

all costs incidental to the repair of such broken or damaged utility; 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; and be it further

Resolved, The Finance Director is hereby authorized and directed to issue a quit-claim deed to transfer the following vacated public street right-of-way to the "Ammex, Inc." and/or its assigns, for the fair market value and/or other valuable considerations:

Land in the City of Detroit, Wayne County, Michigan being all that part of Twenty-Third Avenue, 60 feet wide, between Porter Street and Lambie Place (having been opened as a public street in 1882, Recorder's Court File No. 508; resolution of necessity adopted by City Council on December 13, 1881 — J.C.C. page 618); said portion of Twenty-Third having been platted as easterly 60.00 feet of the westerly 360.00 feet of the southerly 198.00 feet of Out Lot 46 of the "Plat of the part of the late Governor Porter's Farm as divided into lots by J. Mullett, Surveyor, July 6, 1835 (recorded July 24, 1835)" as recorded in Liber 13, Page 78, Deeds, Wayne County Records, containing 11,800 square feet or 0.2727 acres more or less; subject to an easement for existing public utilities."

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Everett, Hood, Kelley, and President Pro Tem Hill — 6.

Nays — Council Member Ravitz — 1.

Community & Economic Development Department

November 30, 1993

Honorable City Council:

Re: Petition #3084 Ammex, Inc., requesting permission to close public alley between Twenty-Third and Twenty-Fourth streets bounded by Porter Street and Lambie Place into an easement for public utilities.

The above mentioned Petitioner has requested permission to convert a public alley into an easement for public utilities.

It is the opinion of the Community and Economic Development Department that the Petitioner's request be granted.

Respectfully submitted,
HENRY B. HAGOOD
Director

By Council Member Everett:

Resolved, Land in the City of Detroit, County of Wayne, Michigan being all that part of the North South Public Alley, 20 feet wide bounded by Twenty Fourth Street on the West, by Twenty Third Street on the East, by Porter Street on the South, and by Lambie Place on the North, and being more particularly described as follows:

All that part of the public alley, 20 feet wide dedicated to the use of the public, and lying westerly of and adjoining lots 69 thru 74, also lying easterly of and adjoining lots 1 thru 6 of the "Subdivision of lots 51, 50, 47, and the North Half of 46, Porter Farm," as recorded in Liber 1, page 25 of Plats, Wayne County Records; also that part of public alley, 20 feet deeded to the City of Detroit and recorded in Liber 371, Page 88 of Deeds, on December 19, 1890, Wayne County Records, Circuit Court File No., 508 1882, J.C.C., July 24, 1882, being part of the South one-half of lot 46 of the "Plat of part of the late Governor Porter's Farm as divided into lots by J. Mullett, Surveyor, July 6, 1835" as recorded in Liber 13, Page 78 of Deeds, Wayne County Records; also that part of public alley, 20 feet wide, dedicated to the use of the public, and lying westerly of and adjoining lots 13 thru 20, also lying easterly of the adjoining lots 21 thru 28 of the "Subdivision of Lot 43 G. B. Porter Farm," as recorded in Liber 1, Page 21 of Plats, Wayne County Records.

Resolved, That the City Engineering Department be and is hereby authorized and directed to issue a permit to Ammex, Inc., owner of the property adjoining the alley herein concerned, to extend the closing of 20 feet wide alley 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:

Provided, That Petitioner shall be subject to any tax which may be levied against it pursuant to law with regards to such use of public property; and further

Provided, Petitioner first furnished an agreement, in a 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 a said permit, and providing for the faithful performance by the grantee of the terms hereof, and files same with the Finance Department; and further

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded in the office of Wayne County Register of Deeds, by and at the permittees expense, and further

Provided, That no building or other structure is constructed in said easement, that Petitioner shall observe the rules and regulations of the City Engineering Department subject to the following provision: that if owners of any lots abutting on said easement 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; and further

Provided, That if any utility located in said easement shall break or be damaged as a result of any action on the part of said owners or assign (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with City Code Section 50-6-3 mentioned above, then in such event said owners or assignee shall be liable for all costs incidental to the repair of such broken or damaged utility; and further

Provided, The City and all utility companies retain their rights to establish, maintain and service any utilities in said area of temporarily closed alley; and further

Provided, That grantee acquires no implied nor other privileges hereunder not expressly stated herein.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Everett, Hood, Kelley, and President Pro Tem Hill — 6.

Nays — Council Member Ravitz — 1.

**Statement Of Mel Ravitz
Re Petition Of Ammex
And Rezoning Of Property Nearby**

I voted against the AMMEX petition and the related rezoning because I believe this entire project should be deferred to January to permit the incoming Administration the opportunity to review it and make its recommendations.

I also have serious reservations about the physical plan that puts the new Ammex facility near the Webster School. There are real traffic, noise and pollution problems for the children, teachers and neighbors. It is unfortunate that the Webster School principal chose to withdraw his protest thereby practically assuring approval of the project.

Finally, I am opposed to any changes in this area until the promises of housing are realized to the satisfaction of the community.

**City Engineering Department
September 2, 1993**

Honorable City Council:

Re: Petition No. 2909 Amended Resolution, Downtown Development Authority (together with 400 Monroe Associates) International Center (Greektown) Parking Structure. Requesting permission to construct and maintain a pedestrian skywalk bridge encroaching across Brush between Lafayette and Monroe; linking the garage and the "International Center Building & Hotel."

Petition No. 2909 of the "Downtown Development Authority (together with 400 Monroe Associates)" requesting permission to construct and maintain a pedestrian skywalk bridge encroaching overhead (with footings and piers) across Brush Street, 48 feet wide; between E. Lafayette, and Monroe Avenues [linking the "International Center Parking Structure", under construction in 'Greektown', and the "International Center Building & Hotel"] was previously granted by City Council on March 3, 1993 (J.C.C. pages 375-77).

However, a design change in the proposed overhead pedestrian skywalk bridge will require an "amendment" in the adopted City Council encroachment resolution.

An appropriate resolution, amending the previous grant, is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS,
Director

By Council Member Hood:

Whereas, The "Downtown Development Authority (DDA)" has changed the design of a proposed pedestrian skywalk bridge encroaching overhead across Brush Street, 48 feet wide, between E. Lafayette and Monroe Avenues, linking the "International Center Parking Structure" and the "International Center Building & Hotel"; said encroachment having been previously granted by City Council on March 3, 1993 — J.C.C. pages 375-77 (Petition No. 2909); and

Whereas, said DDA design change will require the deletion" of paragraphs 5 thru 7 from said City Council resolution; also the "insertion" of two new (replacement) paragraphs into said City Council resolution; therefore be it

Resolved, That the following paragraphs (5 thru 7) are hereby deleted from the City Council resolution adopted on March 3, 1993 — J.C.C. pages 375-77;

"Encroachment(s) to consist of all that part of a proposed overhead pedestrian (skywalk) bridge, including footings and piers, across Brush Street, 48 feet wide, between E. Lafayette and Monroe Avenues; also all that part of a proposed overhead pedestrian (skywalk) bridge, including footings and piers, across a public utility easement retained within a portion of the vacated east-west public alley (20 feet wide; in the block bounded by Brush, Beaubien, E. Lafayette and Monroe; having been previously vacated by City Council on March 2, 1988 — J.C.C. pages 537-38); said encroachment crossings (within rights-of-way) being more particularly described as follows:

(1) Commencing at the northeast corner of Lot 4, "Block 7, Plan of part of the