

(1) THE INTERIOR SPACES OF ST BONIFACE-ST. VINCENT CHURCH WHICH ARE HEREBY MADE SUBJECT TO THE COMMISSION'S CONSIDERATION ARE THOSE SPACES WHICH WOULD NORMALLY BE OPEN TO OR SEEN BY THE PUBLIC IN A FUNCTIONING CHURCH, INCLUDING THE NAVE, NARTHEX, VESTIBULES, TRANSEPTS, CHANCEL, GALLERY, AND SIDE AISLES, AND THE SPACE UNDER THE GALLERY WHICH IS NOW WALLED OFF FROM THE REST OF THE CHURCH INTERIOR. AREAS NOT OPEN TO AND NOT ORDINARILY SEEN BY THE PUBLIC, INCLUDING THE SACRISTIES, VESTING ROOMS, BASEMENTS, UPPER FLOORS OF THE TOWER, ATTIC AREAS, CLOSETS, AND SERVICE AREAS, ARE NOT HEREBY SUBJECT TO CONSIDERATION. ELEMENTS OF THE INTERIOR SUBJECT TO COMMISSION REVIEW INCLUDE BUT ARE NOT LIMITED TO THE WALLS, CEILINGS, FLOORS AND FLOORING MATERIALS, COLUMNS, ORIGINAL MAIN ALTAR, THE ORIGINAL SIDE ALTARS, THE REMAINING PORTIONS OF THE COMMUNION RAILING, PEWS, ORGAN AND ORGAN CASE, GLAZING, STATIONS OF THE CROSS, LIGHTING FIXTURES, DOORS, BAPTISMAL FONT, STATUES AND STATUE BASES, AND ANY OTHER OLD OR ORIGINAL ELEMENTS OF SIGNIFICANCE TO THE HISTORIC AND/OR ARCHITECTURAL CHARACTER OF THE INTERIOR.

(2) IN CONSIDERING PROPOSALS FOR THE ALTERATION, DEMOLITION, PARTIAL DEMOLITION, REMOVAL, OR ADDITION TO ANY OR ALL OF THE ARCHITECTURAL FEATURES AND PERMANENT FURNISHINGS WITHIN THE DESIGNATED AREAS OF THE INTERIOR OF ST. BONIFACE-ST VINCENT CHURCH, THE COMMISSION SHALL USE THE FOLLOWING CRITERIA:

(i) Section 25-2-118(e)(1) THROUGH 25-2-118(e)(22) AS APPLICABLE;

(ii) THE ARCHITECTURAL OR HISTORIC SIGNIFICANCE OF THE EXISTING OR PROPOSED STRUCTURE, FEATURE, PERMANENT FURNISHING OR FIXTURE, AND ITS RELATIONSHIP TO THE ARCHITECTURAL AND HISTORIC VALUE OF THE ST. BONIFACE-ST. VINCENT HISTORIC DISTRICT;

(iii) THE PURPOSE OF THE DESIGNATED SPACES WITHIN THE ST. BONIFACE-ST VINCENT CHURCH AND THE NEEDS OF ITS OWNERS, PROVIDED, HOWEVER, THAT SUCH CONSIDERATIONS SHALL NOT BIND THE COMMISSION TO PERMIT ANY WORK SOLELY ON THE BASIS OF SUCH CONSIDERATION.

(iv) THE PROVISIONS OF SECTION 25-2-22 OF THIS CHAPTER;

(v) ANY OTHER FACTOR, INCLUDING AESTHETIC, WHICH THE COMMISSION DEEMS TO BE PERTINENT.

(3) AS A GUIDE IN CONSIDERING PROPOSALS AFFECTING THE DESIGNATED INTERIOR SPACES OF ST. BONIFACE-ST. VINCENT HISTORIC DISTRICT, THE COMMISSION SHALL MAKE USE OF SUCH EVIDENCE AS MAY BE AVAILABLE DOCUMENTING THE STATE OF THE DESIGNATED PORTIONS OF THE INTERIOR AT THE TIME OF DESIGNATION.

Section 2 All ordinances or parts of ordinances in conflict herewith be and the same are herewith repealed.

Section 3 This ordinance is declared necessary for the preservation of the public peace, health, safety, and welfare of the people of the City of Detroit and is hereby given immediate effect.

Approved as to form:

DONALD E. PAILEN

Corporation Counsel

Read twice by title, ordered printed and laid on the table.

