

Provided, Said street grade installations shall be by jacking and boring with a 2 inch iron pipe casing beneath the street, approximately 42 inches deep. Also, said street grade installations shall be done under City permits and inspection with all costs borne by the petitioner or their assigns; and

Provided, Said installation is according to the specifications of the Public Lighting Department, the minimum vertical (one foot) and horizontal (3.5 feet) clearance requirements of the Water and Sewerage Department, and the minimum vertical clearances (3 feet) and hand-digging specifications of the Detroit Edison Company as stated in the preamble; and

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded by and at the permittee's expense in the Office of the Register of Deeds for Wayne County; and

Provided, That petitioner file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims which may arise therefrom; and

Provided, That no right in the public streets shall be considered waived by this permission which is granted expressly on the condition that the obstruction in connection therewith shall be removed at the expense of the grantee at any time when so directed by the City Council; and

Provided, If it becomes necessary to repair or replace the utilities located or to be located in said streets, by the acceptance of this permission, the owners for themselves, their heirs and assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Department at the owner's expense; and

Provided, That this resolution is revocable at the will, whim or caprice of the City Council, and the grantees by the acceptance of this permission waive any right to claim damages or compensation for any structures constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges not expressly stated herein; and

Provided, That the petitioner apply to and become a participating member of the "Miss Dig" organization; and further

Provided, That any permits necessary to work in the right-of-way under the jurisdiction of the State of Michigan be

obtained from the Michigan Department of Transportation.

Adopted as follows:

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

Nays — None.

*RECONSIDERATION (No. 3) per Motions before Adjournment

Community & Economic Development Department

February 11, 1986

Honorable City Council:

Re: Petition No. 34. Forest Park Rehabilitation Project No. 2 — Parcel 2 Detroit Edison Easements in the Area Bounded by Mack, Rivard, Leland and Russell.

As part of the development of Forest Park Rehabilitation Project No. 2 — Parcel 2, the City and the Detroit Edison Company are required to make arrangements for private underground electrical service easements in the area bounded by Mack Avenue, Rivard, Leland and Russell Streets.

The proposed underground electrical service easements are not located within the public rights-of-way. Approval from your Honorable Body is hereby requested to grant an underground easement to the Detroit Edison Company.

Respectfully submitted,
EMMETT S. MOTEN, JR.

Director

By Council Member Ravitz:

Resolved, That the Finance Director is hereby authorized to execute a grant of easement for underground electrical services to the Detroit Edison Company for the following described property:

Exhibit "A"
(NORTH OF MACK AVENUE FROM RIVARD TO RUSSELL)

Land in the City of Detroit, Wayne County, Michigan, being part of Lots 34, 35, 41, 42, 43, 44, 45 and 46, also part of the north south Public Alley, 19.24 feet wide and part of the east west Public Alley, 20 feet wide, all in the "Wesson's Section of the Mullett Farm", being all that portion of said Farm lying between Prospect and Russell Streets, and bounded on the north-west by the northerly line of Lot 2 in the Rear Concession of said Mullett Farm, and on the southeast by the center of Morse Street, Detroit, Michigan, as recorded in Liber 1, Page 96 of Plats, Wayne County Records, more particularly described as follows:

Beginning at a point on the easterly line of Rivard Street, 50 feet wide, at the intersection of the northerly line of

