

tant disabilities incurred or sustained as the result of Arthur Craft's past employment with the City of Detroit and that said amount be paid upon presentation by the Law Department of a redemption order approved by the Workers' Compensation Department of the State of Michigan.

Approved:

SYL DELANEY

Deputy Corporation Counsel

Adopted as follows:

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

Nays — None.

\*RECONSIDERATION (No. 12), per Motions before Adjournment.

#### Law Department

July 25, 1980

Honorable City Council:

Re: Amended Resolution-Alley Conversion Petition No. 2863.

On June 4, 1980, (J.C.C. Pages 1465-71) your Honorable Body, adopted a resolution for the conversion of twenty seven (27) alleys. The purpose of this amended resolution is to correct the description of Petition No. 2863.

Respectfully submitted:

JOSEPH N. BALTIMORE

Asst. Corporation Counsel

Approved:

GEORGE W. CROCKETT, JR.

Acting Corporation Counsel

By Council Member Hood:

WHEREAS, the following petition has 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, pursuant to ordinance for the purpose of determining the advisability of this alley vacation.

PETITION NO. 2863.

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY FORRER, WINTHROP, GROVE AND MC NICHOLS AVENUES;

RESOLVED, that all that part of the North South alley, eighteen (18) feet wide in the block bounded by FORRER, WINTHROP, GROVE AND MC NICHOLS AVENUES, abutting Lots 60 to 66, both inclusive, on the West of said alley and Lots 82 to 88, both inclusive, on the East of said alley, in the MAPLEHURST SUBDIVISION, of the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 13, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 47, Page 97 of 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 easement or right-of-way over said vacated public alley hereinabove described for the purpose 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 utility easement or right-of-way in and over said vacated alley 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 easement or right-of-way. 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 fences) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval by the Department of Public Works.

FOURTH, 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 easements, 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 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 Department of Public Works; 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 alley or portion thereof and other necessary parties that the alley or portion thereof have been vacated and converted in easement 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 Department of Public Works shall adjust its garbage and refuse collection services accordingly.

Approved:

GEORGE W. CROCKETT, JR.  
Acting Corporation Counsel

Adopted as follows:

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

Nays — None.

\*RECONSIDERATION (No. 13), per Motions before Adjournment.

#### Law Department

July 28, 1980

Honorable City Council:

Hereto attached you will find a substitute ordinance to amend Chapter 4 of the Detroit City Code by adding rates, regulations, definitions and penalties pertaining to aircraft landing and field parking fees at Detroit City Airport.

On July 9, 1980 Council adopted a proposed Airport Landing Fee Ordinance. At that time Council was cognizant of certain objections to the ordinance raised by users of the Airport. The major objections that had been raised were:

— Non-commercial owners and operators of small aircraft based at the Airport did not believe landing fees should be assessed on those aircraft.

— Users of helicopters which take off and land several times during the day and use very little runway space felt that each landing should not be charged.

Following passage of the ordinance, pursuant to Council's request, representatives of the Law Department, the Research and Analysis Division and the City Planning Commission met with Airport Department representatives and developed the proposed amendments. The amendments provide that all non-commercial operators of aircraft based at the Airport weighing less than 3,000 pounds are exempt from landing fees. Helicopters will be assessed only one landing fee per day for any day on which the helicopter lands at Detroit City Airport.

The other major complaint that had been addressed earlier related to flying schools. The ordinance provides that flying schools shall pay only one landing fee per aircraft per day that the aircraft lands at Detroit City Airport.

Several definitional changes were made to clarify the ordinance.

We recommend that the ordinance amendments be introduced at your formal session of Wednesday, July 30, 1980 for final action before summer recess.

Please advise of further steps Council would like undertaken in this matter.

Respectfully submitted,  
JOSEPH N. BALTIMORE  
Asst. Corporation Counsel

Approved:

SYL DELANEY  
Deputy Corporation Counsel

By Council Member Mahaffey:

**AN ORDINANCE to amend Chapter 4, Article 1 of the Detroit City Code by amending Sections 4-1-7, 4-1-7.1, 4-1-7.2 and 4-1-7.4 establishing rates for landing fees and field parking fees for various aircraft based on weight; establishing regulations for the assessment and collection of**