

erenced in their request to this Division.

Attached, you will find a resolution clarifying the intent of our original resolution. Both the Towing Rate Commission and the Police Department have been notified of this change and have granted their approval.

Please contact this office if there are any further questions.

JOSEPHINE A. POWELL
Director

By Council Member Cleveland:

Whereas, On June 15, 1983 the City Council passed a resolution increasing the impoundments fee charged upon the redemption of impounded vehicles in the custody of the Police Department to \$15.00; and

Whereas, It was the intent of the Towing Rates Commission to increase this fee only as it related to the redemption of abandoned vehicles that are stored on the tower's privately-owned lots; and

Whereas, The Resolve clause of the above-mentioned resolution does not accurately reflect this change; and

Whereas, The Towing Rates Commission desires that the resolution be amended to reflect that the increased fee applies only to the private storage of abandoned vehicles and that all other impoundment and storage fees are to remain unchanged; NOW, THEREFORE, BE IT

Resolved, That the following language be deleted from the resolution of June 15, 1983: "That the impoundment fee charged upon redemption of an impounded vehicle in the custody of the Police Department be increased to \$15.00; and BE IT FURTHER

Resolved, That the following language be substituted in its place: "That the impoundment fee charged upon the redemption of an abandoned vehicle being stored on a tower's privately-owned lot be increased to \$15.00."

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

City Engineering Department

March 28, 1984

Honorable City Council:

Re: Petition No. 1298.
Pezzani and Reid Equipment Company, Inc., Conversion to Easement of a Portion of the East-West Public Alley in the block bounded by Scotten, Hubbard, Fort and the Fisher Freeway.

The above petition request the conversion of the above described portion

of alley, 20 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. The petition was then referred to us for investigation and report. Our report, accompanied 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:

City Engineering — Intersection Fund, Receipt No. C 24231 — \$120.00, for the original cost of paving the west one-half of Hubbard 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.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversion of public right-of-way into an 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,
CLYDE R. HOPKINS
Director

By Council Member Collins:

Resolved, That all that part of the east-west public alley, 20 feet wide, in the block bounded by Scotten, Hubbard, Fort Street and the Fisher Freeway lying northerly of and abutting the northerly line of Lot 5 and the easterly 75 feet of Lot 6 of Hubbard's Subdivision of P.C. 77, known as the Knagg's Farm between Fort Street and the Michigan Central Railroad, in the Township of Springwells (now Detroit) as recorded in Liber 64, Page 1, Deeds, 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 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 damage 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 easement, nor any change of surface grade made, without prior approval of the City Engineering Department,

Fourth, that if 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 that 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 if at any time in the future it becomes necessary to remove the paved alley return at the entrance to the above described alley, such removal and construction of new curb and sidewalk shall be done under City permit and inspection with all costs borne by the petitioner, his heirs, or assigns.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

Civic Center Department

March 20, 1984

Honorable City Council:

Re: Establishment of Reimbursements due Detroit Baseball Club Division of John E. Fetzer, Inc., such reimbursements to be paid Baseball when Revenue Bonds are paid in full as to principal and interest.

Sections 5.2 and 6.1 of the Sublease Contract entered into April 1, 1978 between the City and the Detroit Baseball Club Division of John E. Fetzer, Inc. referred to as "Baseball" provide for Baseball to be reimbursed for certain alterations, repairs, maintenance and capital improvements beginning April 1, 1978. Reimbursement will not be made to Baseball by the City until such time as the Revenue Bonds have been paid in full as to principal and interest. Funds to enable the City to make such reimbursements will be derived from rent paid to the City by Baseball (Section 4.4) and Service Fees (Section 4.5) collected by Baseball and remitted to the City. The rent and service fees are to be used exclusively for the retirement of the Bonds and reimbursements as indicated in Article V.

Baseball has submitted Reimbursable Repair & Maintenance Expense Reports No. 36-40 in the amount \$216,226.24 covering the period 6/24/83 through 3/14/84. These expense reports have been examined and are deemed appropriate under the terms of the contract, and are on file in the Office of the City Clerk.

Civic Center Requests the approval for the establishment of the aforementioned reimbursable items as payable