

Adopted as follows:

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

Nays — None.

*RECONSIDERATION (No. 1), per Motions before Adjournment.

**Finance Department
Purchasing Division**

December 3, 1983

Honorable City Council:

The Purchasing Division of the Finance Department recommends contracts with the following firms or persons:

59088 — Grant Funded — Change Order No. 2 — To amend the contract to include management services of Sheridan Place II and to extend the contract from January 1, 1984 to December 31, 1984. Buxton Management Company of 18040 James Couzens, Detroit, Mich. Increase of \$140,000.00 to \$210,000.00. Housing.

The approval of your Honorable Body and Waiver of Reconsideration is requested on the above file.

Respectfully submitted,
FAYE B. PAIGE,
Director

By Council Member Peoples:

Resolved, That Contract No. 59088, referred to in the foregoing communication, dated December 3, 1983, be and hereby is approved.

Adopted as follows:

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

Nays — None.

*RECONSIDERATION (No. 2), per Motions before Adjournment.

Law Department

January 18, 1984

Honorable City Council:

Re: Metropolitan Windows and Doors Construction Inc. vs. City of Detroit; WCA #79-927-299-CK.

The above captioned lawsuit was tried before Circuit Judge Thomas Roumell in a bench trial, and at the conclusion of the proofs and arguments, Judge Roumell issued his opinion granting judgment in favor of the plaintiff and against the City of Detroit in the amount of \$283,996.85, plus interest and costs against the City of Detroit. The judgment in this case was entered by Judge Roumell on November 4, 1983, and the interest on the judgment as of November 4, 1983, amounted to \$156,011.77, which continues to run at the rate of 12% per annum, until the judgment is paid.

We have thoroughly reviewed this matter and it is our considered opinion that there is no appealable issue and

that payment of said judgment plus interest and costs are appropriate at this time.

We therefore request your Honorable Body to direct the Finance Director to issue her draft in the amount of \$283,996.85 as damages, plus \$156,011.77 judgment interest, which continues to run from November 4, 1983, until the judgment is paid, and costs in the amount of \$2,274.58, payable to Metropolitan Windows and Doors Construction, Inc.

Respectfully submitted,
JOSEPH N. BALTIMORE,
Supervising Assistant
Corporation Counsel

Approved:

MARK R. ULICNY,
Deputy Corporation Counsel

By Council Member Mahaffey:

Resolved, That the Finance Director be, and is hereby authorized and directed to draw her warrant upon the proper fund payable to Metropolitan Windows and Doors Construction, Inc., in the sum of \$283,996.85, plus \$156,011.77, plus interest from the date of Judgment until date paid, at 12% per annum, plus costs in the amount of \$2,274.58, in full payment of any and all claims which the plaintiff may have against the City of Detroit in Wayne County Action Number 79-927-299-CK.

Adopted as follows:

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

Nays — None.

*RECONSIDERATION (No. 3), per Motions before Adjournment.

City Engineering Department

January 26, 1984

Honorable City Council:

Re: Petition No. 2539, Wayne State University Vacation of the remaining alleys in the block bounded by Anthony Wayne Drive, vacated Second, Warren and vacated Putnam.

The above petition requests the vacation of the public alleys in the above described block. The requested vacations were approved by the Community, Economic and Development Department.

The petition was then referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

A public easement is reserved in the vacating resolution for the north-south alley first west of vacated Second and in the easterly 55 feet of the east-west alley for the maintenance of installa-

tions located in the public right-of-ways to be vacated.

All City departments and privately-owned utility companies reported that they will be unaffected by the vacation and conversion to an easement of said alleys or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Hood:

Resolved, that all that part of the north-south public alley, 17.97 feet wide, not previously vacated first east of Anthony Wayne Drive and between the northerly line of Warren Avenue, 146 feet wide, and vacated Putnam Avenue, as plotted in William A. Butler's Subdivision of Outlots 102, 104 and 106 and that part of Outlot 108 lying south of the south line of Putnam Avenue of the subdivision of the Cass Farm, Detroit, Wayne County, Michigan as recorded in Liber 11, Page 89, Plats, Wayne County records; also

All that part of the east-west public alley, 28.65 feet wide, in the block bounded by Anthony Wayne Drive, vacated Second, Warren and vacated Putnam, abutting the southerly line of Lots 109 to 113 and the westerly 25 feet of Lot 108, all inclusive of the above mentioned subdivision,

