

been built. Copies of the certified "as built" maps and surveys shall be attached as "exhibits" to the herein above referenced "Agreement" between the "City" and "AT&T." Both the executed "Agreement" and said "exhibits" shall be recorded by the City Engineering Department in 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**  
July 29, 1991

Honorable City Council:

Re: Petition No. 498 — Addendum Community and Economic Development Department Medical Center Rehabilitation Project No. 4 Cultural Center Residential Development Utility Easements to Vacation in the area bounded by Brush, St. Antoine, (vacated) Farnsworth, and Frederick.

A resolution granting Petition No. 498 (shown as 3332) was approved by your Honorable Body on July 3, 1991 (JCC pp. 1474-82). The adopted resolution contained provisions to protect utilities needed to service both the development parcels and the "Dunbar Hospital" site.

However, two housing structures are shown on building plans to be built over parts of the reserved utility easements. Therefore, parts of the utility easements must be vacated outright.

The developer, "Barclay Limited Dividend Housing Association Limited Partnership", has submitted an affidavit from the "Board of Directors of the Detroit Medical Society (owners of the Dunbar Hospital Museum)" agreeing (in principle) to the proposed development plans; subject to provisions.

To facilitate the proposed construction of new buildings it is necessary for your Honorable Body to outright vacate parts of the utility easements reserved within the converted east-west public alleys (17.30 and 18 feet wide) in the area bounded by Brush, St. Antoine, (vac.) Farnsworth, and Frederick; subject to provisions.

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

Respectfully submitted,  
**CLYDE R. HOPKINS**  
Director

By Council Member Cleveland:

Resolved, That the (portions of the) easements retained for underground utilities in the City Council resolution adopted on July 3, 1991 as part of the

public alley vacations in "Medical Center Rehabilitation Project No. 4"; being described as follows:

All that part of the east-west public alley, 18 feet wide, in the block bounded by Brush Street (85 feet wide), Beaubien Street, Farnsworth and Frederick Avenues lying southerly of and abutting the south line of Lots 1 thru 5 as platted in "D. M. Ferry's Subdivision of Outlot 194 and Lot A of T. T. Palmer's Subdivision of Outlot 196 also the North 20.75 feet of Lot 8 of Outlot 192 of the Lambert Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 17, Page 35, Plats, Wayne County Records; also lying southerly of and abutting the south line of the easterly 20.00 feet of Lot 6, and Lot 7; also lying northerly of and abutting the north line of the easterly 20.00 feet of Lot 9, and Lot 8 as platted in (Block 25) of "Brush Subdivision of that part of the Brush Farm lying between the south line of Farnsworth Street and the south line of Alexandrine Avenue", City of Detroit, Wayne County, Michigan as recorded in Liber 17, Page 28, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lots 1 thru 4 as platted in the "Plat of the Subdivision of part of Lot 5, 6, 7, and 8, Outlot 192, Lambert Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 10, Page 93, Plats, Wayne County Records; also that part of said public alley opened through a Northerly portion of Lot 8 of the "Plat of Outlot 192 of the Lambert Beaubien Farm, as laid out by the Commissioners for dividing the Estate of the late Gen. J. R. Williams", City of Detroit, Wayne County, Michigan as recorded in the Book of Plats (Liber 1), Page 62, Wayne County Records (being the Northerly 18.00 feet of the Southerly 87.56 feet of the Westerly 38.00 feet of the Easterly 48.00 feet of said Lot 8); also

All that part of the east-west public alley, 17.30 feet wide, in the block bounded by Beaubien Street, St. Antoine Street (66 feet wide), Farnsworth and Frederick Avenues lying southerly of and abutting the south line of Lot 1; also lying northerly of and abutting the north line of Lot 12 as platted in "Adam's Subdivision of the West 236 feet, Antoine Beaubien Farm between Farnsworth and Frederick Streets", City of Detroit, Wayne County, Michigan as recorded in Liber 10, Page 65, Plats, Wayne County Records; also that part of said public alley opened through a Northerly portion of Outlot 193 of the "Plat of a part of the Beaubien Farm, as surveyed into townlots for the proprietors of John Mullett, Surveyor", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Pages 475-478, City Records (being the Southerly 17.30

feet of the Northerly 38.40 feet of the Easterly 218.00 feet of said Outlot 193; having been deeded to the City on October 18, 1882 and recorded in Liber 405, Page 421, Deeds, Wayne County Records);

