

Also, Lots 39 to 53, both inclusive, Connor's Creek Subdivision of part of Lot 8, Subdivision of Private Claims 385 and 386 for the Heirs of H. Connor, City of Detroit, Wayne County, Michigan, according to the Plat thereof as recorded in Liber 34, Page 34 of Plats, Wayne County Records.

Also, Lot 96, Connors Creek Subdivision No. 1, of part of Lot 8, Subdivision of Private Claims 385 and 386 for the Heirs of H. Connor, City of Detroit, Wayne County, Michigan, as recorded in Liber 38, Page 38 of Plats, Wayne County Records.

Also, Lot 203, A.M. Campau Realty Company Subdivision of part of the Lafferty Farm, Private Claim 322, lying Southerly of Jefferson Avenue, Detroit, Wayne County, Michigan, as recorded in Liber 32, Page 87 of Plats, Wayne County Records.

Also, Lots 131, 148, the North 5.15 feet of Lot 149, Lot 169, Grosse Pointe Lands Company Subdivision of part of Private Claim 388 lying Southerly of Jefferson Avenue, Detroit, Wayne County, Michigan, as recorded in Liber 27, Page 91 of Plats, Wayne County Records.

AND BE IT FURTHER RESOLVED, that the Corporation Counsel be and he is hereby directed to institute the necessary proceedings on behalf of the City of Detroit in the Wayne County Circuit Court to carry out the object of this resolution in regard to taking private property by said City, And Be It Further

RESOLVED, That the Law Department is authorized to accept deeds and authorize payment and further that the City Treasurer be directed to prorate all City and County Taxes to date of closing, And Be It Further,

RESOLVED, That the Finance Director be authorized to honor vouchers covering payment when deeds are presented in advance of the regular trial of any contested parcels.

Approved:

KAY SCHLOFF

Acting Corporation Counsel

Adopted as follows:

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

Nays — None.

Law Department

January 22, 1980

Honorable City Council:

Re: Petition Nos. 2094 and 2279, Conversion of Alleys to Easements.

The above petitions request the conversion of the alleys into ease-

ments for public utilities. These conversions were recommended by the Community and Economic Development Department upon prior investigation and reports. Attached please find said reports, petitions to vacate the public alleys, sketches of the alleys and notices.

All other involved City departments and privately owned utility companies have no objections to the conversion of the public right-of-ways into easements 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,

HILDA H. HIRATA

Asst. Corporation Counsel

By Council Member Cockrel:

WHEREAS, The following petitions have been filed with the City Council, signed by not less than two-thirds of the owners of properties respectively abutting the alleys as herein described, and public hearings were held by this body on November 6, 1979, pursuant to ordinance for the purpose of determining the advisability of these alley vacations;

NOW, THEREFORE, BE IT

PETITION NO. 2094 Conversion to easement of the north-south public alley in the block bounded by Revere, Norwood, Remington and Winchester Avenues;

RESOLVED, that all that part of the North/South alley, eighteen (18) feet wide, in the block bounded by REVERE, NORWOOD, REMINGTON AND WINCHESTER AVENUES, abutting Lots 192 to 203, both inclusive, on the East of said alley and Lots 243 to 254, both inclusive, on the West of said alley in the MELIN SUBDIVISION, of the South ½ of the Northeast ¼ of Section 6, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 59, Page 70 of Plats, Wayne County Records; Also, abutting Lots 294 to 301, both inclusive, on the West of said alley and Lots 351 to 358, both inclusive, on the East of said alley in the SEYMOUR AND TROESTER'S CLAIRMOUNT PARK SUBDIVISION, of the North ½ of the Northeast ¼ of Section 6, Town 1 South, Range 12 East, Hamtramck Township, Wayne County, Michigan, as recorded in Liber 52, Page 43, of Plats, Wayne County Records;

PETITION NO. 2279—CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY IN-

DIANA, WISCONSIN, CAMBRIDGE AND OUTER DRIVE;

RESOLVED, that all that part of the North/South alley, eighteen (18) feet wide, in the block bounded by INDIANA, WISCONSIN, CAMBRIDGE AND OUTER DRIVE, abutting Lots 66 to 76, both inclusive, on the West of said alley and Lots 83 to 93, both inclusive, on the East of said alley, in the VAN SICKLE'S OUTER DRIVE SUBDIVISION, of the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 4, Town 1 South, Range 11, East, City of Detroit, Wayne County Michigan, as recorded on Liber 45, Page 26 of Plats, Wayne County, Records;

Be and the same are hereby vacated as public alleys and are hereby converted into public easements of the full width of the alley, which easements 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 alleys and by their heirs, executors, administrators and assigns, forever to wit:

FIRST, said owners hereby grant to and for the use of the public easements or right of ways over said vacated public alleys 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 easements for the purpose above set forth.

SECOND, said utility easements or right of ways in and over said vacated alleys hereinabove described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easements or right of ways. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easements with any necessary equipment to perform the above mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies other than that specifically prohibited by this resolution shall be restored to a satisfactory condition.

