

the November 29, 1988 Committee of the Whole meeting.

Please contact this office if there are questions or concerns about this resolution.

Respectfully submitted,  
JOSEPHINE A. POWELL  
Director

**A RESOLUTION  
REQUESTING NEW CLEARANCES  
FOR RENEWALS, EXTENSION AND  
CHANGE ORDERS ON CONTRACTS  
AND PURCHASE ORDERS**

By COUNCIL MEMBER PEOPLES:

WHEREAS, Finance Directive Number 28, dated July 8, 1976 states the following:

1. All parties contracting or in any way doing business with the City of Detroit must have Human Rights Department and City Income Tax Division clearance.

2. Those parties with a Detroit business address must also have a clearance on Detroit Personal Property Taxes and Detroit Real Estate Taxes.

3. These clearances must accompany any contract submitted to the Finance Department for approval, and

WHEREAS, Finance Directive Number 73, dated January 15, 1980 states the following:

"... departments contracting for personal/professional services; i.e. medical, legal, architectural, engineering, etc. are required to submit requests for Real Estate Property Tax clearance to the Finance Department Treasury Division on both home and business addresses of the contracting party;" and

WHEREAS, The City Council believes the receipt of clearances from the Human Rights Department and for City Income Tax and for Personal and Real Property Tax is important before any contract or purchase order is approved; and

WHEREAS, Clearances are valid for no longer than one year, NOW, THEREFORE BE IT

RESOLVED, The City Council requests the Purchasing Division of the Finance Department to obtain new clearances for any contract or purchase order that has been in effect for one year or more, and for which approval is being requested for a renewal, extension or change order; and be it further

RESOLVED, The City Council requests that current and valid clearances be kept for the life of every City contract or purchase order; and be it finally

RESOLVED, This resolution be sent to the Finance Director with a request for her comments on when and how this request will be implemented.

Adopted as follows:

Yeas — Council Members Cleveland,

Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9

Nays — None.

**City Engineering Department**

November 22, 1988

Honorable City Council:

Re: Addendum to Petition No. 1657, Grixdale Park Property Owner's Association, Inc. Requesting conversion to easement of berm area property near the northeast corner of Dequindre and E. Nevada to acquire ownership.

Grixdale Park's berm use request (Petition No. 1657) was approved by your Honorable Body on January 13, 1988 (J.C.C. pp. 81-83). Under the authority of the berm use permit, the petitioner developed a historical mini-park. Grixdale Park received a grant from the Michigan Chamber of Commerce for the construction.

However (to retain State funds), Grixdale Park must acquire ownership of the developed berm area from the City. In 1929, the property was taken for the relocation/widening of E. Nevada Avenue between Dequindre and St. Aubin. The referenced berm property is a part of public right-of-way.

Therefore, it is necessary to convert the referenced berm area (a part of public right-of-way) at the northeast corner of Dequindre Street and E. Nevada Avenue (variable width) into an easement for public utilities. This addendum to Petition No. 1657 requests the conversion into a utility easement, and the transfer of the referenced berm to "Grixdale Park Property Owner's Association, Inc." The petitioner (through the State) has submitted an addendum letter to the City Engineering Department.

The (addendum) request conversion into an easement for public utilities was approved by the Community and Economic Development Department. Also, the Department of Transportation reported, there are no plans to use the property for public street widening.

Because the referenced berm property was acquired by condemnation, Grixdale Park must reimburse the fair market value to the City. The Community and Economic Development Department — Real Estate Division has submitted a market value of \$2,900.00.

The City owns the berm property in fee. Therefore, the Finance Director must execute a quit-claim deed to transfer converted berm (right-of-way) to Grixdale Park Property Owner's Association, Inc.

City departments and privately-owned utility companies have reported no objection to the conversion of public right-

of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the resolution (as an addendum) is recommended.

Respectfully submitted,  
 CLYDE R. HOPKINS  
 Director

By Council Member Mahaffey:

Resolved, All that part of the berm area near the northeast corner of Dequindre Street and E. Nevada Avenue (variable width; referenced in the City Council resolution adopted on January 13, 1988 — J.C.C. pp. 81 to 83; Petition No. 1657 of "Grixdale Park Property Owner's Association, Inc."), property described as follows:

Land in the City of Detroit, Wayne County, Michigan, being part of Lots 416, 417, 262 and 263 of the "Oakdale Subdivision of the West part of the Southwest ¼ of Section 7, Town 1 South, Range 12 East, Hamtramck Township," as recorded in Liber 29, Page 79, Plats, Wayne County Records, also that part of Nevada Avenue (as platted 65 feet wide) and that part of the north-south public alley, 18 feet wide, adjoining said lots, all being more particularly described as follows: Beginning at the point of intersection of a line that is 70.00 feet northerly of and parallel with the southerly line of Nevada Avenue (as widened by City Council action November 26, 1929) with a line, 10.00 feet east of and parallel with the east line of Dequindre Street, 66 feet wide; thence North along said line to the intersection of the line 10.00 feet east of and parallel with the east line of said Dequindre Street, with a line 10.00 feet north of and parallel with the south line of Nevada Avenue, 65 feet wide (as platted); thence East along said line, 208.00 feet; thence South along the extension of the east line of said Lot 262, to the line 70.00 feet northerly of and parallel with the southerly line of Nevada as widened; thence Southwesterly along the line 70.00 feet northerly of the southerly line of Nevada as widened, to the point of beginning, containing 8,320 square feet or 0.191 acres more or less;