Be and the same are hereby vacated as public utility easements to become part and parcel of the abutting property; subject to the following provisions:

Provided, That Barclay Limited Dividend Housing Association Limited Partnership ("Barclay"), the developer of "Cultural Center Residential Development" properties (the "Project"), shall draft and execute an agreement with the Board of Directors of the Detroit Medical Society ("DMS"), operators of the Dunbar Memorial Hospital Museum ("Dunbar Hospital"), to construct and connect the public sewer line servicing the "Dunbar Hospital" to the sewer line servicing the "Project"; and further

Provided, Said executed agreement shall specifically state that "Barclay" will agree with "DMS" to connect, maintain, and repair that portion of the sewer line that services the "Dunbar Hospital"; and further

Provided, Said executed agreement shall specifically state that "Barclay" will agree with "DMS" to maintain the existing public utility service connections (existing overhead wires on utility poles), and/or modify such utility service connections for underground burial, in such a manner as to prevent disruption of utility services, such as telephone, electric lighting and electric power to the "Dunbar Hospital"; and further

Provided, Said executed agreement shall specifically include "exhibits" such as, a City-approved set of "Utility Plans" detailing how public utility services will be connected and maintained by "Barclay" to the "Dunbar Hospital", such "utility plans" shall be prepared and sealed by a professional engineer or architect registered in the State of Michigan; and further

Provided, That "Barclay" shall record a certified copy of this resolution and the "executed agreement" with the Wayne County Register of Deeds, within 30 days from the date of City Council adoption of this resolution.

Adopted as follows:

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

Nays — None.

City Planning Commission

July 5, 1991

Honorable City Council:

Re: Art Center Citizens District Council, request for rezoning of property on

the north side of E. Kirby between Brush and the Chrysler Freeway Service Dr. from R5 and B4 to R3 and on the south side of E. Kirby between Beaubien and St. Antoine from R5 to R3.

#### Nature of Request

The Art Center Citizens District Council is requesting to amend District Map No. 6 of Detroit's Official Zoning Ordinance to show an R3 (Low Density Residential) zoning classification where R5 (Medium Density Residential) and B4 (General Business) zoning classifications are presently shown on property generally located on the north side of East Kirby between Brush and the Walter P. Chrysler Freeway Service Drive and to show an R3 zoning classification where an R5 zoning classification is presently shown on the south side of East Kirby between Beaubien and St. Antoine. The areas proposed for rezoning are shown on the attached map.

The subject changes in zoning are being requested in order to reflect the present low density residential uses on the subject portion of Kirby. The subject portion of Kirby Street is presently developed largely with two-family dwellings, low density multiple-family dwellings and a former church presently used as the Art Center CDC office and non-profit community center.

#### Surrounding Zoning and Land Use

The zoning classifications and land uses surrounding the entire subject area are as follows:

North: R5 and B4, residential (a portion of which is the E. Ferry Historical District)

South: R5, vacant and site of proposed new town house development

East: PD, Art Center Town Houses and the Walter P. Chrysler Freeway

West: R5 and PD, Wm. H. Peck Recreation Center and the Center for Creative Studies College of Arts and Design

#### Master Plan Designation

Both the current and proposed Master Plans' future general land use maps show Medium Density Residential land use designations for the subject area. The proposed Master Plan recommends a future zoning designation for the subject area of R5.

#### Public Hearing Result

No one spoke at the Commission's November 15, 1990 public hearing relating to this matter, except a representative of the petitioner who spoke in support of the proposed rezoning and submitted the attached petition with 22 signatures in support of the rezoning request.

#### Analysis

The Commission reviewed the proposed rezoning and is of the opinion that