

compensation for removal of encroachments. Further, the permittee acquires to implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council, may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

Provided, This permit shall not be assigned or transferred without the written approval of the City Council; and further

Provided, That the City Clerk shall within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

City Engineering Department

August 6, 1991

Honorable City Council:

Re: Petition No. 1231, Pioneer Market. Alley to Easement west of Gratiot, south of Superior.

Petition No. 1231 of "Pioneer Market" requests the conversion of the remaining portion of the north-south public alley, 23.05 feet wide (as widened by the City Council resolution adopted on September 23, 1913 — J.C.C. pg. 1362), west of Gratiot Avenue and south of Superior Street into an easement for existing public utilities.

The requested conversion 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:

If it becomes necessary to remove the alley return entrance (into Superior), the petitioner shall pay all incidental removal costs.

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 existing utility installations are part of the resolution.

The adoption of the attached resolutions is recommended.

Respectfully submitted,
CLYDE R. HOPKINS

Director

By Council Member Eberhard:

Resolved, All of the remaining part of the north-south public alley (23.05 feet wide; having been widened by City Council resolution adopted on September 23, 1913 — J.C.C. pg. 1362; and not included in the previous vacating resolution, subject to a public sewer easement,

adopted by City Council on December 28, 1954 — J.C.C. Pg 3028) west of Gratiot Avenue, south of Superior Street lying between the southerly line of said Superior Street (50 feet wide), and a line extended from the southeast corner of the westerly 18.00 feet of Lot 33 of "Fischer and Bernart's Subdivision of part of Lot No. 20, North of Gratiot Avenue of the Subdivision of the Leib Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 8, page 48, Plats, Wayne County Records; to a point in the northwesterly line of Lot 27 of "Lambert's Subdivision of that part of Lot 21, South of Canfield Avenue, Leib Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 16, Page 38, Plats, Wayne County Records (said point being 5.00 feet southerly, along said northwesterly lot line, from the northeast corner of said Lot 27);

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, repairing, removing, or replacing existing 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 company, or those specifically authorized by them, for the purpose of inspecting, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any existing 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 (except necessary line fence) shall be built or placed upon said easement, nor 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 existing 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 return at the entrance (into Superior), such removal and construction of new curb and sidewalk shall be done under City permit and inspection accordance to City Engineering Department, specifications with all costs borne by the petitioner, their heirs or assigns; and

Provided, That the City Clerk shall within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

City Planning Commission

August 15, 1991

Honorable City Council:

Re: Church of the Messiah Housing Corporation (#1451), resolutions for site-specific tax exemptions and payment in lieu of taxes for the El Tovar Apartments and Field Street In-Fill Housing Projects (Submitting requested resolutions).

The Church of the Messiah Housing Corporation has applied for a mortgage loan from the Michigan State Housing Development Authority (MSHDA) to finance the acquisition and rehabilitation of the 72-unit rental development known as the El Tovar Apartments located at

320 E. Grand Blvd., and the construction of a 20 unit rental development located on Field Street between E. Lafayette and Agnes Streets.

As requested by Council President Mahaffey, submitted herewith is the site-specific resolution required by City ordinance to provide for the tax exemption status and the payment in lieu of taxes (P-I-L-O-T) at 4% for the above-referenced projects.

Respectfully submitted,
MARSHA S. BRUHN

Director

By Council Member Everett:

Whereas, Pursuant to the provisions of Act No. 346 of the Public Acts of 1966, as amended, a request for exemption from taxes by the Field Street Limited Dividend Housing Association Limited Partnership has been filed and it has been determined that said Field Street Limited Dividend Housing Association is a Michigan Limited Partnership; and

Whereas, The Field Street Limited Dividend Housing Association is developing a housing project known as the Field Street In-Fill Housing Project which is being financed by a federally-aided mortgage and Michigan State Housing Development Authority Bonds utilizing nine percent (9%) tax credits, said project to serve low and moderate income persons; and

Whereas, The legal description of the property is as follows: Lot numbers 56, 57, 60, 61, 63, 64, 65, 68, 69, 72, 73, 76, located in the Moses W. Fields 2nd Subdivision, Liber 10, Page 10 of Plats of Wayne County records;

Now, Therefore Be It Resolved, That said described premises are henceforth entitled to be exempt from taxation but subject to the provision for payment in lieu of taxes as set forth in Act No. 346 of the Public Acts of 1966, as amended, being M.C.L.A. 125.1401, et seq., M.S.A. 16 114(1) et seq.;

And Be It Further Resolved, That said described premises shall be allowed a payment in lieu of taxes (P-I-L-O-T) or service charge of four percent (4%) per City Ordinance 9-90;

And Be It Finally Resolved, That arrangements to have collection of payment in lieu of taxes from the Field Street Limited Dividend Housing Association be established upon occupancy and for future years with respect to the above described property and that all necessary journal entries with respect to the same be prepared by the Finance Director.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz and President Mahaffey — 9.

Nays — None.