

erty constructed hereinunder or for the removal of same, and further, that grantee acquires no implied or other privileges hereunder not expressly stated herein.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.
Nays — None.

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

December 7, 1978

Honorable City Council:

Re: Petition No. 1236. Swift and Company, Request to encroach at 1911-31 Gratiot.

The above petition was referred to this department for investigation and report. Our report is as follows:

The petitione has requested permission to improve the appearance of their building at the above address by adding metal sliding which would encroach approximately four (4) inches into the Gratiot Avenue right-of-way for a distance of approximately eighty (80) feet.

The Environmental Protection and Maintenance Department has no objection to the request to encroach.

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

Respectfully submitted,

LOUIS W. KLEI
City Engineer

Approved:

JAMES W. WATTS
Director

By Council Member Hood:

Resolved, that the Building and Safety Engineering, Community and Economic Development, and the Environmental Protection and Maintenance Departments be and they are hereby authorized and directed to issue permits to Swift and Company for a building encroachment at 1911-31 Gratiot Avenue, Detroit, Michigan, property being described as:

Lots 1 and 2 of the Plat of the Subdivision of Blocks 6, 7, 8, 9, 10, 11 and 13, Witherall Farm, as recorded in Liber 34, Page 3, Deeds, Wayne County records;

Encroachment to consist of metal siding attached to the building at the above address to encroach approximately four (4) inches into the Gratiot Avenue right-of-way

Provided, that petitioner file with the Finance Department, an indemnity agreement approved by the

Law Department, saving and protecting the City of Detroit from any and all claims which may arise therefrom; and

Provided, that a permit be obtained from the Environmental Protection and Maintenance Department.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.
Nays — None.

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

December 7, 1978

Honorable City Council:

Re: Petition No. 5176. D. L. Griffis, et al. Conversion to Easement of a portion of the east-west alley in the block bounded by Canton, Helen, Jefferson and Larned.

The above petition requests the conversion of the above described alley; 15 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, with the recommendation that sufficient land be dedicated for a new alley outlet into Larned. The petition was then referred to us for investigation and report. Our report, accompanies by the original petition is as follows:

The petitioner has made the following deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated:

EPMD - Intersection Fund. Receipt No. A 15622 \$95.00 for the original cost of paving Helen Avenue at the intersection of the alley to be vacated. The petitioner has also requested that the paved return at the entrance to the alley 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.

A Warranty Deed has been received from the petitioner, deeding to the City of Detroit, land for the new alley outlet into Larned. This deed was approved as to form and execution by the Law Department and as to description by the City Engineer, and is attached for your Honorable Body's acceptance.

The petitioner has requested that the construction of a new concrete alley return and grading and stoning

of the new alley be done by private contract. The Environmental Protection and Maintenance Department has no objection provided the work is done under City permit and inspection and according to Environmental Protection and Maintenance Department specifications with the entire cost borne by the petitioner.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions of 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,
LOUIS W. KLEI
 City Engineer

Approved:

JAMES W. WATTS
 Director

By Council Member Hood:

Resolved, that all that part of the east-west public alley, 15.04 feet wide, in the block bounded by Canton, Helen, Jefferson and Larned, abutting the rear line of lots 1 to 3 and 8 to 10 and the easterly 11.83 of lots 4 and 7, all inclusive of the Subdivision of part of the Louis Chapoton Farm, Private Claim No. 573, Detroit, Wayne County, Michigan as recorded in Liber 7, Page 7, Plats, Wayne County records,

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 neces-

sary 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 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 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 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, and be it further

Resolved, that the Warranty Deed of D. L. Griffis, et al, deeding land to the City of Detroit for alley purposes being described as:

Land in the City of Detroit being the westerly 20 feet of Lot 7 of the Subdivision of part of the Louis Chapoton Farm, Private Claim No. 573, Detroit, Wayne County, Michigan as recorded in Liber 7, Page 7, Plats, Wayne County records;