Resolution Setting Hearing

By Council Member Eberhard:

Resolved, That a Public Hearing will be held by this body in the Committee Room, 13th Floor of the City-County Building on TUESDAY JANUARY 16, 1990, AT 10:00 A.M., for the purpose of considering the advisability of adopting the foregoing proposed ordinance to amend Chapter 25, Article 2 of the 1984 Detroit City Code by adding Section 25-2-118 to provide for the establishment of St. Boniface-St. Vincent Historic District and establish rehabilitation as the design treatment level for the district. All interested persons are invited to be present and be heard as to their views.

Adopted as follows:

Yeas — Council Members Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 7.

Nays — None.

City Engineering Department

November 21, 1989

Honorable City Council:

Re: Petition No. 2859 Accurate Stamp Company Alley to Easement east-west public alley south of E. 8 Mile between Gable and Dwyer; also requesting permission to encroach across the alley with a breezeway addition.

Petition No. 2859 of "Accurate Stamp Company" requests the conversion of the east-west public alley, 20 feet wide, south of E. Eight Mile Road between Gable and Dwyer Avenues into an easement for public utilities; also to encroach across the (converted) public alley with a (16 feet by 20 feet) breezeway addition to connect their buildings at 6030 E. Eight Mile Road and 20561 Dwyer.

The requested conversion into a public utility easement was 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:

The petitioner plans to use the paved alley return entrances (into Gable and Dwyer) and requests such remain in their present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

The Detroit Edison Company has agreed to the proposed breezeway encroachment, provided the construction materials are non-conductors.

Provisions protecting the Water and Sewerage Department's interest in the public sewer are incorporated into the resolution.

All other City departments and privately-owned utility companies have replied they have no objection to the proposed conversion or the encroachment. Should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations.

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

Respectfully submitted,
 CLYDE R. HOPKINS
 Director

By Council Member Hood:

Resolved, That City Engineering Department is hereby authorized to issue permits to "Accurate Stamp Company" to construct and maintain a breezeway addition (to connect buildings at 6030 E. Eight Mile Road and 20561 Dwyer) encroaching across the east-west (converted public) alley, 20 feet wide, south of E. Eight Mile Road between Gable and Dwyer Avenues property described as:

Lots 22 thru 27, and 29 of "Assessors Base Line Superhighway Subdivision" A Resubdivision of Lots 1 to 13 inclusive, 44 to 64 inclusive, and 85 to 104 inclusive and vacated alleys of Bell Realty Company's Log Cabin Park Subdivision of part of West Half of Northwest Quarter, Section 4, Town 1 South, Range 12 East", City of Detroit, Wayne County, Michigan as recorded in Liber 63, Page 5, Plats, Wayne County Records;

Encroachment to consist of a breezeway (building) addition (approximately 16 feet by 20 feet) across the east-west (converted public) alley, 20 feet wide, connecting buildings at 6030 E. Eight Mile Road and 20561 Dwyer, abutting part of the above described property:

Provided, The petitioner shall make application to the Buildings and Safety Engineering Department for a building

permit. Simultaneously, the petitioner shall make application to the Board of Water Commissioners to obtain approval to construct over the public sewer. The breezeway addition encroachment shall be installed and maintained in accord with plans submitted to and approved by the Buildings and Safety Engineering Department (B&SE) and the Water and Sewerage Department (DWSD) — Sewer Services Section. All costs for plan review, inspection, and permits shall be paid by the petitioner; and further

Provided, The materials used to construct said breezeway encroachment shall be non-conductors of electrical power as required by the Detroit Edison Company; and further:

Provided, That no part of a compressor (to prevent damaging vibrations to the public sewer) shall be installed within the encroaching structure or over any part of the (converted public) alley; and further

Provided, That the portion of the public sewer beneath the breezeway encroachment shall be encased within concrete (6 inches minimum thickness; subject to DWSD specifications, permits, and inspection) by the petitioner at the petitioner's expense. Also, no additional loads shall be placed on or around the existing public sewer by the proposed structure or its footings; and further

Provided, That one new sewer manhole shall be constructed (a distance of 10.00 feet west of the proposed structure; subject to DWSD specifications, permits, and inspection) by the petitioner at the petitioner's expense; and further

Provided, If the public sewer or overhead utility wires located (or to be located) in said (converted public) alley shall break, causing damage to any construction, property or materials, the petitioner or their assigns (by acceptance of permits for construction over the public sewer or near overhead utility wires) waives all claims for damages to the encroaching installations and agree to pay the costs incurred in their removal, if removal becomes necessary; and further

