

at any time when so directed by the City Council, and that the public property affected shall be restored to a condition satisfactory to said Departments by said permittee at its expense.

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**

December 5, 1978

Honorable City Council:  
 Re: Petition No. 1033 — State of Michigan Department, Department of Social Services. Overhead Electrical Wire at Dexter Elmhurst Neighborhood Center.

The above petition was referred to this department for investigation and report.

Our report is as follows:

The Public Lighting Department has approved the installation provided certain precautions are observed. The petitioner has agreed to these precautions.

All other departments have no objections provided proper provisions are contained in the resolution protecting their facilities.

An appropriate resolution with the proper provisions is attached for consideration by your Honorable Body.

Respectfully submitted,  
 LOUIS W. KLEI,  
 City Engineer

Approved:  
 JAMES W. WATTS  
 Director

By Council Member Eberhard:  
 Resolved, that the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permits to the State of Michigan, Department of Social Services, for permission to encroach over Tuxedo Avenue, 50 feet wide, west of Dexter Boulevard at 11743 Dexter and 11801 Dexter, Detroit, Michigan, property being described as:

Lots 119 and 190 of Lewis and Crofoot's Subdivision No. 4, on the east ½ of ¼ Section 29, in the 10,000 Acre Tract, Greenfield Township, Wayne County, Michigan as recorded in Liber 26, Page 84, Plats, Wayne County Records.

Encroachment to consist of the placement of an electrical cable over Tuxedo Avenue connecting the rear of the buildings at the above addresses,

PROVIDED, that cable must be installed as per National Electrical code as adopted by the Michigan Public Service Commission, and that the cable be a minimum of eighteen (18) feet above grade of the street.

PROVIDED, that permittee at the time of obtaining said permits file with the Finance Department an indemnity 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 permits and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and

PROVIDED, that no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee at any time when so directed by the City Council, and that the public property affected shall be restored to a condition satisfactory to said department by said permittee at its expense; and

PROVIDED, that this resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby expressly waives any right to claim damages or compensation for removal of encroachment, and further, that permittee acquires no implied or other privileges hereunder not expressly stated herein; and

PROVIDED, that this permit shall be assigned or transferred without the written approval of the City Council; and

PROVIDED, that the filing of the indemnity agreement and the securing of the necessary permit referred to herein shall be construed as acceptance of this resolution by the permittee; and

PROVIDED, that a certified copy of this resolution shall be recorded with the Office of the Register of Deeds for Wayne County by and at permittee's expenses.

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**

December 5, 1978

Honorable City Council:  
 Re: Petition No.'s 5802 and 6128 —



Community and Economic Development Dept. Wholesale Distribution Center No. 1, Street.

We wish to advise that in order to develop a parcel of land in the above described project it will be necessary to vacate Brewster Street between Rivard and Russell and the east-west alley in the block bounded by Rivard, Russell, Brewster and vacated Wilkins.

Provision for relocation of utilities which must be ordered out of the area will be processed with the right-of-way adjustments for the remainder of the Wholesale Distribution Center Project No. 1.

In view of the foregoing, it is requested that the following resolution be adopted vacating the necessary street and alleys and directing various utilities to remove their installations therefrom.

Respectfully submitted,  
**LOUIS W. KLEI,**  
 City Engineer

Approved:  
**JAMES W. WATTS**  
 Director

By Council Member Eberhard:

Whereas, in order to carry out a portion of the development plan for the area known as the Wholesale Distribution Center No. 1, Michigan R-86, it is necessary to vacate the following:

Brewster Street, 50 feet wide, lying between and abutting the easterly line of Rivard Street, 50 feet wide, and the westerly line of Russell Street, 86 feet wide; also

All that part of the westerly 202.8 feet of the east-west public alley, 20 feet wide in the block bounded by Rivard, Russell, Brewster and vacated Wilkins Street; also

All that part of the easterly 2.0 feet of Rivard Street beginning at the intersection of the northerly line of the east-west public alley, 20 feet wide, southerly of Brewster Street and the easterly line of Rivard Street, 50 feet wide and extending 197.69 feet northerly of the said point of beginning;

All of the above have been platted in the following subdivisions:

1) S. B. Morse's Subdivision of part of Lot 3, Mullett Farm, north of Gratiot Street, as recorded in Liber 55, Page 316, Deeds, Wayne County records; and

2) S. B. Morse's Subdivision of Part of Lot 3, Mullett Farm, north of Gratiot Street, as recorded in Liber 47, Page 395, Deeds, Wayne County records;

therefore be it

**RESOLVED**, that the above described streets and alleys are hereby

vacated as public streets and alleys to become a part and parcel of the abutting property; and further

**RESOLVED**, that all city utilities are hereby directed to remove all their pipes, poles and wire in this right-of-way as expeditiously as possible and to consider the work as a portion of these right-of-way adjustments necessitated by the Wholesale Distribution Center No. 1 Project; and be it further

**RESOLVED**, that upon the proper application, the Environmental Protection and Maintenance Department shall issue to the Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company permits to relocate their pipes, poles and lines from the vacated streets and alley and consistent with the public health, safety, convenience and general welfare; and be it further

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

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**

December 7, 1978

Honorable City Council:

It is hereby requested that your Honorable Body authorize the submission of a preapplication to the U.S. Environmental Protection Agency (EPA) grant program, "Financial Assistance for Resource Recovery Project Development under the President's Urban Policy", for the purpose of securing professional services for particular work efforts required by EPA during the resource recovery implementation effort.

Respectfully submitted,  
**JAMES W. WATTS**  
 Director

Approved:  
**W. I. STECHER**  
 Budget Director  
**PAUL R. THOMPSON, JR.**  
 Finance Director

By Council Member Hood:

WHEREAS, funds are available from the U.S. Environmental Protection Agency under its Financial Assistance for Resource Recovery Project Development under the President's Urban Policy grant program to fund