

Provided, That the Detroit Edison Company shall be subject to any tax under the provisions of the General Property Tax Act MCLA 211.1 et seq. which may be levied against it pursuant to law with respect to the steam line trestle system encroachment; and further

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee (DE Co.) at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Department at the permittee's (DE Co.) sole cost and expense; and further

Provided, That said permits issued by the City Engineering Department, Department of Buildings and Safety Engineering, and/or the Public Lighting Department are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinance(s), or resolution(s), or City policies [governing the placement of steam line trestle system encroachments, or other non-standard utility installations; also being an encumbrance to an open (for public travel) public right-of-way] are amended to provide for the levying thereafter, of a fee, charge or rental, to be hereafter determined upon, for the occupancy of public streets, alleys or other public places, that the permittee (DE Co.) will pay said fee, charge or rental provided for in said Charter, or code(s), or ordinance(s), or resolution(s), or policies; also said permittee (DE Co.) does hereby bind itself thereunto, and to accept said permits on the conditions hereby imposed, and in the event said permittee shall contest the validity of said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and permittee (DE Co.) hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the permittee (DE Co.) acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and further

Provided, The filing of the indemnity agreement and/or the securing of the necessary permit(s), referred to herein shall be construed as acceptance of this resolution by the Detroit Edison Company; 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, That this resolution does not permit any use or operation of a Edison steam (power) line trestle system structure that would conflict with previously issued electrical power franchises for public utilities. Also, nothing in this resolution shall be interpreted as giving any authority, permission or grant to the "Detroit Edison Company" or the "Superior Provisions Company" to modify the rules and regulations of the United States Food and Drug Administration, and/or the Michigan Public Service Commission. Further, this resolution specifically prohibits the transport of materials incidental to a meat packing/slaughterhouse business by attaching a conveyor mechanism (or any other method) to the permitted non-standard steam line trestle system structure encroaching overhead across an open public street right-of-way; and be it further

Resolved, The petitioner, "Detroit Edison Company" and/or their contractors shall submit "as built" drawings sealed by a professional engineer registered in the State of Michigan to the City Engineering Department within 30 days after the completion of the steam line trestle system construction/erection. Said "as built" drawings shall furnish a complete means of identifying and ascertaining the precise position of every part of the "encroachments" with courses, distances, and depth throughout (containing City of Detroit datum), so that it may be determined with certainty where any portion of the "encroachments" have been built. Copies of the certified "as built" maps and surveys shall be attached as an "appendix" to this resolution [a conditional encroachment grant for the purpose of constructing and maintaining a non-standard Edison utility installation; also being an encumbrance to an open (for public travel) public street right-of-way]. Said "appendix" shall be recorded by the City Engineering Department in the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.  
Nays — None.

**City Engineering Department**  
March 16, 1994

Honorable City Council:  
Re: Petition No. 3714. Community and Economic Development Department, Elmwood III — Visions Hous-

ing, Easement to Vacation, parts of the previously converted Waterloo Street, between Prince Hall Drive and Mt. Elliott.

Petition No. 3714 of the "Community and Economic Development Department" requests the outright vacation of two 10.00 feet wide strips of the (former) Waterloo Street public utility easement, 50 feet wide, between Prince Hall Drive and Mt. Elliott Avenue (said parts of public street having been previously vacated and converted into a subsurface public utility easement in the City Council resolution adopted on June 7, 1978 — J.C.C. pgs. 1613-23).

The petition was referred to the City Engineering Department by the City Clerk for investigation (utility clearances) and report. This is our report:

Barden Cablevision, Detroit Edison Company, Michigan Consolidated Gas Company, and the Water and Sewerage Department have reported facilities in the area. However, CATV, DE Co., MCG Co., and DWSD have reported no objections to the reduction of two parts of the (former) Waterloo Street subsurface public utility easement from 50 wide to 40 feet wide.

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

Respectfully submitted,  
WILLIAM L. TALLEY  
Head Engineer

By Council Member Tinsley-Williams:

Resolved, All that part of the subsurface public utility easement in Lots 57 and 58 of "Elmwood Park Urban Renewal Plat No. 3 of part of Private Claims 90, 14, 91, 733, 609, 9 and 454, 11 and 453, 182 and 15", City of Detroit, Wayne County, Michigan as recorded in Liber 100, Page 64, Plats, Wayne County Records; being more particularly described in two 10.00 feet wide strips as follows:

(1) Beginning at the northeast corner of said Lot 57 [being a point on an easterly line of said Lot 57; said point also being on the line of Private Claims 182 and 15], thence S.26°12'37"E., along said easterly line of Lot 57, 10.02 feet; thence S.59°52'26"W., 940.04 feet; thence N.26°05'33"W., 10.02 feet; thence N.59°52'26"E., 940.02 feet to the point of beginning, containing 9,400 square feet or 0.2158 acres more or less; [said part of subsurface public utility easement having been the northerly 10.00 feet of previously vacated Waterloo Street, 50 feet wide, lying between the centerline extended southerly of previously vacated Ellery Street (60 feet wide) and the easterly line extended southerly of previously vacated Elmwood

Avenue (60 feet wide); said parts of former Waterloo Street having been previously vacated and converted into a subsurface public utility easement in the City Council resolution adopted on June 7, 1978 — J.C.C. pgs. 1613-23]; also

(2) Commencing at the northwest corner of said Lot 58, thence S26°06'52"E., along the easterly line of Prince Hall Drive (66 feet wide), 195.30 feet; thence N59°52'26"E., 14.03 feet to the point of beginning; thence N.59°52'26"E., 653.84 feet; thence S.26°05'33"E., 10.02 feet; thence S. 59°52'26"W., 653.83 feet to a point on a line 14.00 feet east of and parallel to the easterly line of Prince Hall Drive (66 feet wide); thence N.26°06'52"W., along said parallel line, 10.02 feet to the point of beginning, containing 6,538 square feet or 0.1501 acres more or less; [said part of subsurface public utility easement having been the northerly 10.00 feet of previously vacated Waterloo Street, 50 feet wide, lying between a line 14.00 feet east of and parallel to the easterly line of Prince Hall Drive (66 feet wide) and the westerly line extended southerly of previously vacated Elmwood Avenue (60 feet wide); said parts of former Waterloo Street having been previously vacated and converted into a subsurface public utility easement in the City Council resolution adopted on June 7, 1978 — J.C.C. pgs. 1613-23];

Be and the same is hereby vacated (outright) as a public utility easement to become part and parcel of the abutting property; and be it further

Resolved, 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, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 8.

Nays — None.

**Community & Economic Development Department**

March 24, 1994

Honorable City Council:

The Community and Economic Development Department recommends acceptance of offers to purchase city-owned property in accordance with the following resolutions.

Respectfully submitted,  
DEBORAH E. FISHER  
Assistant Director

By Council Member Cleveland:

Re. Sale of Property — vacant lot — (N) Beechton at Livernois, a/k/a 6392 Beechton.