

may arise out of the maintenance of said permission; and

Provided, That such use of public property shall be made under the rules and regulations of the City Engineering Department and the Department of Transportation and the Community and Economic Development Department; and

Provided That said permission may be rescinded at any time it is deemed necessary by the Department of Transportation, and further, that the issuance of the permits shall not in any way waive the rights of the City to utilize the area for street widening or other purposes as may become necessary in the future; and

Provided, That this resolution is revocable at the will, whim or caprice of the City Council and permittee hereby expressly 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 permits shall not be assigned or transferred without written approval of the City Council; and

Provided, That the securing of the necessary permits referred to herein shall be construed as acceptance of the terms of this resolution by the permittee; 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 and all obstructions in connection therewith shall be removed at the expense of the permittee at any time when so directed by the City Council, and that the public property affected shall be restored to a condition satisfactory to said Departments by said permittee at their expense.

Adopted as follows:

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

Nays — None.

#### City Engineering Department

December 3, 1985

Honorable City Council:

Re: Petition No. 3464, Madison Center Project. Requested street and alley to vacation, easements and encroachments in the area bounded by Brush, Beaubien, Madison and Adams.

We wish to advise that in order to develop the parcel within the area bounded by Brush and Beaubien Streets, Madison and Adams Avenues, it is necessary to vacate the remaining street

and alley. The request includes the vacation and conversion to easement of Beacon Street, 50 feet wide, a north-south public alley, 15 and 18 feet wide, and street right-of-way encroachments along Beacon Street and Madison Avenue. The request is for the development of Madison Center Project — Division of 36th District Court, City of Detroit, State of Michigan.

A vehicular prisoner sally-port (13 feet by 27.33 feet) will extend approximately 13 feet into Beacon Street. Additionally, 7 aluminum light fixtures (4.67 feet by 4.67 feet) will extend approximately 1 foot into Madison Avenue, 14 feet above grade. The building encroachments and vacations were approved by the Community and Economic Development Department and the Department of Transportation.

Satisfactory arrangements have been made with all City departments and privately owned utility companies.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,  
CLYDE R. HOPKINS  
Director

By Council Member Ravitz:

Resolved, That all that part of the south 1 foot of Beacon Street, 50 feet wide, between Beaubien and Brush Streets lying northerly of and abutting the north line of the east 200 feet of Lot 9 of Plat of the Subdivision of Outlot 172 on the Lambert Beaubien Farm in the City of Detroit, as recorded in Liber 31, Page 94, Deeds, Wayne County Records;

Be and the same is hereby vacated as a public street to become a part and parcel of the abutting property; and further

Resolved, That all part of Beacon Street, 50 feet wide, lying easterly of and abutting the east line of Brush Street, 50 feet wide, of Map of Houghton's Section of the Brush Farm, as subdivided into lots by J. Almy in June 1835 as recorded in Liber 7, Page 174, Deeds, City of Detroit Records; also lying westerly of and abutting the west line of Beaubien Street, 40 feet wide, except the south 1 foot of the east 200 feet (herein above described) of Plat of the Subdivision of Outlot 172 on the Lambert Beaubien Farm in the City of Detroit, as recorded in Liber 31, Page 94, Deeds, Wayne County Records; also

All that part of the north-south public alley, 15 and 18 feet wide, platted as the west 18 feet of Lots 6 to 8, the west 18 feet of the south 44.22 feet of Lot 9, and the west 15 feet of the north 10 feet of Lot 5 of Plat of the Subdivision of Outlot 172 on the Lam-

bert Beaubien Farm in the City of Detroit, as recorded in Liber 31, Page 94, Deeds, Wayne County Records;

Be and the same are hereby vacated as a public street and alley and is hereby converted into public easements of the full width of the alley and street (except the south 1 foot of the east 200 feet of the above described Beacon Street), 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 an easement or right-of-way over said vacated public street and alley herein above 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 street or 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 street and alley herein above 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 or egress at any time to and over the 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, with the exception of a vehicular prisoner sally-port approximately 13 feet wide, 27.33 feet long, that will be constructed as part of the Madison Center Project and will encroach into Beacon Street, no buildings or structures of any nature whatsoever including but not limited to concrete slabs or driveways, retain-

ing walls (except necessary line fence) shall be built or placed upon said easements, nor any change or surface grade made, nor curbing of Beacon Street at its Beaubien or Brush Street entrances, without prior plan approval by the City Engineering Department.

Fourth, that if the owners of any lots abutting on said vacated street or 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.

