, Page 81, Plats, Wayne County records, between Jefferson and the alley first west of Jefferson.

Provided, said encroachment permit shall be issued only after building plans are approved by the Water and Sewerage Department and the Environmental Protection and Maintenance Department; and further

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

Provided, That no right in the public easement shall be considered waived by this permission which is granted expressly on the condition that the carport, driveway, building and all obstruction in connection

therewith shall be removed at the expense of the grantee at any time when so directed by the City Council; 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 easement 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 owner's expense; and further

Provided, That this resolution is revocable at the will, whim, or caprice of the City Council, and the grantees by the acceptance of this permission waive any right to claim damages or compensation for any driveways or structures constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges not expressly stated herein; and be it further

Adopted as follows:

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

Nays — None.

Environmental Protection and Maintenance Department

May 17, 1977

Honorable City Council:

Re: Community & Economic Development Dept. (3917) — Removal of Traffic on Brush Street, Medical Center U.R. Projects 1 and 2.
Also Easement for Pedestrian Tunnel, Detroit Medical Center Corporation.

The Development Plan for Medical Center Rehabilitation Projects One and Two provided for the conversion of Brush Street from a street to a public walkway and utility easement. The hospitals within the project are now at the stage in their development which requires that through traffic be removed from Brush Street between Mack Avenue and Canfield. This involves making traffic two-way on present one-way John R. between Canfield and Mack Avenue, the changing of traffic lights at John R. and Canfield and John R. and Mack Avenue to four-way lights as well as a change to the existing light at Alexandrine and John R. In addition there would need to be some temporary barricading at Brush and Mack for moving traffic east or west to continue northbound.

All affected Departments have indicated that they have no objections provided access to the area is maintained by the hospitals in a

manner which will permit emergency vehicles to easily enter.

The Detroit Medical Center Corporation has requested an easement across a portion of Brush Street near its intersection with the right of way of vacated Alexandrine Street. The Corporation wishes to construct, maintain, and use an underground pedestrian tunnel connecting Wayne University Medical School building with the various hospital operating facilities.

All involved public utilities and city departments have indicated that the Detroit Medical Center Corporation has made satisfactory arrangements regarding their utility facilities. Provisions will be incorporated into the easement to allow for the continued use of the Brush Street right of way by the utilities.

The Community and Economic Development Department will coordinate the development of the walkway so that the construction now being processed by the hospitals will not be interfered with.

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

Respectfully submitted,
JAMES W. WATTS,
Director

Approved:
CONRAD MALLETT
Acting Director
Dept. of Transportation

By Council Member Hood:

RESOLVED, That vehicular traffic (except emergency vehicles) be removed from Brush Street in the section between Mack and Canfield Avenues in the Medical Center Urban Renewal Areas Nos. 1 and 2, and be it further

RESOLVED, The Department of Transportation is hereby authorized and directed to install traffic signals and change John R. Street to two-way traffic from Mack Avenue to Canfield Avenue in accordance with the above communication,

PROVIDED, the City of Detroit retains all rights and interest to the area therein; and

PROVIDED, the City and all utility companies retain their rights to establish, maintain, and service any utilities in said area; and be it further

RESOLVED, That the agreement on file in the City Clerk's Office and marked Exhibit A permitting the Detroit Medical Center Corporation to construct, maintain, and use an underground pedestrian tunnel with necessary appurtenances across Brush Street Right of Way at its intersection with former Alexandrine Street is hereby approved and confirmed, and be it

RESOLVED, That the Controller is authorized and directed to execute said agreement for the City, and be it further

PROVIDED, That the petitioner shall, at its expense record said agreement with the Wayne County Registrar.

Approved as to form:
JOHN HATHAWAY
Acting Corporation Counsel

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

Nays — None.

Department of Health

May 18, 1977

Honorable City Council:
Re: Supplemental Grant — Food and Friendship Program.

On several previous occasions your Honorable Body has accepted grants from the State of Michigan Office of Services to the Aging for the operation of a feeding program for the elderly. Under this program, nutritional hot meals are provided to individuals whose annual income is near or below the current poverty threshold as defined by the U.S. Office of Management and Budget.

The Health Department has been offered a supplemental grant of \$196,980 to provide 1,200 additional meals per day for the period April 1, 1977 through September 30, 1977. The grant is intended to be used for meal preparation, delivery and necessary staff.

May we, therefore, request that your Honorable Body approve acceptance of this grant from the Michigan Office of Services to the Aging by the Health Department to implement the feeding program as described above.

Respectfully submitted,
WILLIAM CLEXTON,
Public Health Director

Approved:
W. I. STECHER
Budget Director
G. F. FISCHER
Deputy Finance Director

By Council Member Hood:

RESOLVED, That the Department of Health be and is hereby authorized to accept the grant of \$196,980 from the Michigan Office of Services to the Aging for a supplemental feeding program for the period April 1, 1977 through September 30, 1977; and be it further

RESOLVED, That the Finance Director be and is hereby authorized and directed to establish accounts, transfer funds and honor vouchers, when presented 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.