

portation, 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 the parking spaces shall not in any way waive the requirements of the Zoning Ordinance regarding off-street parking; and

Provided, That permittee shall negotiate an occupancy agreement for payment of an annual private use (rental) fee with the Community and Economic Development Department-Real Estate Division and the Law Department prior to the City Engineering Department issuing a use permit; 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 stated permittee acquires no implied or other privileges hereunder not expressly stated herein; and

Provided, That these 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, Eberhard, Kelley, Peoples, Ravitz, and President Pro Tem. Mahaffey — 6.

Nays — None.

#### City Engineering Department

September 6, 1985

Honorable City Council:

Re: Petition No. 4214. Michigan Bell. Request conversion to easement of State Street between First and Cass.

The above petition requests the conversion of State Street, 40 feet wide, between First Street and Cass Avenue into an easement for public utilities. Michigan Bell plans to lease from the City and develop State Street as part of their Cass/Bagley Parking Facility for employees.

The requested conversion into easement for public utilities was approved by the Community and Economic Development Department. Their Real Estate Division will negotiate a lease agreement for the City reversionary interests in State Street. The petition was referred to us for investigation and report. Our report accompanied by the original petition is as follows:

The petitioner's plans have provided for drainage, pedestrian sidewalks, and the removal of existing street returns at their expense.

The Water and Sewerage Department will require existing manholes remain uncovered or adjusted to new grades. Any grade changes must have their written approval and agreement. Additionally, proposed tree plantings must be located so as to avoid damage to water and sewer mains.

The Fire Department will require 24-hour access to sprinkler connections at two locations on the Michigan Bell building. The entire easement area must be kept open for fire access. Also, the Fire Department will require use of a proposed 16 feet sidewalk during emergencies.

All other involved City departments and privately-owned utility companies reported they have no objection to the conversion of public right-of-way into easement 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 Kelley:

Resolved, That all that part of State Street, 40 feet wide, lying west of the west line of Cass Avenue, 80 feet wide, and lying east of the east line of First Street, 60 feet wide, as platted in Detroit Urban Renewal Plat No. 1 of part of Private Claims 23, 247, 55 and Military Reserve, City of Detroit, Wayne County, Michigan as recorded in Liber 90, Pages 85 and 86 of Plats, Wayne County Records,

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 ease-

ment or right-of-way over said vacated public street 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 street 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 owners for their heirs and assigns further agree that, with the exception of City approved parking facility appurtenances as shown on the plans submitted by the petitioner (drawn by Ellis, Naeyaert, Genheimer Associates, Inc.; Job No. 85116; dated August 15, 1985), 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 and the Water and Sewerage Department. Additionally, tree plantings must be located so as to avoid damage to water and sewer mains.

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 changes 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, and

Provided, That the proposed parking facility shall be constructed and maintained under the rules and regulations and in accordance with plans submitted to and approved by the Fire Department as stated in the preamble; and

Provided, That the entire construction cost of new drainage, pedestrian sidewalks and existing street return removal shall be borne by the petitioner or assigns in accordance with the 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, Eberhard, Kelley, Peoples, Ravitz, and President Pro Tem. Mahaffey — 6.

Nays — None.

**Community & Economic Development Department**

September 5, 1985

Honorable City Council:

Re: Granting of Industrial Facilities Exemption Certificate at 4600 Nancy Ave., Petition No. 3593.

Representatives of the Assessments Division of the Finance Department and the Industrial and Commercial Development Division of the Community and Economic Development Department have reviewed the application of the following company which request the granting of an Industrial Facilities Exemption Certificate.

Based on discussions with the company and examination of the submitted application, we are convinced this company meets the criteria for tax relief as set forth in Public Act 198 of 1974.

Name of Company: Lear-Siegler, Inc.  
Address: 4600 Nancy Ave.

Type of business and Investment: This firm supplies the automotive industry with high technology automotive seating. They have acquired an adjacent facility which will be renovated and install a new foam production line.

Employment: Existing:	244
Projected Additions:	100

Located in: Industrial Development District No. 83.

Investment Amount:	\$ 202,000
Property —	\$2,385,000
Personal Property —	\$2,587,000
<b>Total Investment</b>	<b>\$2,587,000</b>

Type of Application: New Facility.

We respectfully suggest that a discussion on Petition No. 3593 be scheduled for the purpose of considering granting of an Industrial Facilities Exemption Certificate.

Respectfully submitted,  
EMMETT S. MOTEN, JR.  
Director

Community and Economic Development Department  
BELLA I. MARSHALL  
Director

Finance Department  
THEODORE WATERHOUSE  
Assessment Division  
Finance Department