Be and the same is hereby accepted, and the Finance Director is hereby directed to record said deed in the office of the Register of Deeds for Wayne County, and further

Resolved, that the removal of the paved alley return when necessary shall be done by private contract under City permit and inspection and according to Environmental Protection and Maintenance Department specifications with the entire cost borne by the petitioner or his assigns; and further

Resolved, that the construction in concrete of the newly dedicated alley return and the grading and stoning of the newly dedicated alley be done by private contract under City permit and inspection and according to Environmental Protection and Maintenance Department specifications with

the entire cost borne by the petitioner, and further

Resolved, that the City Clerk is hereby authorized and 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 Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.

Nays — None.

Housing Department

December 8, 1978

Honorable City Council:

Re: "Across the Park" Housing for the Elderly.

The Department of Housing and Urban Development has allocated the Detroit Housing Department 200 units of housing to be assisted under Section 8 of the Housing Assistance Payments Program - New Construction. Under this Program, the Housing Department was required to advertise for proposals for construction of the allocated units and upon approval of the Developer's proposal by the Department of Housing and Urban Development, the Housing Department was authorized to enter into a Section 8 Agreement with the Developer. Robert Knox and Associates, having submitted a proposal for the construction of 200 units of elderly housing to be constructed at Visger and Annabelle in Southwest Detroit, has been approved by the Department of Housing and Urban Development to participate in the Housing Assistance Payments Program.

The involvement of the Detroit Housing Department is limited to concurrence in the selection of the Developer and acting as the parent entity through which the funds provided under the terms of the Annual Contributions Contract are disbursed to the Developer upon completion of the Project.

In order for the proposed Developer, Robert Knox and Associates, to commence construction he must secure the necessary financing via the sale of Revenue Bonds. City Council approval of the attached Resolution, necessary to obtain the financing required to commence construction of "Across the Park", 200 units of Housing for the Elderly to be assisted under Section 8 of the Housing Assistance Payments Program is respectfully re-

quested. A waiver of reconsideration is additionally requested.

Respectfully submitted,
THEODORE JORDAN
Director

Approved:

W. I. STECHER
Budget Director

JOHN L. DAVIS
Chief Accounting Officer

By Council Member Hood:

WHEREAS, The City of Detroit has, pursuant to the provisions of Act 18 P.A. 1933 (First Extra Session), as amended, established The Detroit Housing Commission (the "Commission"), which is authorized to engage in or assist in the development and operation of low-income housing within the City of Detroit; and

WHEREAS, The Detroit Housing Commission has caused to be created The Detroit Housing Finance Corporation, a Michigan non-profit corporation, as an "agency or instrumentality" of the Commission solely within the meaning of Sections 11(b) and 3(b) of the United States Housing Act of 1937, as amended (the "Act"), and the regulations issued thereunder, being Title 24, United States Code, §811.101, et seq. (the "Regulations"); and

WHEREAS, the City Council wishes to confirm the power of The Detroit Housing Commission to act as the "parent entity" of The Detroit Housing Finance Corporation solely within the meaning of the Act and the Regulations; and

WHEREAS, The Detroit Housing Finance Corporation proposes to issue approximately \$6,625,000 in Housing Development Revenue Bonds (Across the Park Section 8 Assisted Elderly Project), Series 1978 (the "Bonds"); and

WHEREAS, The Detroit Housing Finance Corporation proposes to issue a note to finance the construction of the Across the Park Project in the principal amount of \$6,050,000 (the "Note"); and

WHEREAS, the City of Detroit, acting by and through the Detroit Housing Commission, proposes to enter into an Annual Contributions Contract for Section 8 Housing Assistance Payments (the "ACC") in respect to the Project to be constructed with the proceeds of the Bonds (the "Project"); and

WHEREAS, the City of Detroit, acting by and through the Detroit Housing Commission, proposes to enter into an Agreement to Enter Into Housing Assistance Payments Contract (the "Section 8 Agreement") with Across the Park Limited Dividend