

PROVIDED, that a certified copy of the resolution be filed with the Office of the Wayne County Register of Deeds, and further

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

Adopted as follows:

Yeas — Council Members Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.
Nays — None.

Environmental Protection and Maintenance Department

October 19, 1979

Honorable City Council:

Re: Acceptance of United States Environmental Protection Agency Grant — President's Urban Policy Program for Resource Recovery Development.

The Environmental Protection and Maintenance Department has received final approval of its grant application submitted to the United States Environmental Protection Agency — President's Urban Policy Program for Resource Recovery Development authorized by the Resource Recovery Act of 1976 (P.L. 94-580).

The approved grant program is known as "Detroit Resource Recovery Project Implementation." The one year program budget (effective 10/1/79) is \$370,000 (74% federal and 25% local):

EPA	\$277,500 (cash)
CITY	\$ 58,000 (cash)
.....	\$ 34,500 (in-kind)

With this grant funded as a Cooperative Agreement, the Environmental Protection intends: to secure the services of competent technical and legal advisors to assist in negotiating contracts to construct and operate (and maintain) a resource recovery facility; to conduct a source separation feasibility study; and, to define and implement a public participation program relative to Detroit's resource recovery effort and intentions.

The Environmental Protection and Maintenance Department requests that your Honorable Body authorize the acceptance of and appropriation for these Environmental Protection Agency funds.

Respectfully submitted,
JAMES W. WATTS,
Director

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

By Council Member Rogell:

WHEREAS, Your Honorable Body authorized the submission of a pre-application to this grant program on December 13, 1978; and

WHEREAS, The City of Detroit is eligible for certain funds under the Resource Recovery Act of 1976; and

WHEREAS, The City of Detroit wishes to implement plans for a resource recovery system to dispose of the City's solid waste in an economically and ecologically sound manner; Therefore Be It

RESOLVED, That the City of Detroit hereby authorized to accept funds to assist the resource recovery implementation effort from the United States Environmental Protection Agency; and be it further

RESOLVED, That the Finance Director is hereby authorized to establish Appropriation #5986, Resource Recovery Project Implementation in the amount of \$277,500 and to transfer the sum of \$58,000 from Appropriation #0055, Automotive Purchases, to Appropriation #5986, for a total of \$335,500; and be it further

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

Adopted as follows:

Yeas — Council Members Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.
Nays — None.

Environmental Protection & Maintenance Department

October 30, 1979

Honorable City Council:

Re: Petition No. 2705. H. B. Hagood and Associates, Inc. Request to Vacate Certain Easements at the Former Sears Site at Van Dyke and Gratiot.

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

The petitioner has requested the vacation of certain water and sewer easements and a portion of the widened Van Dyke Avenue at the site formerly occupied by Sears, Inc. located at the Southeast corner of Gratiot and Van Dyke Avenues.

A review with the utility companies and the title insurance company disclosed the following facts relative to this request.

1. All of the streets and alleys lying within the parcel were vacated by action of the City Council with ease-

ments retained for sewer and water lines. These actions to vacate were initiated over a period of years as the facility was expanded. The sequence of the resolutions is as follows:

March 31, 1936, J.C.C. Page 775,

March 9, 1937, J.C.C. Pages 533-535

May 18, 1954, J.C.C. Pages 1263-1265, recorded in Liber 12126, page 235 and Liber 14665, page 207 (which action rescinded the agreement of December 14, 1953 between the City of Detroit and Sears recorded in Liber 12110, page 65) all in Wayne County Records;

November 7, 1967, J.C.C. pages 2613-2615 as recorded in Liber 16480, page 638, Wayne County records

2. There is an unrecorded easement agreement on a 15 foot portion of vacated Moffat Avenue from vacated Parker Avenue to Van Dyke as noted approved by the City Council on March 9, 1937 J.C.C. pages 533-535, Ordinance 6-D

3. In accordance with the resolution adopted on May 18, 1954, J.C.C. 1263-1265, Sears deeded to the City a 20 foot strip along the east side of Van Dyke from Gratiot to Farnsworth by deed recorded by Liber 12180, page 669, Wayne County records,

The petitioner has now amended his petition to vacate these sewer and water easements within the former alleys as described in Item 1 above, retaining the sewer and water easements in vacated Moffat and Parker Avenue and has agreed to the retention of Section E of the resolution adopted May 18, 1954, J.C.C. pages 1263-1265 wherein certain decorative walls are to be constructed and maintained along the southerly and easterly boundaries of the parcel. In addition the petitioner has requested the vacation of the pedestrian walkway easement noted in Item 2 and the vacation of the 20 foot strip deeded to the City for the widening of Van Dyke with the retention of sewer and water easement at the right-of-way of vacated Moffat extended westerly.

