

drainage extending into or over the public right-of-way, abutting the above described property.

Provided, The construction and use of said building encroachments shall comply with the rules and regulations of the Buildings and Safety Engineering Department and the City Engineering Department; and

Provided, The petitioner shall alter, modify and/or maintain said building encroachments to allow unimpeded access as necessary to the Department of Public Works garbage collection vehicles. Any required modifications shall be made by the petitioner at the petitioner's expense; and

Provided, No additional encroaching structures shall be placed in the public right-of-way without prior written City Council approval; and

Provided, That the petitioner shall be liable for all incidental repair costs and/or damages to any public or private utility installations located therein. Additionally, if it becomes necessary to repair or replace the utilities located or to be located in said public rights-of-way, 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

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

Provided, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Mahaffey,

Peoples, Ravitz, and President Henderson — 8.

Nays — None.

*RECONSIDERATION (No. 11), per Motions before Adjournment.

Community & Economic Development Department

April 6, 1987

Honorable City Council:

Re: Petition No. 959, Walbridge Aldinger Company Request permission to retain existing public property encroachments in the front and rear of 613 Abbott between Second and Third.

Petition No. 959 of Walbridge Aldinger Company requests permission to retain existing public property encroachments in the front and rear of the building addressed as 613 Abbott Street between Second and Third Avenues.

The vacant 6-story building is to be acquired from Enstrupan Corporation (a subsidiary of U.S. Mutual Financial Corporation) by Walbridge Aldinger Company. It was build in 1927 (estimate).

There are two public property building encroachments (south side of Abbott between Second and Third):

(1) a 0.66 foot wide concrete block wall extending approximately 0.20 foot into the east-west public alley, 20 feet wide;

(2) a 1.25 feet wide concrete footing extending approximately 1.00 foot into Abbott Street, 60 feet wide;

However, building encroachment waivers are not transferable and can be granted only to the property owners. In this instance, it is preferable to outright vacate portions of the public street and alley. The affected public right-of-way becomes a part and parcel of the adjoining property. This will remove an encumbrance to the sale and development of a 6-story vacant building.

The street and alley portions to outright vacation were approved by the Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation and report. This is our report:

City departments and privately-owned utility companies have reported no objection to the proposed street and alley portions to vacation. They have reached satisfactory agreement with the petitioner regarding their installations therein.

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

Respectfully submitted,
CLYDE R. HOPKINS
Director

April 15

BY Council Member Peoples:

Whereas, Walbridge Aldinger Company is seeking to acquire and develop a 6-story vacant building addressed as 613 Abbott Street between Second and Third Avenues, and

Whereas, the structure built in 1927 (estimate) contains two public property encroachments in the front and rear of said building; therefore be it

Resolved, All that part of the south 1.00 foot of Abbott Street, 60 feet wide, between Second and Third Avenues lying northerly of and abutting the north line of the east 100.00 feet of Lot 14 of "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, Plats, 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, All that part of the north 0.20 foot of the east-west public alley, 20 feet wide, south of Abbott Street between Second and Third Avenues lying southerly of and abutting the south line of the east 100.00 feet of Lot 14 of "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, Plats, Wayne County Records,

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

Provided, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

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

Nays — None.

*RECONSIDERATION (No. 12), per Motions before Adjournment.

City Planning Commission

April 14, 1987

Honorable City Council:

Re: Hotel Pontchartrain — second tower in a PCA (Restricted Central Business) zoning district — design review of site plan and elevations. (Amended Recommendation — Approve with Conditions).

In a March 23, 1987 letter to your Honorable Body, the Commission submitted a recommendation of approval with two conditions on the above-referenced matter.

At its April 2, 1987 meeting, the Commission amended its previous recommendation with the addition of one further condition. This additional condition is as follows:

"That a final circulation plan for those points directly relating to exterior ingress/egress be submitted to the City Planning Commission for its review and approval approximately 30 days following April 2, 1987."

This condition was based on the Commission's feelings that circulation had not been adequately addressed in the plans.

Attached is an amended resolution for your consideration. Copy of the site plan and elevations pertaining to this design review dated March 12, 1987 are on file in the City Clerk's Office.

CPC Amended Recommendation

The City Planning Commission's amended recommendation is for the approval of the proposed site plan and elevations as presented with the following conditions: 1) that a final landscape plan be submitted to the City Planning Commission for review and approval prior to the issuance of an occupancy permit; 2) that final design treatment of Shelby Ave., with consideration to buffering of service functions, provisions for the physical cross-over of parking from the Pontchartrain to the 150 W. Jefferson project, and the possible skywalk crossing be submitted to the City Planning Commission for review and approval as soon as possible; and 3) that a final circulation plan for those points directly relating to exterior ingress/egress be submitted to the City Planning Commission for its review and approval approximately 30 days following April 2, 1987.

Respectfully submitted,

HAROLD B. GLOVER

Chairperson

MARSHA S. BRUHN,

Director

By Council Member Cleveland:

Whereas, Crescent Hotels has proposed to construct a second tower for the Pontchartrain Hotel in the block bounded by Jefferson Ave., Washington Blvd., Larned and Shelby; and

Whereas, The subject property is zoned in a PCA district classification and therefore requires City Council approval of site plans and development proposals for development of this site in accordance with the provisions of Section 113.0200 of the Zoning Ordinance; and

Whereas, The City Planning Commission has reviewed the site plan and development proposal dated March 12, 1987 as submitted by the petitioner and finds that, with the conditions indicated