

implied nor any other privileges not expressly stated herein; and further

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

Provided, That any permits necessary to work in the rights-of-way under the jurisdiction of the City of Hamtramck, the City of Highland Park, Wayne County or the State of Michigan be obtained from the City of Hamtramck, the City of Highland Park, Wayne County Offices of Public Services and the Michigan Department of Transportation; and be it further

Resolved, That this resolution does not permit any use or operation of fiber optics that would conflict with previously issued franchises for cable communication system or cable television system in accord with Detroit Code Section 9.5.

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Peoples, Ravitz and President Pro Tem. Hood — 5.

Nays — None.

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

City Engineering Department

September 15, 1986

Honorable City Council:

Re: Petition No. 4088. Arrow Overall Supply Company. Requested vacation and conversion to easement of portion of north-south public alley in the block bounded by Helen, East Grand Boulevard, Palmer and East Grand Boulevard.

The above Petition No. 4088 requests the outright vacation and conversion to easement of a portion of north-south public alley, 10 feet wide, in the block bounded by Helen Avenue, East Grand Boulevard, Palmer Avenue and East Grand Boulevard.

The requested outright vacation and conversion to easement were approved by the Community and Economic Development Department. The petition was referred to this department for investigation and report. Our report accompanied by the original petition is as follows:

The petitioner plans to utilize the paved alley return entrance (into East Grand Boulevard) and requests such remain in its present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

Also, the petitioner plans to build over the City sewer abutting portion of their property. The Water and Sewerage Department will allow this encroachment, provided the petitioner shall encase the public sewer ten (10) feet on both sides beyond the proposed structure. Any

encroaching structure built over the City sewer will require plan approval by the Water and Sewerage Department — Sewer Services Section and securing any necessary permits prior to construction. All such work must be performed by a drain layer licensed in the City of Detroit. Costs for the public sewer encasement, inspection and permits will be borne by the petitioner.

Proper provisions are contained in the vacating resolution protecting the City's interest in sewers located in the alley to be vacated.

All other involved City departments and privately-owned utility companies reported they have no objection to the proposed vacation and conversion to easement or they have reached satisfactory agreements with the petitioner regarding their installations therein.

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

Respectfully submitted,
CLYDE R. HOPKINS,
Director

By Council Member Cleveland:

Resolved, That all that part of the north-south public alley, 10 feet wide, in the block bounded by Helen Avenue, East Grand Boulevard, Palmer Avenue and East Grand Boulevard lying westerly of and abutting the west line of Lots 56 and 57 of "Assessor's Plat of Lots 1 to 98 inclusive, of plat recorded in Liber 299, Pages 130 and 131 of Deeds, being a part of Private Claim 678", City of Detroit, Wayne County, Michigan as recorded in Liber 66, Page 51, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley to become a part and parcel of the abutting property; subject to the following provisions:

Provided, That by reason of the vacation of the above property, the City of Detroit does not waive any rights to the sewers located or to be located therein, and shall have the right to enter upon the premises, when necessary to repair, alter, service or install said sewers; and further

Provided, Any encroaching structure to be built over the City sewer shall require the advance concrete encasement of the public sewer ten (10) feet on both sides beyond the structure. Also, any encroaching structure to be built over the City sewer shall require the advance plan approval by the Sewer Services Section of the Detroit Water and Sewerage Department in conjunction with the Buildings and Safety Engineering Department and securing any necessary permits prior to construction. All such public sewer encasement work shall be performed by a drain layer

licensed in the City of Detroit. All costs for the public sewer encasement, inspection and permits shall be borne by the petitioner; and further

Provided, In the event that the sewer located or to be located in said property shall break, causing damage to any construction, property or materials above, the petitioners or their assigns, by acceptance of the permit for construction over said sewer, waive all claims for damages; and further

Provided, That if the sewer 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 any construction not in accordance with Provision 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 sewer; and shall be liable for all claims for damages resulting from his action; and be it further