THIRD, 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 easements, nor any change of surface grade made, without prior approval by the Environmental Protection and Maintenance Department.

FOURTH, that if at any time in the future the owners of any lots abutting on said vacated alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, such owners, upon whose property the poles or other utilities are located shall pay all costs incidental to such removal and/or relocations, 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 3, 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 shall, within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds, and shall send a certified copy to the State Treasurer, and shall further transmit a copy of this resolution to the City Engineer, to the Law Department and to the Environmental Protection and Maintenance Department; and be it further

RESOLVED, That upon the receipt of a copy of the resolution, the Law Department shall notify the owners of the property abutting on such alleys or portions thereof and other necessary parties that the alleys or portions thereof have been vacated and converted into easements for utilities; and be it further

RESOLVED, That upon the receipt of a copy of the resolution, the City Engineer shall correct the official city maps and records; and be it further

RESOLVED, That upon the receipt of a copy of the resolution, the Environmental Protection and Maintenance Department shall adjust its garbage and refuse collection services accordingly.

Approved:

KAY SCHLOFF

Acting Corporation Counsel

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

Law Department
 January 24, 1980

Honorable City Council:
 Re: Trizec Development Inc. (Petition No. 1247) Request to amend Commercial Redevelopment District No. 2.

Submitted herewith is a resolution amending Commercial Redevelopment District No. 2 in the area of West Grand Boulevard, Second Avenue, Lothrop and West Grand Boulevard according to the provisions of Act No. 255 of the Public Acts of 1978; as amended.

Respectfully submitted,
 CARL RASHID, JR.
 Asst. Corporation Counsel

By Council Member Eberhard:
 WHEREAS, Pursuant to Act No. 255 of the Public Acts of 1978, this City Council has the authority to establish "Commercial Redevelopment Districts" within the boundaries of the City of Detroit; and

WHEREAS, By resolution dated January 16, 1979, this Honorable City Council established City of Detroit Commercial Redevelopment District No. 2, in the area of West Grand Boulevard, Second Avenue, Lothrop and West Grand Boulevard; and

WHEREAS, Trizec Development Inc. (Petition No. 1247) has petitioned this Council to amend Commercial Redevelopment District No. 2 to include a 3.5 acre parcel of land at the northeast corner of Third Avenue and West Grand Boulevard, including vacated alley which includes all of lots 158 thru 175 in Lothrop and Duffield's sub plus vacated alley adjacent to the lots 20 ft. wide by 460 feet deep; and

WHEREAS, The Petitioner is the owner of at least 75% of the state equalized value of the commercial property located within the proposed Commercial Redevelopment District; and

WHEREAS, On the 17th day of January, 1980 in the City Council Committee Room, 13th Floor, City-County Building, a public hearing was held on the question of the amendment of Commercial Redevelopment District No. 2 at which time the petitioner, any other owners of real property within the proposed district, and any other resident or taxpayer of the City of Detroit had an opportunity to be heard; and

WHEREAS, Written notice of this

public hearing was given by certified mail to the owners of all real property within the amended Commercial Redevelopment District;

NOW THEREFORE BE IT RESOLVED, That it is hereby found and determined that the property comprising not less than 50% of the state equalized valuation of commercial property within the district is obsolete; and be it further

RESOLVED, That the property referred to above and more particularly described in Exhibit A attached hereto is hereby included in Commercial Redevelopment District No. 2 for purposes of Act No. 255 of the Public Acts of 1978.

Approved:
 KAY SCHLOFF
 Acting Corporation Counsel

EXHIBIT A
 Lots 158 to 174, both inclusive, together with one-half of the vacated alley adjoining said lots, Lothrop and Duffield's Subdivision of part of quarter sections 55 and 56, 10,000 acre tract, Detroit, Wayne County, Michigan, as recorded in Liber 17, Page 22 of Plats, Wayne County Records.

Lots 16 to 21, both inclusive, and Lots 44 to 63, both inclusive, of Stewarts Subdivision of Lots 1, 2 and 3 of the Subdivision of the South 1/3 of quarter sections 55 and 56, 10,000 acre tract, Greenfield, Wayne County, Michigan, as recorded in Liber 8, Page 71 of Plats, Wayne County Records.

Adopted as follows:
 Yeas — Council Members Cleveland, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.
 Nays — Council Member Cockrel — 1.

Law Department
 January 17, 1980

Honorable City Council:
 Re: Mattie L. Miller, Administratrix of Estate of Preston Miller, Deceased, vs. Jimmy Cullors and John Edwards, C.A. No. 76 612 941 NO.

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in the memorandum. From this review, it is our considered opinion that a settlement in the amount of Twelve Thousand Five Hundred (\$12,500) Dollars is in the best interests of the City of Detroit.

We, therefore, request your Honorable Body to direct the Finance Director to issue his draft in the amount of \$12,500, payable to Mattie L. Miller, Administratrix of the Estate of Preston Miller, deceased, and Victor J. Martin, her attorney, to be delivered upon receipt of properly executed releases and