

Nays — None.

Environmental Protection and Maintenance Department

October 11, 1978

Honorable City Council:
Re: 1978 Act 51 Financial Report: Motor Vehicle Highway Funds.

Each year the City of Detroit receives a distribution of Motor Vehicle Highway Funds from the State of Michigan in accordance with Act 51, Public Acts of 1951, as amended. In Fiscal Year 1977-78, \$21,188,393.42 was received for use on the City's Major Street System and \$5,817,557.45, for use on the City's Local Street System. Past experience has indicated that the level of expenditures required to maintain the local street has been somewhat greater than the amount of funds received for this purpose.

Section 13 (d) (1) of Act 51, P.A. 1951, as amended, however, allows a city to use on the Local Street System up to 25 percent per annum of funds returned to the City for its Major Street System; and Section 13 (d) (2) further allows a city to transfer Major Street Funds for use on the Local Street System to the extent that revenues other than Motor Vehicle Highway funds were used on the Major Street System. For 1977-78, these conditions would limit the fund transfer to \$5,200,000. We are estimating that, upon completion of the Act 51 Report, the amount to be transferred will be approximately \$3,000,000.

To take advantage of this allowable transfer of funds to more accurately reflect expenditures by street system, we respectfully request that your Honorable Body adopt the attached resolution which authorizes the Finance Director to accomplish the transfer.

Respectfully submitted,
GERALD W. FORD
Accounting Manager

Approved:
JAMES W. WATTS
Street Administrator

Approved:
W.I. FLETCHER
G.F. FISCHER
Deputy Finance Director

By Council Member Kelley:
RESOLVED, That in accordance with the foregoing communication, the Finance Director is hereby authorized to transfer up to 25 per cent of 1977-78 Major Street Funds to the Local Street Fund.

Adopted as follows:
Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley,

Mahaffey, McFadden, Rogell, and President Henderson — 9.
Nays — None.

Environmental Protection and Maintenance Department City Engineering Division

October 17, 1978

Honorable City Council:
Re: Petition No. 284. Detroit Rendering Company, Conversion to Easement of a portion of Kirby Avenue between the Grand Trunk Railroad and St. Aubin.

The above petition requests the conversion of the above described portion of Kirby Avenue, 50 feet wide, 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 Public Lighting Department has street lighting facilities located in that portion of Kirby to be vacated. The petitioner has agreed to enter into an annual maintenance agreement with the Public Lighting Department in order that the lighting may stay in place.

The petitioner has agreed to install gates with knock-off locks to allow ingress and egress to the fire hydrant located in this portion of Kirby.

All other City departments and privately-owned utility companies reported that they will be unaffected by the conversion to an easement of said street or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
LOUIS W. KLEI
City Engineer

Approved:
JAMES W. WATTS
Director

By Council Member Kelley:
Resolved, that all that part of Kirby Avenue, 50 feet wide, between St. Aubin Avenue and the Grand Trunk Railroad Right of Way having been opened on September 29, 1895 and having been platted as the southerly 50 feet of the northerly 257.52 feet of the westerly 352 feet of the easterly 372 feet of Outlot 29 inclusive of the Plat of the Subdivision of Private Claim 90 by the heirs of James Withereil as recorded in Liber 34, Page 2, Deeds, 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, re-

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servations 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 Department of Public Works,

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 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 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 will enter into a maintenance agreement with the Public Lighting Department for the street lighting which will remain in the vacated street; and further

Resolved, that the petitioner install gates the width of the street pavement to allow Fire Department vehicles ingress and egress to the hydrant which is located in the vacated portion, said gate to be secured with "Breakaway" locks.

Adopted as follows:

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

Nays — None.

Department of Health

October 2, 1978

Honorable City Council:

Re: Acceptance of Grant—Venereal Disease Program.

On several previous occasions your Honorable Body has authorized the Detroit Health Department to accept grants from the Michigan Department of Public Health for the operation of its Venereal Disease Program.

The Health Department has now been offered a grant of \$258,214 from the Michigan Department of Public Health extending the program for the period October 1, 1978 to September 30, 1979. This grant will provide for the salaries and fringe benefits of medical personnel employed in the clinic as well as supply and training expenses.

May we, therefore, request authority to accept this grant from the Michigan Department of Public Health for the period October 1, 1978 to September 30, 1979 in the amount of \$258,214 in accordance with the foregoing communication.

Respectfully submitted,
JOHN B. WALLER, JR., Dr. PH
Public Health Director

Approved:

W. STECHER

Budget Director

G. F. FISCHER

Deputy Finance Director

By Council Member Kelley:

RESOLVED, That the Department of Health be and is hereby authorized to accept the grant of \$258,214 from the Michigan Department of Public Health for the operation of the Venereal Disease Program for the period October 1, 1978 to September 30, 1979; and be it further

RESOLVED, That the Finance Director be and is hereby authorized to establish accounts, transfer funds and honor vouchers and payrolls when presented in accordance with the foregoing communication.

Adopted as follows:

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

Nays — None.

Municipal Parking Department

September 28, 1978

Honorable City Council:

Re: Parking Garage Renovations.

Municipal Parking is continuing on its program of renovating parking facilities. Additional Professional Services are now required for the preparation of the Design Documents, checking the shop drawings, materials equipment, etc., construction consultation, provision of a Clerk of