

be built or placed upon said underground 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 street shall request the removal and/or relocation of any utilities in said underground 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 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 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 Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.

*WAVER OF RECONSIDERATION (No. 2) per motions before Adjournment.

City Engineering Department

January 28, 1994

Honorable City Council:

Re: Community and Economic Development Department Victoria Park Housing Development — Phase Two Streets and Alleys to Vacation in the area bounded by Coplin, Lakewood, Averhill and Freud.

It is advantageous to the city to create a "plat" of Victoria Park. The present residential housing site is (generally) bounded by Dickerson, Lakewood, Averhill and Freud.

A resolution vacating public streets and alleys in Victoria Park Housing Development — Phase One was adopted by City Council on July 31, 1991 (J.C.C. pages 1744-50). To facilitate a "plat" it is necessary to vacate public streets and alleys in "Phase Two." Phase Two is (generally) bounded by Coplin, Lakewood, Averhill and Freud.

All of the public street alignments and various easements are delineated on the proposed Victoria Park/Detroit Subdivision.

Satisfactory arrangements have been made with all city departments and privately-owned utility companies.

An appropriate resolution is attached

for consideration by your Honorable Body.

Respectfully submitted,
WILLIAM L. TALLEY
Head Engineer

By Council Member Cockrel:

Whereas, the City of Detroit through its Community and Economic Development Department is undertaking a project to develop residential properties within the Jefferson-Chalmers Revitalization area, specifically the Victoria Park Housing Development site; the present site (generally) bounded by Dickerson, Lakewood, Averhill and Freud Avenues. It is advantageous to the city to create a "plat" of Victoria Park/Detroit; and

Whereas, a resolution vacating public streets and alleys in Victoria Park Housing Development — Phase One was adopted by City Council on July 31, 1991 (J.C.C. pages 1744-50). To facilitate a "plat" it is necessary to vacate public streets and alleys in "Phase Two." Phase Two is (generally) bounded by Coplin, Lakewood, Averhill and Freud; therefore be it

Resolved, All that part of the following public streets and alleys abutting lots (in Blocks D, E, F and G) of "Jefferson Park Subdivision of the Jefferson Park Realty Company," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 93, Plats, Wayne County Records; described as listed below:

All that part of Piper Avenue, 80 feet wide, lying between and abutting the south line of Freud Avenue (60 feet wide) and the north line of Essex Avenue (60 feet wide); also

All that part of Eastlawn Avenue, 60 feet wide, lying between and abutting the south line of Freud Avenue (60 feet wide) and the north line of Essex Avenue (60 feet wide); also

All that part of Newport Avenue, 50 feet wide, lying between and abutting the south line of Freud Avenue (60 feet wide) and the north line of Essex Avenue (60 feet wide); also

All that part of Essex Avenue, 60 feet wide, lying southerly of and abutting the south line of Lot 96 (Block D); also lying northerly of and abutting the north line of Lot 95 (Block D) of said "Jefferson Park Subdivision" as recorded in Liber 26, Page 93, Plats, Wayne County Records; also

All that part of Essex Avenue, 60 feet wide, lying between and abutting the west line of Piper Avenue (80 feet wide) and the west line of Newport Avenue (50 feet wide); also

All that part of Piper Avenue, 80 feet wide, lying westerly of and abutting the west line of Lots 75 thru 84 (Block E); also lying easterly of and abutting the east line of Lots 86 thru 95 (Block D) of

said "Jefferson Park Subdivision" as recorded in Liber 26, Page 93, Plats, Wayne County Records; also

All that part of Eastlawn Avenue, 60 feet wide, lying westerly of and abutting the west line of Lots 76 thru 85 (Block F); also lying easterly of and abutting the east line of Lots 85 thru 94 (Block E) of said "Jefferson Park Subdivision" as recorded in Liber 26, Page 93, Plats, Wayne County Records; also

All of the north-south public alley, 18 feet wide, in the block bounded by Piper, Eastlawn, Essex and Freud Avenues; also