Mack Avenue, 120 feet wide, which is S. 26° 09' 33" E., 918.08 feet, from the northwesterly corner of Lot 107 of the above mentioned subdivision of the "Wesson's Section of the Mullett Farm", as recorded in Liber 1, Page 96 of Plats, Wayne County Records; thence (the following three courses along the northerly line of Mack Avenue, 120 feet wide) 126.88 feet, on the arc of a curve to the left, with a radius of 695.00 feet, a delta angle of 10° 27' 36" and a long chord which bears N. 54° 19' 16" E., 126.70 feet; thence N. 49° 05' 28" E., 136.52 feet; thence 83.59 feet, along the arc of a curve to the right, with a radius of 805.00 feet, a delta angle of 5° 56' 57" and a long chord which bears N. 52° 03' 56" E., 83.55 feet, to the proposed westerly line of Russell Street; thence along said westerly line, N. 15° 39' 33" W., 15.96 feet; thence S. 54° 19' 40" W., 25.65 feet; thence S. 36° 22' 58" E., 9.00 feet; thence 64.06 feet, on the arc of a curve to the left, with a radius of 811.00 feet, a delta angle of 4° 31' 34" and a long chord which bears S. 51° 21' 15" W., 64.05 feet; thence S. 49° 05' 28" W., 136.52 feet; thence 125.33 feet, on the arc of a curve to the right, with a radius of 689.00 feet, a delta angle of 10° 25' 20" and a long chord which bears S. 54° 18' 08" W., 125.16 feet, to the easterly line of Rivard Street, 50 feet wide; thence S. 26° 09' 33" E., 6.02 feet, to the point of beginning, containing 2,300 square feet or 0.0528 acres more or less; and

(SOUTH OF LELAND STREET
FROM RIVARD TO RUSSELL)

Land in the City of Detroit, Wayne County, Michigan, being generally described as the northerly 6.00 feet of Lots 107 through 115 both inclusive and the northerly 6.00 feet of the north south Public Alley, 19.24 feet wide, also the northerly 15.00 feet of the easterly 20.00 feet of Lot 115, of the "Wesson's Section of the Mullett Farm", being all that portion of said Farm lying between Prospect and Russell Streets, and bounded on the northwest by the northerly line of Lot 2 in the Rear Concession of said Mullett Farm, and on the southeast by the corner of Morse Street, Detroit, Michigan, recorded in Liber 1, Page 96 of Plats, Wayne County Records, more particularly described as follows:

Beginning at the northwesterly corner of Lot 107, of the above mentioned "Wesson's Section of the Mullett Farm" as recorded in Liber 1, Page 96 of Plats, Wayne County Records; thence along the southerly line of Leland Street, 50 feet wide, N. 63° 48' 42" E., 362.90 feet to the northeast corner of Lot 115; thence along the westerly line of Russell Street, 60 feet wide, S. 26° 09' 33"

E., 15.00 feet; thence S. 63° 48' 42" W., 20.00 feet; thence N. 26° 09' 33" W., 9.00 feet; thence S. 63° 48' 42" W., 342.90 feet, to the easterly line of Rivard Street, 50 feet wide; thence N. 26° 09' 33" W., 6.00 feet to the point of beginning, containing 2,357 square feet or 0.0541 acres more or less; and be it further

Resolved, That the Finance Director is authorized to record said grant of easement with the Wayne County Register of Deeds.

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.

Detroit Cable Communications Commission

February 14, 1986

Honorable City Council:

This letter is written to advise the City Council that Barden Cablevision of Detroit has informed this office that formal loan agreements for construction financing will be executed before March 1, 1986, as required by the Franchise Agreement. Certain actions on the part of the Cable Communications Commission, the Mayor, and the City Council have been requested by Barden Cablevision in preparation for execution of the loan agreements. This letter is written at the direction of Mayor Young to provide the Council with advance notice of the requested actions.

As the Council is aware, Barden Cablevision of Detroit, Inc., has contemplated the transfer of the Cable Communications Franchise to an Affiliated Entity, such as a Limited Partnership, to facilitate financing of the system and the offering of the Local Investment Share to Detroit residents. For this reason, the Franchise Agreement includes terms providing for transfer of the Franchise to an Affiliated Entity on certain conditions. Section 18.2 of the Franchise Agreement sets forth the matters relevant to a request for transfer of the Franchise to an Affiliated Entity, and Sections 12.28 through 12.30 set forth the process to be followed relative to such requests.

On February 12, 1986, Barden Cablevision of Detroit verbally informed this office that the execution of the formal loan agreements required Under Section 4.1 of the Franchise Agreement is scheduled to occur on or before February 28, 1986. The Franchisee also advised the Commission that to facili-