

field between Kelbler and Birch to the adjoining property owners.

It has been brought to our attention that the City of Detroit does not have title to a small part of the captioned property.

It will be necessary to adopt a resolution rescinding the original resolution.

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

Respectfully submitted,
RONALD J. HEWITT,
Director

By Council Member Rogell:

RESOLVED, That the resolution of December 2, 1976 selling the West 54 feet of lots 48 and 49 to L. James Hallen and Frances Riyan Hallen, his wife, in accord with the foregoing communication is rescinded.

Adopted as follows:

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

Nays — None.

Community & Economic Development Department

February 24, 1977

Honorable City Council:

Re: Rescission of Sale

On October 13, 1976, J.C.C. 2026-27, Your Honorable Body approved an Offer to Reacquire part of lots 219 and 220, West side of Canton between Kercheval and Vernor, submitted by Oscar Smith, the former owner.

Mr. Smith, a single man, has decided he no longer desires to reacquire this property. Therefore, we are asking your Honorable Body to rescind the sale and authorize the retention of the \$75.00 deposit.

Respectfully submitted,
RONALD J. HEWITT,
Director

By Council Member Rogell:

RESOLVED, that the Community and Economic Development Department be hereby authorized to rescind the sale of 2237 Canton, a/k/a Ward 15, Item 10515, part of lots 219 and 220 to Oscar Smith, a single man, and be it further

RESOLVED, That the \$75.00 deposit be forfeited.

Adopted as follows:

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

Nays — None.

Community & Economic Development Department

February 21, 1977

Honorable City Council:

Re: Art Center Rehabilitation Project
A Development Plan for the Art Center Rehabilitation Project was approved by your Honorable Body on January 25, 1972 (J.C.C. P. 133). With this adopted plan and available

funds, we are prepared to acquire the designated properties in this project. At this time, we ask your Honorable Body's action to effect the following:

1. Authorize and direct the Law Department Condemnation Division to carry out the procedures necessary to present to Council a Resolution of Necessity for this project.

2. Authorize the Law Department Condemnation Division to accept deeds and order payment on parcels not contested with:

a. Direction to the Finance Department, Treasury Division, to pro-rate all City and County taxes to the date of closing, including any other encumbrances.

b. Direction to the Finance Director to honor vouchers covering payment when deeds are presented in advance of the regular trial of any contested parcels.

Respectfully submitted,
RONALD J. HEWITT,
Director

By Council Member Rogell:

BE IT RESOLVED, That in accordance with the foregoing communication, the Condemnation Division of the Law Department is hereby authorized and directed to prepare a Resolution of Necessity for the Art Center Rehabilitation Project; and

BE IT FURTHER RESOLVED, That the Condemnation Division of the Law Department is, in advance of a Resolution of Necessity, authorized and directed to accept deeds on uncontested parcels; and

BE IT FURTHER RESOLVED, That with this action, the Treasury Division of the Finance Department is directed to pro-rate all City and County taxes to date of closing, to include any other encumbrances and the Finance Director is authorized to honor vouchers covering payments when deeds are presented to the Law Department.

Adopted as follows:

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

Nays — None.

Environmental Protection and Maintenance Department

February 18, 1977

Honorable City Council:

Re: Petition No. 4590, Jefferies Industrial Center, etal. Conversion to Easement of Mark Twain, between Foley and the C&O Railroad.

The above petition requests the conversion of Mark Twain Avenue as described above 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:

March 2

The petitioner has requested that the paved return at the entrance to the portion of Mark Twain to be vacated remain in its present status as the petitioner plans to utilize same, and has agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

The Fire Department has provisions which are included in the attached resolution protecting the existing hydrants in the to be vacated street and to maintain a fire route over the said vacated street.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversion of the public right of way into 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 Eberhard:

RESOLVED, That all that part of Mark Twain Avenue, 60 feet wide, lying between and abutting the northerly line extended easterly of vacated Foley Avenue, 60 feet wide, and the southerly line of the C&O Railroad Right of Way, the westerly 33 feet of said Mark Twain having been platted in "Frischkorn's Grand River Farms" of the west $\frac{1}{2}$ of the west $\frac{1}{2}$ of the southeast $\frac{1}{4}$ of Section 30, T.1S., R.11E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 39, Page 64, Plats, Wayne County records; the easterly 27 feet of said Mark Twain having been platted in "Detloff Home Sites" being a subdivision of part of the east $\frac{1}{2}$ of the west $\frac{1}{2}$ of the southeast $\frac{1}{4}$ of Section 30, T.1S., R.11E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 57, Page 29, 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 defined, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or conduits, 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, 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, and be it further

RESOLVED, That the petitioner shall maintain the fire hydrants presently located at the northwest corner of vacated Foley Avenue and Mark Twain and on the west side of Mark Twain approximately 200 feet north of vacated Foley, also

RESOLVED, That the Fire Department shall have the right of ingress and egress to said hydrants at all times. No fence, materials or supplies shall be placed within 15 feet of said hydrant, also

RESOLVED, That if gates are placed across said vacated portion of Mark Twain they be equipped with break away locks to allow Fire Department entry at all times, and

RESOLVED, That the City Clerk is hereby directed to send a copy of this resolution to the Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company.

Adopted as follows:

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

Nays — None.

Environmental Protection and
Maintenance Department
February 20, 1977

Honorable City Council:
Re: Petition No. 4470, Detroit Board
of Education. Vacation of por-