Resolved, That all that part of the north-south public alley, 10 feet wide, in the block bounded by Helen Avenue, East Grand Boulevard, Palmer Avenue and East Grand Boulevard lying westerly of and abutting the west line of Lots 55 and 58 of "Assessor's Plat of Lots 1 to 98 inclusive, of plat recorded in Liber 299, Pages 130 and 131 of Deeds, being a part of Private Claim 678", City of Detroit, Wayne County, Michigan as recorded in Liber 66, Page 51, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the 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 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 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 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 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 and egress at any time to and over 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 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 of the City Engineering Department,

Fourth, 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,

Provided Further, 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; and be it further

Resolved, That if it becomes necessary to remove the paved alley return at the alley entrance (into East Grand Boulevard) such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Department specifications with all costs borne by the petitioner, his heirs or assigns.

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Peoples, Ravitz, and President Pro Tem. Hood — 5.

Nays — None.

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

Council of the Arts

August 19, 1986

Honorable City Council:

The Detroit Council of the Arts respectfully request permission to award the following Discretionary Grant:

Casa de Unidad — \$5,000.00.

The grant is for support of the Unity in the Community Festival.

Respectfully submitted,

SHAHIDA MAUSI

Director

Approved:

W.I. STECHER

Budget Director

JOHN P. KANTERS

Deputy Finance Director

By Council Member Ravitz:

Resolved, That the Council of the Arts is hereby authorized to make a discretionary grant award in the amount of \$5,000 to Casa de Unidad for the annual Unity in the Community Festival to be held September 20-21, 1986, and be it further

Resolved, That the Finance Director be and is hereby authorized to honor vouchers when presented in accordance with the foregoing communication and standard City procedures.

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Peoples, Ravitz and President Pro Tem Hood — 5.

Nays — None.

*RECONSIDERATION (No. 9) per Motions before Adjournment

Economic Development Corporation

September 12, 1986

Honorable City Council:

Re: Regis Associates Project request for Public Hearing on Second Amendment to the Project Plan.

On March 12, 1985, the Economic Development Corporation of the City of Detroit (EDC) determined to issue its Industrial Bonds by passing a Resolution of Inducement in connection with the above-captioned project. Subsequently, on July 28, 1986, the EDC approved the afore-stated project's Amended Project Plan in accordance with Public Act 338, as amended.

Pursuant to Section 10(2) of the Act, a public hearing must be held prior to City Council action on the Second Amendment to the Project Plan. Therefore, the EDC respectfully requests that a public hearing be held on the above-named project's Second Amendment to the Project Plan on September 23, 1986 at 10:25 a.m.

The EDC will be responsible for the posting, mailing and publishing of the Notice of Public Hearing.

Respectfully submitted,

ROBERT M. STEVENS

Associate Director

Industrial Development

City Council Resolution

Setting Hearing Date for

Economic Development Corporation of the City of Detroit (Regis Associates Second Amended Project Plan)

By Council Member Ravitz:

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 (St. Regis Associates Project) (the "Project"); and

Whereas, This City Council has received a Second Amended Project Plan for said Project and wishes to set the date for public hearing on said Project Plan, and wishes to approve and ratify the publication, posting and mailing of Notice of Public Hearing for the Project, which publication posting, and mailing occurred on September 13, 1986;

Now, Therefore, Be It Resolved By The City Council Of The City Of Detroit, As Follows:

1. A public hearing on the Second Amended Project Plan, for said Project shall be held at 10:25 o'clock, a.m., local time on the 23RD DAY OF SEPTEMBER, 1986, 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 Second Amended Project 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 Second Amended Project Plan, 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 publication, posting, and mailing of the Notice of Public Hearing on the Project, substantially in the form attached hereto which was published, posted and mailed on September 13, 1986 are hereby approved and such actions ratified.

3. The City Clerk is hereby directed