

By Council Member Butler:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to take the necessary steps as recommended by the Buildings and Safety Engineering Department in proceedings of October 10, 1990 (J.C.C. pp. 2145-8) September 7, 1989 (J.C.C. pp. 1993-7), March 14, 1990 (J.C.C. pp. 599-601), June 17, 1992 (J.C.C. pp. 1387-90), June 3, 1981 (J.C.C. pp. 1277-9), January 18, 1989 (J.C.C. pp. 136-8) and April 15, 1992 (J.C.C. pp. 810-3), for the removal of dangerous structures on premises known as 13370 Evanston, 850 Glinnan, 13084 Hampshire, 5436 Helen, 448 Mack, 8427 Puritan, and 3962 15th, respectively, and to assess the costs of same against the properties more particularly described in the seven (7) foregoing communications; and be it further

Resolved, That with further reference to dangerous structure located at 448 Mack, the Department of Public Works is hereby directed to defer the demolition of same pending approval of the Historic District Commission.

Adopted as follows:

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

Nays — None.

Buildings and Safety Engineering Department

October 9, 1992

Honorable City Council:
Re: 8292 Dubay. Emergency Demolition.

The building at the above location was recently found to be extensively fire damaged and structurally unsafe.

Our records reveal that this is the initial complaint for this location.

It is our opinion that there is an actual and immediate danger affecting the health, safety and welfare of the public. Therefore, under the authority of Ordinance 290-H, we request that the Department of Public Works immediately take emergency measures to have the building or portions thereof, removed with the cost assessed against the property.

All utility companies are advised by copy of this letter to immediately start utility disconnects.

Respectfully submitted,
CREIGHTON C. LEDERER
Director

Buildings and Safety Engineering Department

October 12, 1992

Honorable City Council:
Re: 4238 Manistique. Emergency Demolition.

The building at the above location was recently found to be dilapidated with extensive structural damage to the point of near collapse.

Our records reveal that this is the initial complaint for this location.

It is our opinion that there is an actual and immediate danger affecting the health, safety and welfare of the public. Therefore, under the authority of Ordinance 290-H, we request that the Department of Public Works immediately take emergency measures to have the building or portions thereof, removed with the cost assessed against the property.

All utility companies are advised by copy of this letter to immediately start utility disconnects.

Respectfully submitted,
CREIGHTON C. LEDERER
Director

By Council Member Everett:

Resolved, That in accordance with the two (2) foregoing communications, the Department of Public Works is hereby authorized and directed to implement emergency measures to have the dangerous buildings or portions thereof removed which are located at 8292 Dubay and 4238 Manistique, and have the costs assessed as liens against the respective properties.

Adopted as follows:

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

Nays — None.

City Engineering Department

October 14, 1992

Honorable City Council:
Re: Petition No(s). 3462 and 1814, Marathon Oil Company — Detroit Refinery, Streets and Alleys to Easement within area bounded by Toronto, Railroad (right-of-way), S. Fort, and Dumfries

Petition No(s). 3462 and 1814 of the "Marathon Oil Company — Detroit Refinery" requests the conversion of the remaining public streets and alleys within the area bounded by Toronto Avenue, the Pennsylvania-Ohio-Detroit Railroad Company (right-of-way), S. Fort Street, and Dumfries Avenue into an easement for public utilities.

The requests were approved by the Community and Economic Development Department and the Department of Transportation. The petitions were referred to the City Engineering Department for investigation and report. This is our report:

The Detroit Edison Company (DE Co.) owns several parcels within the Mara-

thon Oil site. However, DE Co. has reported no objections to the conversion of public rights-of-way into a utility easement.

If it becomes necessary to remove the streets and alley return entrances (into South Fort), 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 utility installations and existing railroad crossings are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS

Director

By Council Member Hill:

Resolved, All of the east-west public alley, 18 feet wide, in the block bounded by Tractor Avenue, the Pennsylvania-Ohio-Detroit Railroad Company (right-of-way), Waring and Greyfriars Avenues lying southerly of and abutting the south line of Lots 132 to 139; also lying northerly of and abutting the north line of Lots 119 to 131 as platted in "J. V. Brevoort Fort Street Subdivision of part of Private Claims 119 and 524, Village of Oakwood, Ecorse Township", City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 98, Plats, Wayne County Records; also

