

included securing the necessary financing; and

Whereas, Mr. Tyson presented to the City Council plans for his proposed Recreational and Entertainment complex which is to include a fitness center, family restaurant, cocktail lounge, skating rink, locker rooms, pro shop, with all facilities available to the physically challenged and the ambulatory; and

Whereas, The Community and Economic Development Department representative stated that Parcel Number 12 has been offered to another interested party that have indicated they have plans to develop that site; and

Whereas, The City Charter specifically states, "... the city may not sell or in any way dispose of any property without approval by resolution of the City Council (Sec. 4-111)"; and

Whereas, The Detroit City Code states further "All bids on surplus real property shall be submitted to the City Council for approval or rejection. The City Council reserves the right to accept or reject any bids (Sec. 14-8-8)."

Now, Therefore, Be It

Resolved, The Detroit City Council believes Mr. Kenneth Tyson's plans for the development of Parcel Number 12, bounded by Michigan Avenue, Third Street, Abbott Street, and the north bound service drive of the John C. Lodge Freeway would be beneficial to Detroit and the entire metropolitan area and would be an exciting and unique development in that area; and Be It Further

Resolved, The Detroit City Council supports Mr. Tyson's efforts to acquire Parcel Number 12 that he was offered by the Community and Economic Development Department as a site for his proposed Recreational and Entertainment Complex; and Be It Further

Resolved, The Detroit City Council requests the Community and Economic Development Department and Mr. Ken Dobson, director of the Downtown Development Authority to work with Mr. Kenneth Tyson to acquire the property indicated as Parcel Number 12 and to further assist Mr. Tyson with his development plans; and Be It Finally

Resolved, That the City Clerk send copies of this resolution to the Real Estate Division of the Community and Economic Development Department, Mr. Ken Dobson of the Downtown Development Authority, and to Mr. Kenneth Tyson.

Adopted as follows:

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

Nays — None.

City Engineering Department

September 22, 1988

Honorable City Council:

Re: Petition No. 2340, Little Caesar Enterprises/Forbes Management Theatre District — Phase I Addendum — Alley to Easement east-west public alley in the block bounded by Park, Woodward, Elizabeth, and Columbia.

To develop the "Fox", "Palms" and "Gem" vicinity as a "Theatre District", a resolution closing portions of Columbia Street was adopted by your Honorable Body on September 21, 1988.

However, a public alley was omitted by error from the closing resolution. To consolidate properties (owned by the petitioners) linking the "Fox" to the "Palms" it is necessary to convert the east-west public alley, 10 and 20 feet wide, in the block bounded by Park and Woodward Avenues, Elizabeth and Columbia Streets into an easement for public utilities. The petitioner has submitted an addendum letter to the City Engineering Department.

The (addendum) requested conversion into an easement for public utilities was approved by the Community and Economic Development Department.

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 attached resolution (as an addendum) is recommended.

Respectfully submitted,

E. M. KENNEDY for
CLYDE R. HOPKINS
Director

By Council Member Eberhard:

Resolved, All of the east-west public alley, 10 and 20 feet wide, in the block bounded by Park and Woodward Avenues, Elizabeth and Columbia Streets lying southerly of and abutting the south line of the west 111.02 feet of Lot 7, and Lots 35 to 42; also lying northerly of and abutting the north line of the west 110.40 feet of Lot 6, and Lots 27 to 34 as platted in "A Plat of Park Lots 84, 85 and 86" as subdivided in May 7, 1835 by A. E. Hathon, City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 27, Deeds, 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 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 and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls, (except necessary line fence, lighting, paving, signage, landscaping and vehicular circulatory improvements as shown on preliminary drawings, submitted to the City Engineering Department, entitled "Theatre District Easement Agreement Plan") shall be built or placed upon said easement, any change of surface grade shall be subject to the advance approval of the City Engineering Department and review by existing utilities.

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, 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 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 Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 8.

Nays — None.

City Engineering Department

September 23, 1988

Honorable City Council:

Re: Petition No. 2445, Forbes Management, Inc. Theatre District — Phase II Temporary closing and conversion to easement of various portions of public alleys in the area bounded by Woodward, Witherell, Elizabeth and Montcalm.

Petition No. 2445 of "Forbes Management, Inc." (Theatre District — Phase II) requests the temporary closing and conversion to easement for public utilities of various portions of the north-south and east-west public alleys (all 20 feet wide) in the area bounded by Woodward Avenue, Witherell, Elizabeth and Montcalm Streets.

The request was approved by the Community and Economic Development Department with certain restrictions.

The Water and Sewerage Department will require unimpeded access to existing sewers. Any fence and gate installations must provide 13 feet horizontal and 15 feet vertical clearances for maintenance vehicles.

All other City departments and privately-owned utility companies have reported no objections to the proposal provided they have the right to ingress and egress at all times to their facilities. Provisions protecting utility installations are part of the resolution.

An appropriate resolution containing the necessary conditions is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Eberhard:

Resolved, All that part of the east-west public alley, 20 feet wide, in the