

Adopted as follows:  
Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Kelley, Ravitz, and President Mahaffey — 8.  
Nays — None.

**City Engineering Department**  
December 16, 1991

Honorable City Council:

Re: Petition No. 1322. John K. King Books, Alley to Easement, remaining east-west public alley in the block bounded by 5th, Lodge Fwy., Fort and Lafayette.

Petition No. 1322 of "John K. King Books" requests the conversion of the remaining portion of the east-west public alley, 20 feet wide, in the block bounded by Fifth Avenue, the (limited access right-of-way of the) John C. Lodge Freeway, W. Fort Street and W. Lafayette Avenue into an easement for public utilities.

The petition was referred to the City Engineering Department (on September 20, 1991 by the Community and Economic Development Department) for investigation (utility clearances) and report. This is our report:

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

In a letter (dated April 22, 1991) the Michigan Department of Transportation (M-DOT) has approved the alley closing request near the Lodge Freeway (subject to conditions).

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 (and M-DOT) are part of the resolution.

The adoption of the attached resolution is recommended.

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

By Council Member Everett:

Resolved, All of the remaining part of the east-west public alley, 20 feet wide, in the block bounded by Fifth Avenue, the (limited access right-of-way of the) John C. Lodge Freeway, W. Fort Street, and W. Lafayette Avenue lying southerly of and abutting the south line of the westerly 46.06 feet of Lot 5, and Lot 6; also lying northerly of and abutting the north line of Lots 7 and 8 of "William A. Moore's Subdivision of Block 24, of the Subdivision of the Jones Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 76, 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 and regulations 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 and the Michigan Department of Transportation (M-DOT) 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 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 (including the maintenance of and/or access to the John C. Lodge Freeway),

Second, said utility and M-DOT 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 and M-DOT, 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 and M-DOT 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 and M-DOT easement with any necessary equipment to perform the above-mentioned tasks, with the understanding that the utility companies and M-DOT shall use due care in such crossing or use, and that any property damaged by the utility companies and M-DOT, 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, concrete slabs or driveways, retaining or partition walls (except necessary line fence) shall be built or placed upon said easement, nor change or 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 M-DOT fences, 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 and/or M-DOT,

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 or 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 Fifth Avenue), 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, That any security fence and gate(s) installation shall be subject to the review and approval of M-DOT; 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, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.

**Council of the Arts**

October 30, 1991

Honorable City Council:

The Detroit Council of the Arts respectfully requests authorization to issue the following awards:

Detroit String & Harp Ensemble \$500.00  
Brazeal Dennard Chorale \$3,000.00

The Detroit String & Harp Ensemble award is for a discretionary grant to assist with artist fees for an annual Christmas concert, December 8, 1991. We respectfully request permission to issue this grant out of appropriation 0687, cost center 0022.

The Brazeal Dennard Chorale award is for a discretionary grant to assist with production costs for three season concerts on December 1, 1991, April 14, 1992, and May 8, 1992. We respectfully request permission to issue this grant out of appropriation 0687, cost center 0022.

Respectfully submitted,

SHAHIDA MAUSI  
Director

Approved:

EDWARD G. RAGO  
Budget Director  
BELLA MARSHALL  
Finance Director

By Council Member Everett:

Be it hereby resolved, that the Council of the Arts be authorized to disburse a discretionary grant to the Detroit String & Harp Ensemble in the amount of \$500.00, from appropriation 0687, cost center 0022.

Be it hereby resolved, that the Council of the Arts be authorized to disburse a discretionary grant to The Brazeal Dennard Chorale in the amount of \$3,000.00, from appropriation 0687, cost center 0022.

Be it further resolved, that the Finance Director be hereby authorized to honor vouchers in accordance with these Resolutions, the foregoing communication, and standard City procedures.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.

**Fire Department**

October 15, 1991

Honorable City Council:

Re: Reimbursement for Stolen VCR from Quarters — Engine 59 Detroit Fire Department

Battalion Chief Robert VanBuhler of the Fourth Battalion has requested reimbursement of a VCR.

An investigation of the incident by this office indicates that reimbursement to the employees of Engine 59 is warranted.

Therefore, we respectfully request your approval to reimburse Chief Robert VanBuhler for the VCR, per departmental guidelines in the amount of \$250.00.

Respectfully submitted,  
MELVIN D. JEFFERSON  
Fire Commissioner

Approved:

CLYDE D. DOWELL  
Deputy Budget Director  
BELLA I. MARSHALL  
Finance Director

By Council Member Everett:

Resolved, That the Fire Department be and it is hereby authorized to pay the claim outlined in the above communication; and be it further

Resolved, That the Finance Director be and she is hereby authorized to honor vouchers when presented in accordance with the foregoing communication.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.