

also requested the petitioner make use of the "Miss Dig" facilities before construction.

An appropriate resolution, granting the petition, is attached for consideration by your Honorable Body.

Respectfully submitted,  
 CLYDE R. HOPKINS  
 Director

By Council Member Eberhard:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to North Detroit General Hospital to encroach into public rights-of-way on the north side of Carpenter Avenue, property described as:

Lots 86 to 92 platted in Roehm and Rothwell's Subdivision of East 10 Acres of West 40 Acres and Lots 1, 2 and 3 of Hubert Rouillier Estate Quarter Section 20, Ten Thousand Acre Tract, Hamtramck (now City of Detroit), Wayne County, Michigan as recorded in Liber 16, Page 20, Plats, Wayne County Records; also Lots 98 to 104 platted in Schellberg and Barnes Subdivision of the East 40 acres of the West 80 Acres of Quarter Section 20, Ten Thousand Acre Tract, Hamtramck (now City of Detroit), Wayne County, Michigan, as recorded in Liber 17, Page 1, Plats, Wayne County Records;

Encroachment to consist of installing six light fixtures on the north side of Carpenter Avenue between Mitchell and Charest Avenues, abutting the above described lots;

Provided, That such light fixtures shall be installed according to plans submitted to and approved by the Public Lighting Department as per National Electric Code as adopted by the Michigan Public Service Commission, and that a tag be placed on each pole indicating private ownership; and

Provided, Said installation is according to the minimum vertical and horizontal clearance requirements of the Water and Sewerage Department as stated in the preamble; and

Provided, That such use of said public property shall be made under the rules and regulations of the Department of Transportation as stated in the preamble; and

Provided, That the petitioner makes use of the "Miss Dig" organization prior to any construction. No structures or light fixture foundations shall be erected on or over Michigan Consolidated Gas Company facilities without their prior approval. Also, all Gas Company facilities shall remain accessible and the petitioner shall be liable for all incidental repair costs and/or damages as stated in the preamble; and

Provided, That permittee at the time

of obtaining said permits file with the Finance Department an indemnity agreement in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permits and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said encroachment; and

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory by said permittee at its expense; and

Provided, That this resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or compensation for removal of encroachment, and further, that permittee acquires no implied or other privileges hereunder not expressly stated herein; and

Provided, That this permit shall not be assigned or transferred without the written approval of the City Council; and

Provided, That the filing of the indemnity agreement and the securing of the necessary permit referred to herein shall be construed as acceptance of this resolution by the permittee; and

Provided, That a certified copy of this resolution shall be recorded with the Office of the Register of Deeds for Wayne County by and at permittee's expense.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Kelley, Mahaffey, Peoples, Ravitz and President Pro Tem Hood — 8.

Nays — None.

\*RECONSIDERATION (No. 6) per Motions before Adjournment

**City Engineering  
 Department**

October 21, 1985

Honorable City Council:

Re: Petition No. 3181. General Motors Corporation. Conversion to easement of Hussar Avenue between Dragoon and Military and the 30 feet wide north-south alley north of Hussar.

The above petition requests the conversion of Hussar Avenue, 60 feet wide, between Dragoon and Military Avenues and the north-south public alley, 30 feet wide, north of Hussar Avenue into an easement for public utilities to construct a major surface parking area.

The requested conversion into easement for public utilities was approved by the Community and Economic Development Department. The petition was 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 in the account named for the purpose indicated:

**City Engineering Department — Intersection Fund:**

\$1,027.00, Receipt No. B-11721.

For the original cost of paving the east one-half of Dragoon Avenue and the west one-half of Military Avenue at their intersection with Hussar; also the north one-half of Hussar at the intersection with the alley.

By filed letter the petitioner has agreed to pay all incidental costs for removing the existing paved returns at the entrances to Hussar from Dragoon and Military. Private contract construction of sidewalk, returns and the installation of new catch basins will require plan approval by all involved City departments prior to parking area construction. Costs for inspection and permits will be borne by the petitioner.

All City departments and privately-owned utility companies report they have no objections to the conversion of public rights-of-way into easement provided proper provisions are incorporated into the vacating resolution protecting their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
CLYDE R. HOPKINS,  
Director

**By Council Member Eberhard:**

Resolved, That all that part of Hussar Avenue, 60 feet wide, lying between and abutting the east line of Dragoon Avenue, 66 feet wide, and the west line of Military Avenue, 66 feet wide, as platted in Daniel Scotten's Subdivision of that part of Private Claim 32 and the east 735.90 feet of Private Claim 268, lying between Fort Street and River Road, as recorded in Liber 9, Page 19, Plats, Wayne County Records; also all that part of the north-south public alley, 30 feet wide, north of Hussar Avenue between Dragoon and Military abutting the rear line of Lots 312 to 323, all inclusive of the above mentioned subdivision,

