

By Council Member Ravitz:

Whereas, Wayne County is the local body mandated by the State to oversee, monitor and plan for solid waste management in this area; and

Whereas, The Wayne County Solid Waste Management Commission has established review procedures to insure input from all affected parties in waste management problems; and

Whereas, Best Way Recycling, Inc. seeks approval from City Council, the host community, for expedited review by Wayne County authorities for its waste compacting proposals. Therefore

Be It Resolved, That City Council approves Best Way's proposal for "fast track" review.

Adopted as follows:

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

Nays — Council Member Collins — 1.

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

City Engineering Department

May 28, 1985

Honorable City Council:

Re: Petition No. 3589, Burroughs Corporation, Conversion to Easement of York Street, and Pedestrian Walkway Encroachment across York Street between Second and Third.

The above petition requests the conversion of York Street, 60 feet wide, between Second Boulevard and Third Avenue into an easement for existing below ground public utilities. Also, permission is requested to construct a pedestrian bridge, 12 feet wide, across York Street. The requested conversion and encroachment were 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 street overpass will have a minimum clearance of approximately 13 feet between the bottom of the bridge and the roadway.

All involved City departments and privately owned utility companies reported they have no objections to the conversion of public right-of-way into easement and the encroachment or they have reached satisfactory agreements with the petitioner regarding their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Ravitz:

Resolved, That all that part of York Street, 60 feet wide, lying west of the west line of Second Boulevard, 150 feet wide, platted in the Cass Farm Company Limited Subdivision of Blocks 111, 112, 113, 114, 115, 116, 118 and 119 and part of Block 117, Cass Farm, as recorded in Liber 19, Page 35, Plats, Wayne County Records; also lying east of the east line of Third Avenue (variable width) as established in the resolution adopted by the City Council of the City of Detroit on March 31, 1970 J.C.C. Page 761 being part of Private Claim 247, T.1S., R12E., Hamtramck Township (now Detroit),

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the 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 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 herein above described for the sole purposes of maintaining, repairing, removing, or replacing existing below ground public utilities such as water mains, sewers, gas lines or mains, telephone or electric light conduits or things now placed or installed beneath such street with the right to ingress and egress at any time to and over said easement for the purposes above set forth,

Second, said owners for their heirs and assigns further agree that, with the exception of a street overpass approximately twelve feet wide, one hundred fifteen feet long and with a minimum clearance of approximately thirteen feet, that will be constructed by the Burroughs Corporation and will span York Street, 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 or surface grade made, without prior approval by the City Engineering Department,

Third, that if at any time in the future the owners of any lot abutting on said vacated street shall request the removal and/or relocation of any existing utilities in said easement, such owners, upon whose property the 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 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,

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 encroachment of a street overpass connecting buildings of the Burroughs Corporation and built over York Street as described in Section 2 above.

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 encroachment; 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, Mahaffey, Peoples, Ravitz and President Henderson — 9.

Nays — None.

*RECONSIDERATION (No. 8), per Motions before Adjournment.

Community & Economic Development Department

May 30, 1985

Honorable City Council:

Re: Approval for establishing an appropriation account for the Burroughs Expansion UDAG Project.

On July 25, 1984 (J.C.C. p. 1517-18) your Honorable Body adopted a resolution authorizing the Mayor to accept a \$7,500,000 UDAG award for the captioned development. Part of that resolution should have included action authorizing the Finance Director to establish the necessary appropriation account for this project, however, it was inadvertently left out. We are therefore requesting that Your Honorable Body approve the attached resolution authorizing the Finance Director to establish the necessary appropriation.

Respectfully submitted,
EMMETT S. MOTEN, JR.
Director

Approved:

W. I. STECHER

Budget Director

JOHN P. KANTERS

Deputy Finance Director

By Council Member Hood:

Resolved, that the Finance Director is hereby authorized to establish an appropriation in the amount of \$7,500,000 for the Burroughs Expansion UDAG project.

Adopted as follows:

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

Nays — None.

*RECONSIDERATION (No. 9) per Motions before Adjournment

Community & Economic Development Department

June 3, 1985

Honorable City Council:

Re: Transfer of Land to the Economic Development Corp., Burroughs Project.

Your Honorable Body on December 12, 1984, authorized the acquisition of a parcel of land from the General Motors Corporation for the sum of \$375,000 plus pro-rated taxes, via a non-recourse, no down payment purchase money mortgage.