All of the north-south public alley, 10 feet wide, in the block bounded by Tractor Avenue, the Pennsylvania-Ohio-Detroit Railroad Company (right-of-way), South Fort Street, and Waring Avenue having been platted as the easterly 10.00 feet of the westerly 20.00 feet of the northerly 101.05 feet of Lot 67 as platted in "J. V. Brevoort Fort Street Subdivision of part of Private Claims 119 and 524, Village of Oakwood, Ecorse Township", City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 98, Plats, Wayne County Records (said public alley having been opened by quit claim deed to the Village of Oakwood, recorded on April 14, 1923 in Liber 1668, Page 582, Deeds, Wayne County Records); also

All that part of Toronto Avenue, 50 feet wide, lying between and abutting the northerly line of South Fort Street (204 feet wide) and the southerly line of Dumfries Avenue (30 feet wide); also lying westerly of and abutting the west line of the north 12.62 feet of Lot 186, and Lots 187 to 197; also lying westerly of and abutting the west line of (vacated) Greyfriars Avenue (60 feet wide; having been previously vacated by City Council on November 15, 1955 — J.C.C. pgs. 2399-2400); also lying westerly of and abutting the west line of the south 9.74

feet of Lot 213, and Lots 198 to 212; also lying easterly of and abutting the east line of the south 9.74 feet of Lot 214, and Lots 215 to 229; also lying easterly of and abutting the east line of (vacated) Greyfriars Avenue (60 feet wide; having been previously vacated by City Council on July 2, 1963 — J.C.C. pg. 1769); also lying easterly of and abutting the east line of the north 12.92 feet of Lot 241, and Lots 230 to 240 as platted in "Oakwood Homes Subdivision of part of Private Claims 119 and 524, Oakwood Village", City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 26, Plats, Wayne County Records; also

All of the remaining part of Dumfries Avenue, 30 feet wide, lying between and abutting the westerly line extended north of Toronto Avenue (50 feet wide) and the easterly line extended north of (vacated) Detwiler Avenue (50 feet wide); also lying northerly of and abutting the north line of said (vacated) Detwiler Avenue (50 feet wide; having been previously vacated by City Council on November 15, 1955 — J.C.C. pgs. 2399-2400); also lying northerly of and abutting the north line of the south 9.74 feet of Lot 158; also lying northerly of and abutting the north line of the (vacated) north-south public alley (18 feet wide, in the block bounded by Toronto, Detwiler, Greyfriars, and Dumfries Avenues; having been previously vacated by City Council on November 15, 1955 — J.C.C. pgs. 2399-2400); also lying northerly of and abutting the north line of the south 9.74 feet of Lot 213; also lying northerly of and abutting the north line of said Toronto Avenue (50 feet wide) as platted in "Oakwood Homes Subdivision of part of Private Claims 119 and 524, Oakwood Village", City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 26, Plats, Wayne County Records; also

All of the remaining part of Northampton Avenue, 50 feet wide, lying between and abutting the north line of South Fort Street (204 feet wide) and the northerly line extended west of Waring Avenue (60 feet wide); also lying westerly of and abutting the west line of said Waring Avenue (60 feet wide); also lying westerly of and abutting the west line of the north 100.75 feet of Lot 100 as platted in "J. V. Brevoort Fort Street Subdivision of part of Private Claims 119 and 524, Village of Oakwood, Ecorse Township", City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 98, Plats, Wayne County Records; also lying easterly of and abutting the east line of the north 12.42 feet of Lot 73; also lying easterly of and abutting the east line of the south 14.50 feet of Lot 68, and Lots 69 to 72 as platted in "Oakwood Homes Subdivision of part of Private Claims 119 and 524, Oakwood Village",

City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 26, Plats, Wayne County Records; also

All that part of Waring Avenue, 60 feet wide, between Northampton Avenue (50 feet wide) and Tractor Avenue (50 feet wide) lying southerly of and abutting the south line of Lots 101 to 118; also lying northerly of and abutting the north line of Lots 83 to 100 as platted in "J. V. Brevoort Fort Street Subdivision of part of Private Claims 119 and 524, Village of Oakwood, Ecorse Township", City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 98, Plats, Wayne County Records; also

All that part of Waring Avenue, 60 feet wide, between Tractor Avenue (50 feet wide) and the Pennsylvania-Ohio-Detroit Railroad Company (right-of-way) lying southerly of and abutting the south line of Lots 119 to 131; also lying northerly of and abutting the north line of Lots 64 to 82 as platted in "J. V. Brevoort Fort Street Subdivision of part of Private Claims 119 and 524, Village of Oakwood, Ecorse Township", City of Detroit, Wayne County, Michigan as recorded in Liber 32, page 98, Plats, Wayne County Records; also