All of the north-south public alley, 18 feet wide, in the block bounded by Eastlawn, Newport, Essex and Freud Avenues; also

All of the westerly half of the north-south public alley, 18 feet wide, in the block bounded by Newport, Lakewood, Essex and Freud Avenues; also

All of the north-south public alley, 18 feet wide, in the block bounded by Piper and Eastlawn Avenues, Averhill Court, and Essex Avenue; also

All of the north-south public alley, 18 feet wide, in the block bounded by Eastlawn and Newport Avenues, Averhill Court, and Essex Avenue; said public (street and alley) rights-of-way lying within the bounds of a land parcel; being more particularly described as follows:

Land in the City of Detroit, Wayne County, Michigan being Lots 86 through 131 inclusive of Block "D", and Lots 39 through 130 inclusive of Block "E", and Lots 40 through 131 inclusive of Block "F", and Lots 36 through 71 inclusive of Block "G" of "Jefferson Park Subdivision of the Jefferson Park Realty Company" as recorded in Liber 26, Page 91, Plats, Wayne County Records; and the 18 feet wide public alleys of said Blocks "E" and "F", and Piper Avenue (80 feet wide), and Eastlawn Avenue (60 feet wide) all from the southern line of Freud Avenue (60 feet wide) to the southern line of said "Jefferson Park Subdivision"; and Newport Avenue (50 feet wide) from said Freud Avenue to Essex Avenue (60 feet wide), and said Essex Avenue from the western line of said Newport Avenue to the western line of said public alley of Block "D" of said "Jefferson Park Subdivision," more particularly described as: Beginning on the south line of Freud Avenue at the northeast corner of said Lot 36 of Block "G" of "Jefferson Park Subdivision;" thence N.61°04'00"E., along said south line of Freud Avenue, 9.00 feet to the centerline of a public alley (18 feet wide) of said Block "G" of "Jefferson Park Subdivision;" thence S.29°05'54"E., along the centerline of said public alley, 1,076.50 feet to the northern line of Essex Avenue; thence S.61°04'00"W., along said northern line

of Essex Avenue, 153.20 feet to the western line of said Newport Avenue; thence S.28°56'00"W., along said western line of Newport Avenue 363.50 feet to the southern line of "Jefferson Park Subdivision;" thence S.61°04'00"W., along said southern line of "Jefferson Park Subdivision," 666.00 feet to the southwestern corner of said Lot 86, Block "D"; thence N.28°56'00"W., 1,440.00 feet to the northwestern corner of said Lot 131, Block "D"; thence N.61°04'00"E., along said southern line of Freud Avenue, 807.10 feet to the point of beginning, containing 1,122,288 square feet or 25.7642 acres more or less;

Be and the same are hereby vacated as public (street and alley) rights-of-way to become part and parcel of the abutting property [NOTE: All of the public street alignments and the various easements are created as delineated on the proposed Victoria Park-Detroit Subdivision]; and be it further

Resolved, This resolution is to be effective upon recording of the plat.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 3) per motions before Adjournment.

Law Department

May 13, 1994

Honorable City Council:

Re: City of Detroit v. Michigan Department of Commerce, et al. Case No. 93-314364-CH.

This office has reviewed the litigation referenced above, the facts and particulars of which are set forth in the case memorandum. From this review, it is our considered opinion that settlement of the litigation by means of entry of a consent judgment is in the best interests of the City of Detroit.

There is no exchange of monetary consideration as part of the settlement. The effect of the settlement is to approve the vacation and revision of the plats comprising the Victoria Park-Detroit Subdivision. The Victoria Park development area is being replatted by the City of Detroit Community & Economic Development Department to eliminate confusing and complicated legal descriptions.

The proposed plat has been reviewed and approved by the appropriate City departments as set forth in the Detroit City Code. In addition, the plat has been reviewed and approved by the staff of the City Planning Commission as being consistent with the site plans already reviewed and adopted for the Victoria