Be and the same is hereby vacated as public berm area and is hereby converted into a public easement of the full width of the berm area, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of said berm area 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 berm area herein above de-

scribed 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 berm area 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 berm area 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 easement 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 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, landscape plantings, a community "ID" marker, and a historical marker) 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 said vacated berm area shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

FIFTH, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners 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 said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and

PROVIDED FURTHER, That a certi-

filed copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs; and be it further

**RESOLVED,** The Finance Director is hereby directed to execute a quit-claim deed to transfer (for the price of \$2,-900.00) the following converted public right-of-way to Grixdale Park Property Owner's Association, Inc.:

"Land in the City of Detroit, Wayne County, Michigan, being part of Lots 416, 417, 262 and 263 of the "Oakdale Subdivision of the West part of the Southwest ¼ of Section 7, Town 1 South, Range 12 East, Hamtramck Township," as recorded in Liber 29, Page 79, Plats, Wayne County Records, also that part of Nevada Avenue (as platted 65 feet wide) and that part of the north-south public alley, 18 feet wide, adjoining said lots, all being more particularly described as follows: Beginning at the point of intersection of a line that is 70.00 feet northerly of and parallel with the southerly line of Nevada Avenue (as widened by City Council action November 26, 1929) with a line, 10.00 feet east of and parallel with the east line of Dequindre Street, 66 feet wide; thence north along said line to the intersection of the line 10.00 feet east of and parallel with the east line of said Dequindre Street, with a line 10.00 feet north of and parallel with the south line of Nevada Avenue, 65 feet wide (as platted); thence East along said line, 208.00 feet; thence South along the extension of the east line of said Lot 262, to the line 70.00 feet northerly of and parallel with the southerly line of Nevada as widened; thence Southwest-erly along the line 70.00 feet northerly of the southerly line of Nevada as widened, to the point of begining, containing 8,320 square feet or 0.191 acres more or less; subject to an easement for public utilities."

Adopted as follows:

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

Nays — None.

#### City Engineering Department

September 13, 1988

Honorable City Council:

Re: Jefferson-Conner Industrial Revitalization Project. Request to "Rescind" City Council Encroachment and Spur Track Grants; also Release Surety Bonds Within Vacated Public Streets and Alleys.

A title search (and research of Detroit records) has found numerous City Council encroachment and spur track grants within vacated public streets and alleys

in the Jefferson-Conner Industrial Revitalization Project.

On May 27, 1988 (J.C.C. pgs. 1333 thru 1339) and June 8, 1988 (J.C.C. pg. 1471) public streets and alleys were vacated by your Honorable Body in the "Project" area. The outright vacated public rights-of-way became "part and parcel" of the abutting property.

Encroachments and spur tracks are claims against the property. These grants must be lawfully "rescinded" to remove exceptions on Chrysler's title insurance. Also, these grants must be lawfully "rescinded" to allow the Finance Director to release bonds and/or agreements as required by the Law Department, or Detroit Code (e.g. Sec. 45-2-27).

The adoption of the resolution (rescinding numerous encroachments and spur track grants) is recommended.

Also, a waiver of reconsideration is respectfully requested to proceed with land consolidation for a major industrial development project in Detroit.

Respectfully submitted,  
ELMORE M. KENNEDY  
For CLYDE R. HOPKINS  
Director

Approved:

DONALD PAILEN  
Corporation Counsel

By: ABIGAIL ELIAS  
Deputy Corporation Counsel

By Council Member Mahaffey:

Whereas, The City of Detroit is undertaking a project to revitalize the Jefferson-Conner Industrial Area pursuant to a Project Plan adopted by City Council on February 20, 1987; and

Whereas, City Council on May 27, 1988 (J.C.C. pgs. 1333 thru 1339) and June 8, 1988 (J.C.C. pg. 1471) adopted a resolution outright vacating certain public streets and alleys to become "a part and parcel of the abutting property" within the "Project" area; and

Whereas, It is necessary to remove encumbrances and clear title of properties owned by or to be transferred to the Chrysler Corporation; therefore be it

Resolved, The following resolutions adopted by City Council granting public right-of-way encroachments and spur tracks within the "Project" area be and the same are hereby rescinded:

(a) 1932, October 11 — J.C.C. pg. 1667; Petition No. 5372 of McIntosh Coal Co., Inc. (formerly in name of Malcolmson Coal Co.); grant permission to install and maintain "spur track" across Kercheval, E. of Hart, W. of and connecting Detroit Terminal Railroad

(b) 1933, December 12 — J.C.C. pgs. 1980-81; Petition No. 11186 of Chrysler Corp.; grant permission to install and maintain "spur track" across Kercheval between Corey Place and Conner on