These proposed vacations, including the portion of Van Dyke Avenue have been approved by the Community and Economic Development, the Department of Transportation, the other City departments and private utility companies.

Therefore, we recommend that the petition be approved, and an appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,

LOUIS W. KLEI
City Engineer

Approved:

JAMES W. WATTS,
Director

Environmental Protection and
Maintenance Department

JOHN KANTERS,
Director

Water and Sewerage Department

By Council Member Rogell:

RESOLVED, That all that part of the sewer and water main easements retained in the following vacated alleys:

1) The vacated north-south alley (vacated March 31, 1936 J.C.C. Page 775) described as "the entire north and south 18 foot public alley in the block bounded by Parker, Maxwell, Moffat and Gratiot Avenues and more particularly described as all of the public alley 18 feet wide, lying between the westerly line of Lots 19 to 28 both inclusive, the westerly line of the southerly 10.21 feet of Lot 29 and the easterly line of Lots 44 to 52 both inclusive of Walch's Subdivision of Outlots 12, 13 14 and 15, Subdivision of the Van Dyke Farm, P.C.s 100 and 679 between Gratiot and Mack Avenues, Detroit, Michigan as recorded in Liber 21, Page 83, Plats of Wayne County records;" also

2) The vacated north-south alley (vacated March 9, 1937, J.C.C. pages 533-535) in the block bounded by Van Dyke, Parker, Farnsworth and Gratiot, described as: "being all that of the north and south public alley, 18 feet wide lying between the southerly line of Moffat Avenue, 60 feet wide, as now established and the southerly line of the northerly 25 feet of Lot 84 of Walch's Subdivision of Outlots 12, 13, 14 and 15, Subdivision of the Van Dyke Farm, P.C.s 100 and 679 between Gratiot and Mack Avenues, Detroit, Michigan as recorded in Liber 21, page 83, Plats, Wayne County records, extended westerly; also

3) The vacated alleys (vacated May 18, 1954, J.C.C. pages 1263-1265) described as:

"All that part of the north-south public alley, 18 feet wide, in the block south of Moffat Avenue, between Van Dyke and Parker Avenues the westerly 1.56 feet and the easterly 6.44 feet of which was acquired by the City for alley purposes through condemnation proceedings and the remaining 10 feet of which was platted in Walch's Subdivision (as recorded in Liber 21, page 83, Plats, WCR) lying west of the existing west line of Lots 79 to 83 inclusive of the last mentioned subdivision; also

"All of the east-west public alley, 20 feet wide, south of Moffat Avenue, between Van Dyke and Parker Avenues,

which alley was deeded to the City of Detroit and which said alley is in fact the north 15 feet of Lot 83 and the south 5 feet of Lot 84 of last mentioned Walch's Subdivision;" also

"All that part of the north-south public alley, 18 feet wide, south of Moffat Avenue, between Parker and Maxwell Avenues as platted in said Walch's Subdivision lying west of and adjoining the west line of the north 5.50 feet of Lot 18 and east of and adjoining the east line of the north 5.50 feet of Lot 53 of the last mentioned subdivision"; also

4) The vacated alley (vacated November 7, 1967, J.C.C. pages 2613-2615) described as:

"All that part of the east-west public alley, 20 feet wide, south of Gratiot and between Parker Avenue and Maxwell Avenue as platted in Walch's Subdivision of Outlots 12, 13, 14 and 15 of the subdivision of the Van Dyke Farm, P.C.s 100 and 679, between Gratiot and Mack, Detroit, Wayne County, Michigan, as recorded in Liber 21, Page 83, Plats, Wayne County records, lying south of and adjoining the southerly line of Lots 40 to 43, and lying north of and adjoining the northerly line of Lot 44 and the 18 foot public alley abutting Lot 44, inclusive of the above mentioned subdivision;

Be and the same are hereby vacated as easements for the Detroit Water and Sewerage Department; also