Provided, If the public sewer or overhead utility wires located (or to be located) in said (converted public) alley shall break or be damaged as a result of any action on the part of the petitioner or their assigns (by way of illustration but not limitation, such as storage of excessive weights of materials, or any construction not in accordance with Provisions 1 thru 5 above), then the petitioner or assigns shall be liable for all costs incidental to the repair of the broken or damaged public sewer and/or overhead utility wires. The petitioner and assigns shall be liable for all claims, damages, or expenses resulting from their action(s); and further

Provided, The permittee (at the time of obtaining said permits) shall file with the Finance Director 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 expense that may arise out of the maintenance of said encroachment; and further

Provided, The (encroachment) resolution is revocable at the will, whim or caprice of the City Council, and the permittee hereby waives any right to claim damages or compensation for removal of encroachment, and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and

Provided, That the (encroachment) permit shall not be assigned or transferred without the written approval of the City Council; and be it further

Resolved, All of the east-west public alley, 20 feet wide, south of E. Eight Mile Road between Gable and Dwyer Avenues lying southerly of and abutting the south line of Lots 15 to 27; also lying northerly of and abutting the north line of Lot 28; also lying northerly of and abutting the north line of the north-south public alley, 16 feet wide (previously vacated on January 14, 1958 — J.C.C. pgs. 27-28); also lying northerly of and abutting the north line of Lot 29 of "Assessors Base Line Superhighway Subdivision A Resubdivision of Lots 1 to 13 inclusive, 44 to 64 inclusive, and 85 to 104 inclusive and vacated alleys of Bell Realty Company's Log Cabin Park Subdivision of part of West Half of Northwest Quarter, Section 4, Town 1 South, Range 12 East", City of Detroit, Wayne County, Michigan as recorded in Liber 63, Page 5, 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 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 other structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls (except necessary line fence, and the DWSD and B&SE approved breezeway building addition encroachment; including related construction designed to protect the public sewer and overhead utility wires as referenced above in the encroachment portion of this resolution) 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, 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, That if it becomes necessary to remove the paved alley returns at the (Gable and/or Dwyer) entrances, 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, their heirs or assigns; 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 Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 7.

Nays — None.

City Engineering Department

November 6, 1989

Honorable City Council:

Re: Petition No. 2003. Shopper's Pride Food Center, Street to Easement, Portion of Lumley between Michigan and the Ford Fwy.

Petition No. 2003 of "Shopper's Pride Food Center" requests the conversion of a portion of Lumley Avenue, 50 feet wide between Michigan Avenue and the Edsel Ford Freeway into an easement for public utilities.

The City Planning Commission has submitted a favorable report and recommendation to your Honorable Body (dated June 6, 1988).

The requested conversion was approved by the Community and Economic Development Department and the Department of Transportation. The petition was referred to the City Engineering Department for investigation and report. This is our report:

The petitioner has deposited the following City department(s) reimbursement costs:

Public Lighting Department (PLD): \$650.00, Receipt No. C-15977. Deposit to move and rehang one public street light on Lumley to another (public property) pole; labor by PLD.

Water and Sewerage Department (DWSD). \$12,500.00, Receipt No. C-15978. The estimated cost to relocate one hydrant from (to be vacated) Lumley to the northwest corner of Michigan and Lumley (as required by the Fire Department-Water Supply Division), labor by private contract, subject to DWSD (and M-DOT) plan review, permits, inspection and specifications. (Balance to be refunded by DWSD to the petitioner, following approved private contract hydrant installation.)

All other City departments and privately-owned utility companies have reported no objections to the conversion of public rights-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended

Respectfully submitted,
CLYDE R. HOPKINS

Director

By Council Member Hood:

Resolved, All that part of the easterly 42.00 feet of Lumley Avenue, 50 feet wide, between Michigan Avenue and the Edsel Ford Freeway lying westerly of and abutting the west line of Lot 5 of the "Plat of Latham and Quinn's Subdivision of Lot 6 and Easterly 22.13 feet of Lot 5 H. Haggerty's Subdivision of part of Private Claim 543 and Lots 14 and 15, Private Claim 60, City of Detroit, Wayne County, Michigan as recorded in Liber 21, Page 79, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the street, 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 street 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 street 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 rights 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 street 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