All that part of Tractor Avenue, 90 feet wide (as established by City Council on August 7, 1956 — J.C.C. pgs. 1740-41), between Waring and Greyfriars Avenues lying westerly of and abutting the west line of that part of said Greyfriars Avenue (60 feet wide; having been previously vacated by City Council on January 13, 1942 — J.C.C. pg. 60); also lying westerly of and abutting the west line of Lot 139; also lying westerly of and abutting the west line of the east-west public alley (18 feet wide; in the block bounded by Tractor Avenue, the Railroad right-of-way, Waring and Greyfriars Avenues); also lying easterly of and abutting the east line of the part of the (vacated) east-west public alley (18 feet wide; in the block bounded by Northampton, Tractor, Waring, and Greyfriars Avenues having been previously vacated by City Council on August 7, 1956 — J.C.C. pgs. 1740-41); also lying easterly of and abutting the east line of that part of said Greyfriars Avenue (60 feet wide; having been previously vacated by City Council on August 7, 1956 — J.C.C. pgs. 1740-41); also lying easterly of and abutting the east line of Lot 141 as platted in "J. V. Brevoort Fort Street Subdivision of part of Private Claims 119 and 524, Village of Oakwood, Ecorse Township", City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 98, Plats, Wayne County Records; also

All that part of Tractor Avenue, 50 feet wide, between South Fort Street and Greyfriars Avenue lying westerly of and

abutting the west line of the north 101.05 feet of Lot 82; also lying westerly of and abutting the west line of Waring Avenue (60 feet wide); also lying westerly of and abutting the west line of Lot 119; also lying easterly of and abutting the east line of the north 101.05 feet of Lot 83; also lying easterly of and abutting the east line of Waring Avenue (60 feet wide); also lying easterly of and abutting the east line of Lot 118 as platted in "J. V. Brevoort Fort Street Subdivision of part of Private Claims 119 and 524, Village of Oakwood, Ecorse Township", City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 98, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and alleys and are hereby converted into a public easement of the full width of the streets and alleys, 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 streets and alleys 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 streets and alleys 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 street or 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 streets and alleys 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 or over 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, concrete slabs or driveways, retaining or partition walls, (except necessary line fence, and the existing railroad crossings) 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 streets and alleys shall request the removal and/or relocation of any existing poles or other utilities or railroad crossing(s) 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 the Pennsylvania-Ohio-Detroit Railroad Company.

Fifth, that if any utility or railroad crossing 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 or railroad crossing, and

Provided, That if it becomes necessary to remove the paved street and/or alley returns at the entrances (into South Fort Street), 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 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 Planning Commission

October 7, 1992

Honorable City Council:

Re: Proposed amendment to the Zoning Ordinance to provide for a procedure for waiver of off-street parking requirements (Recommend Approval).

Submitted herewith is the report of the City Planning Commission relative to the request of the City Council for a Zoning Ordinance amendment to allow for a

waiver by the Buildings and Safety Engineering Department (B&SE) in the number of off-street parking spaces required in instances where businesses have a minimal parking shortage.

Council was concerned about the delays and expenses that property owners, with minor deficiencies in parking requirements, experience when they are required to go to the Board of Zoning Appeals (BZA) for a variance.

Proposed Parking Waiver Amendment

The proposed amendment was developed by the CPC staff in collaboration with the Buildings & Safety Engineering Department, Department of Transportation, Municipal Parking Department, Planning Department, Board of Zoning Appeals, and Law Department.

As initially presented to the CPC, the proposed amendment would allow for a waiver of off-street parking requirements by the B&SE under three situations:

1. If a proposed building or use can provide at least 80% of the required parking, a waiver may be granted by Buildings & Safety Engineering, in conjunction with the Department of Transportation (DOT) and the Municipal Parking Department (MPD), if the following findings can be made:

a) that there is parking available within 300 feet of, and not across a major thoroughfare from, the proposed building or use and an authorized person agrees to share such parking with the proposed building or use;

b) that, in the judgment of B&SE in consultation with DOT, it is determined that such a waiver would not be injurious to adjacent or surrounding areas by creating or increasing traffic congestion or by disrupting traffic circulation.

2. If a proposed building or use is within 300 feet of, and not separated by, a major thoroughfare from a publicly-owned parking facility, all or a portion of the required parking spaces may be waived.

3. If a proposed building or use is within a special assessment district established for off-street parking facilities, all or a portion of the required parking spaces may be waived by B&SE with the assistance of DOT and MPD (this waiver provision exists in the current Zoning Ordinance).

The proposed amendment also allows B&SE to consider parking spaces of other than the standard 9 feet by 20 feet dimensions where verification can be made that the parking spaces provided conform to parking industry standards.

CPC Public Hearing

The City Planning Commission held a public hearing to consider the above-