Be and the same are hereby vacated as a public street and alley and are hereby converted into a public easement of the full width of the street and 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 street and 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 easements or rights-of-way over said vacated public street and alley hereinabove described for the purposes of maintaining, installing, repairing, removing or replacing public utilities such as water mains, sewers, gas lines or mains, telephones, electric light conduits or poles or things usually placed or installed in a public street or 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 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 City Engineering Department,

Third, that if 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 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,

Fourth, 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

Provided, That the entire construction cost of new drainage, sidewalks, curbs and existing street return removal shall be borne by the petitioner or assigns in accordance with City permits, specifications and inspection; and further

Provided, That a certified copy of this resolution shall be recorded with

the office of the Register of Deeds for Wayne County by and at petitioner's expense.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Kelley, Mahaffey, Peoples, Ravitz and President Pro Tem Hood — 8.

Nays — None.

\*RECONSIDERATION (No. 7) per Motions before Adjournment

**Economic Development Corporation**

October 25, 1985

Honorable City Council:

Re: Request for Public Hearings on EDC Project Plans in accordance with Public Act 338 of 1974, as amended.

The Economic Development Corporation has determined to issue its Individual Revenue Bonds by passing Resolutions of Inducement for the projects listed on Attachment "A".

Pursuant to Section 10(2) of the Act, a public hearing must be held prior to City Council action on the Project Plan.

Because of anticipated changes in the federal tax law, EDC staff expects representatives for a number of the projects to submit their respective Project Plan for consideration at the November 12, 1985 EDC Board meeting, so that all requirements for the issuance of the bonds can be met before the end of the year.

In order to meet legal notice requirements, the EDC respectfully requests your Honorable Body to set hearing dates in anticipation of the receipt and review of the respective Project Plans by the EDC. If a Project Plan is not received and approved by the EDC prior to the scheduled hearing, the hearing will be cancelled.

Attachment "A" enumerates the fourteen EDC projects which are expected to proceed with this next stage of the IRB process under two requested City Council Public Hearing dates and also details the times being requested for these dates.

The EDC will be responsible for the posting, mailing and publication of all these project's Notices of Public Hearing.

Respectfully submitted,

CHARLES E. FEDER,

Associate Director

Industrial Development

**Attachment "A"**

November 18, 1985

Greater Detroit Chamber of Commerce Project, 10:00 a.m.; 440 East Larned Street Project, 10:05 a.m.; Book Building Partnership Project, 10:10 a.m.; Corver Engineering Clinton Corporation Project, 10:15 a.m.; E. C. Associates Project, 10:20 a.m.; FitzSimmons Manu-

facturing Project, 10:25 a.m.; Cadillac Coffee Company Project, 10:30 a.m. November 21, 1985

Vitale Associates Project, 10:00 a.m.; National Metal Processing, Inc. Project, 10:05 a.m.; Pellerito Enterprises Project, 10:10 a.m.; Regis Associates Project, 10:15 a.m.; St. Marys Peerless Cement Project, 10:20 a.m.; Warehouse Properties, Inc. Project, 10:25 a.m.; 8109 East Jefferson Project, 10:30 a.m.

**City Council Resolution Setting Hearing Date For Economic Development Corporation Of The City Of Detroit (Greater Detroit Chamber Foundation Project)**

By Council Member Collins:

Whereas, this City Council, in conformity with Act 338 of Public Acts of 1974, as amended ("Act 338"), has previously approved a Project Area and Project District Area with respect to the Economic Development Corporation of the City of Detroit (Greater Detroit Chamber Foundation Project); and

Whereas, this City Council has received a Project Plan for said Project and wishes to set the date for public hearing on said Project Plan, including the issuance of \$2,600,000 Limited Obligation Economic Development Revenue Bonds;

Now, Therefore, Be It Resolved By The City Council of the City of Detroit, as follows:

1. A public hearing on the Project Plan, including the issuance of \$2,600,000 Limited Obligation Economic Development Revenue Bonds (Greater Detroit Chamber Foundation Project) for said Project shall be held at 10:00 o'clock, a.m., local time, on the 18th day of November, 1985, or such other date to which the public hearing may be adjourned in the City Council Chambers, in the City-County Building, in the City of Detroit, County of Wayne, Michigan. At such hearing, the City Council of the City of Detroit shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing and the proposed Plan. The hearing shall provide the fullest opportunity for the expression of opinion, for arguments on the merits, for introduction of documentary evidence pertinent to the proposed Project Plan and the proposed bond issue, and the location and nature of the proposed Project to be financed. This City Council shall make and preserve a record of the public hearing, including all data presented at the public hearing.

2. The City Clerk is hereby requested