Be and the same are hereby vacated as public alleys to become a part and parcel of the abutting property; and be it further

Resolved, that all that part of the east-west public alley, 28.65 feet wide, in the block bounded by Anthony Wayne Drive, vacated Second, Warren and vacated Putnam abutting the southerly line of Lot 107 and the easterly 15 feet of Lot 108, all inclusive of William A. Butler's Subdivision as recorded in Liber 11, Page 89, Plats, Wayne County records; also

All that part of the north-south public alley, 18 feet wide not previously vacated first west of vacated Second Avenue and between the northerly line of Warren Avenue, 146 feet wide, and vacated Putnam Avenue; also

All that part of the alley turnaround as opened on September 11, 1951, (J.C.C. page 2116) in the above described block being the westerly 22 feet of the southerly 20 feet of Lot 105 and the westerly 22 feet of the northerly 20 feet of Lot 104, all inclusive of the above subdivision;

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 damaged by the utility companies shall use due care in such crossing to 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 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 storge 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.

Adopted as follows:

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

Nays — None.

*RECONSIDERATION (No. 4), per Motions before Adjournment.

**Community & Economic
Development Department**

January 24, 1984

Honorable City Council:

Re: Approval of the PMC-Detroit, Inc. Project Plan Pursuant to Public Act 338, as Amended.

The Economic Development Corporation (EDC) of the City of Detroit has approved the PMC-Detroit, Inc. Project Plan and requested the Community and Economic Development Department to submit its recommendations regarding the plan to the City Council.

The Community and Economic Development Department has determined the following:

1. That a Project Citizens District Council has not been required for the project in accordance with the provisions of Section 20 of the EDC Act.

2. That the Project Plan meets all the requirements set forth in Section 8 of the EDC Act.

3. That the land included in the Project Area to be acquired is reasonably necessary to carry out the purpose of the Project Plan and of the EDC Act in an efficient and economically satisfactory manner.

4. That the Project Plan is in reasonable accord with the master plan of the City of Detroit.

5. That the Project Plan and size is practicable and in the public interest.

6. That all public services, such as fire and police protection and utilities, are or will be adequate to service the Project Area.

7. That there will be no changes in zoning, streets, street levels, intersections or utilities.

We find that the Project Plan for the PMC-Detroit, Inc. Project is reasonable and necessary to carry out the pur-

pose of the EDC Act and we recommend that the Detroit City Council give its approval to the Project.

Respectfully submitted,
EMMETT S. MOTEN, JR.

Director

CITY COUNCIL RESOLUTION
APPROVING PROJECT PLAN
FOR THE ECONOMIC
DEVELOPMENT CORPORATION
OF THE CITY OF DETROIT
PMC-DETROIT, INC. PROJECT
INCLUDING ISSUANCE OF
LIMITED OBLIGATION REVENUE
BONDS OF APPROXIMATELY
\$1,000,000

By Council Member Hood:

WHEREAS, pursuant to and in accordance with the Economic Development Corporations Act, Act 338 of the Public Acts of 1974, as amended (the "Act 338"), the Community and Economic Development Department of the City of Detroit (the "CEDD") submitted its findings and recommendations for approval of the Economic Development Corporation of the City of Detroit (PMC-Detroit, Inc. Project) Project Plan (the "Project Plan") on January 24, 1984, to this City Council for its consideration and this City Council has given due consideration to the findings and recommendations of said Department prior to consideration of this Resolution; and

WHEREAS, the Board of Directors of the Economic Development Corporation of the City of Detroit ("EDC") duly considered the Project Plan, found it to be in compliance with Act 338 and approved the Project Plan on December 13, 1983; and

WHEREAS, this City Council gave notice pursuant to Act 338 and Section 103(k) of the Internal Revenue Code, which was enacted by Section 215 of the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") of a public hearing to be held with respect to the proposed issuance by the EDC of its not to exceed \$1,000,000 Limited Obligation Revenue Bonds (PMC-Detroit, Inc. Project) and Project Plan with respect to the PMC-Detroit, Inc. Project (the "Project"); and

WHEREAS, such public hearing was held on January 31, 1984, in accordance with the provisions of Act 338, TEFRA and income tax regulations thereunder; and

WHEREAS, at said public hearing, the fullest opportunity was provided for interested persons to be heard, for expression of opinion, for argument on the merits, both orally and in writing and for introduction of documentary evidence pertinent to the proposed Project Plan, the proposed Bond issue and the location and nature of the proposed Project to be financed, and