Fifth, 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.

Provided Further, That if for any reason the existing drainage is altered the entire cost of new drainage construction shall be borne by the petitioner or assigns in accordance with City specifications and under City inspection; and be it further

Resolved, That the City Engineering Department is hereby authorized and directed to issue permits for encroachments extending approximately 13 feet into Beacon Street, 50 feet wide, and extending approximately 1 foot into Madison Avenue, 90 feet wide, property described as:

The south 44.22 feet of the east 200 feet of Lot 9 and the north 10 feet of the east 203 feet of Lot 5 of Plat of the Subdivision of Outlot 172 on the Lambert Beaubien Farm in the City of Detroit, as recorded in Liber 31, Page 94, Deeds, Wayne County Records;

Encroachments to consist of installing a vehicular prisoner sally-port (13 feet by 27.33 feet) and 7 aluminum light fixtures (4.67 feet by 4.67 feet, 14 feet above grade) extending into public rights-of-way along the south side of Beacon Street and along the north side of Madison Avenue between Brush and Beaubien Streets, abutting the above described lots;

Provided, That same shall be constructed and maintained under the rules and regulations and in accordance with plans submitted to and approved by the City Engineering Department and the Buildings and Safety Engineering Department prior to the issuance of said permit.

Provided, That permittee at the time of obtaining the permit 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 permit 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 encroachments; 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 permits referred to herein shall be constructed as acceptance of the terms 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, Hood, Kelley, Peoples, Ravitz, and President Henderson — 8.

Nays — None.

#### City Engineering Department

November 18, 1985

Honorable City Council:

Re: Supplemental Authorization to Provide Block Grant Appropriation for the Demolition of Buildings Program.

To meet the financial needs of the Accelerated Demolition Program in an orderly manner, it will be necessary to provide appropriations to cover the balance of the fiscal year activities which end June 30, 1986. In addition, funding is required to allow the City Engineering Department to encumber contractual obligations for demolition contracts to be completed after June 30, 1986.

In this regard, your Honorable Body is requested to approve the resolution which will authorize the Director of Finance to take the following actions:

1. Increase the appropriation by \$10,000,000 in the City Engineering Department budget for the fiscal year 1985-86; \$5 million shall be advanced from the Block Grant Year XI (1986-87) and \$5 million shall come from the General Fund in accordance with the attached communication.

2. Reallocate \$220,000 from the Block Grant Year X (1985-86) to the 1985-86 budget of City Engineering Department; this amount shall be charged against

the Community Development Property Acquisition and Maintenance Program, Appropriation No. 6095, Cost Center 9637.

We have prepared and attached hereto the appropriate resolution for consideration by your Honorable Body.

We respectfully request waiver of reconsideration to continue to expedite the Demolition Program.

Respectfully submitted,

E.M. KENNEDY, JR.

for CLYDE R. HOPKINS, Director  
City Engineering Department

THEODORE SPENCER, SR.

for EMMETT S. MOTEN, Director  
Community & Economic  
Development Department

Approved:

W.I. STECHER

Budget Director

JOHN P. KANTERS

Deputy Finance Director

#### Resolution

Proposed by Councilman Ravitz:

Resolved, That the 1985-86 Budget of the City of Detroit be and is hereby amended as follows:

Increase Revenue Account No. 94-4739-1880, Prior Year's Surplus, by \$5,000,000;

Increase Appropriation No. 10-0555, Building Demolition — City, by \$5,000,000;

Resolved, That the Finance Director be and is hereby authorized to establish accounts, transfer funds, and honor vouchers, including appropriate revenue account transactions, when presented in accordance with this resolution, the foregoing communication and standard City procedures.

Not adopted as follows:

Yeas — Council Members Cleveland, Kelley, Ravitz, and President Henderson — 4.

Nays — Council Members Collins, Eberhard, Hood, and Peoples — 4.

By Council Member Ravitz:

Resolved, That the 1985-86 Budget of the City of Detroit be and is hereby amended as follows:

Increase Revenue Account No. 94-4739-1880, Prior Year's Surplus, by \$5,000,000;

Increase Appropriation No. 10-0555, Building Demolition — City, by \$5,000,000;

Increase Appropriation No. 10-6059, Demolition Boarding of Buildings — BG, by \$5,000,000 as an advance from the 1986-87 Block Grant and by \$220,000 as a transfer from appropriation No. 14-6095, Community Development Property Acquisition and Maintenance — BG; and be it further

Resolved, That the Finance Director