RESOLVED, That all that part of the easterly 20 feet of Van Dyke Avenue, 86 feet wide, between Farnsworth and Gratiot as deeded to the City of Detroit on May 18, 1954 and recorded in Liber 12180, Page 669, Wayne County records, having been platted as a part of the westerly 20 feet of Lot 16 of the Subdivision of part of the Van Dyke Farm, P.C. 100 north of Mack Street and P.C. 679 between Gratiot and Mack Streets as recorded in Liber 1, Page 149 of Plats, Wayne County records further defined as: Beginning at the intersection of the southerly line of Gratiot Avenue, 120 feet wide, and the easterly line of Van Dyke Avenue, 86 feet wide, thence southerly along the easterly line of Van Dyke Avenue, 86 feet wide, to the northerly line of Farnsworth Avenue, 60 feet wide, as now established, thence westerly along said northerly line of Farnsworth Avenue, 20.00 feet, thence northerly along a line 20 feet westerly of and parallel (as measured at right angles) to the easterly line of Van Dyke Avenue, 86 feet wide, to the southerly line of Gratiot Avenue 120 feet wide, thence northeasterly along the said southerly line of Gratiot Ave-

nue to the point of beginning, all inclusive of the above mentioned subdivision;

Be and the same is hereby vacated as a public street to become a part and parcel of the abutting street, subject to the following easement provisions:

An easement is hereby retained for the Detroit Water and Sewerage Department between the northerly and southerly lines extended westerly of vacated Moffat Avenue, 60 feet wide, for the full width of the 20 foot wide vacated portion of Van Dyke Avenue, 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 Detroit Water and Sewerage Department an easement or right of way over said vacated public street hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing water mains, sewers, 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 Detroit Water and Sewerage 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 utilities in said easement, such owners, upon whose property the utilities are located shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the Detroit Water and Sewerage Department;

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 all that part of the southerly 15 feet of vacated Moffat Avenue 60 feet wide, retained as a public walkway, referred to in the vacating resolution of March 9, 1937, J.C.C. pages 533-535, Ordinance 6-D, between Van Dyke and vacated Parker Avenue,

Be and the same is hereby vacated as a public walkway, and be it further

RESOLVED, That the Finance Department is hereby directed to issue a deed to the above portion of Van Dyke Avenue, and the Law Department is directed to prepare said deed and the City Engineer is directed to prepare a property description of that portion of Van Dyke outlined above.

Adopted as follows:

Yeas — Council Members Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.

Nays — None.

Department of Health

October 16, 1979

Honorable City Council:

The Health Department has received checks which total \$1,000.00 from Miss Susan L. Murray for use in the Meals-At-Home Program.

It is Miss Murray's intention that the funds be used to purchase a supply of liquid nutrition for those homebound senior citizens who because of a medical condition are unable to eat solid food.

May we, therefore, request that your Honorable Body authorize the Health Department to accept this generous gift and to utilize it for the purpose indicated above.

Respectfully submitted,

JOHN B. WALLER, JR., DR.PH
Public Health Director

By Council Member McFadden:

RESOLVED, That the Health Department be and is hereby authorized to accept a gift of \$1,000 from Miss Susan L. Murray for use in the Meals-At-Home Program as indicated in the foregoing communication; and be it further

RESOLVED, That the Finance Director be and is hereby authorized to transfer funds and honor vouchers when presented in accordance with this resolution.

Approved:

W. I. STETCHER
Budget Director

GERALD F. FISHER
Deputy Finance Director

Adopted as follows:

Yeas — Council Members Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.

Nays — None.

Department of Health

Honorable City Council:

Re: RATE INCREASE FOR CLASS OF NUTRITIONIST SERVICE—CONTRACTUAL.

The unclassified title of Nutritionist Service—Contractual was last granted an increase effective October 1, 1977 bringing the rate to \$7.75 per hour.

In order to continue the professional services of contractors assigned to the Health Department's Nutrition Division, the current rate should be adjusted.

We, therefore recommend that the rate for the class of Nutritionist Service—Contractual (92-83-05) be increased to \$8.25 per hour effective October 1, 1979.

Respectfully submitted,

JOHN B. WALLER, JR., DR.PH
Public Health Director

Approved:

W.I. STETCHER

Budget Director

GERALD F. FISHER

Deputy Finance Director

WILLIAM MARCUS

Chief Labor Relations Specialist
Labor Relations Bureau

By Council Member McFadden:

RESOLVED, That the Official Compensation Schedule be amended for the classification of Nutritionist Service—Contractual (92-83-05) to provide a rate of \$8.25 per hour effective October 1, 1979; and be it further

RESOLVED, That the Finance Director be and he is hereby authorized to honor payrolls and vouchers when presented in accordance with this resolution and the attached communication.

Adopted as follows:

Yeas — Council Members Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.

Nays — None.

**Historic Designation
Advisory Board**

October 29, 1979

Honorable City Council:

This communication is to request that your honorable body adopt the attached resolution extending for a short time the study period for Trinity Lutheran Church.

The Advisory Board's final report on this proposed historic district has