

Body (April 27, 1988, J.C.C. pp. 1020-3).

On November 3, 1994, pursuant to Chapter 25 of the 1984 Detroit City Code, the Detroit Historic District Commission conducted a public hearing, and reviewed the Detroit Athletic Club's Application for Permit to Dismantle the Roy Court Apartment Building which is located in the Madison-Harmonie Historic District. During the public hearing, the Detroit Historic District Commission determined that the terms of the February, 1988 Memorandum of Agreement had been met, and, therefore, decided to issue a Notice to Proceed for the Detroit Athletic Club to obtain a permit to dismantle the Roy Court Apartment Building from the Buildings and Safety Engineering Department. However, issuance of this permit is predicated first, upon execution of an agreement by the Planning and Development Department, the Detroit Historic District Commission, and the Detroit Athletic Club which amends the February, 1988 Memorandum of Agreement, and second, upon adoption of a resolution by your Honorable Body which amends the above-referenced April 27, 1988 Resolution.

You will note that on June 26, 1995, the above-referenced parties executed a Memorandum of Agreement. This agreement amends the February, 1988 Memorandum of Agreement and sets forth the conditions to be followed by the parties.

Therefore, pursuant to Section 4-113 of the 1974 Detroit Charter, a resolution is being submitted for adoption by your Honorable Body which will amend the above-referenced April 27, 1988 resolution. If you have any questions, we are available to respond.

Respectfully submitted,
GLORIA W. ROBINSON
Director

By Council Member Tinsley-Williams:

Pursuant to Section 4-113 of the 1974 Detroit Charter, and in accordance with the foregoing communication, be it

Resolved, That the City Council hereby amends its Resolution dated April 27, 1988 (J.C.C. pp. 1020-3) in accordance with the provisions contained in the Memorandum of Agreement entered into on June 26, 1995 by the Planning and Development Department (formerly the Community and Economic Development Department), the Detroit Historic District Commission, and the Detroit Athletic Club which amends the February, 1988 Memorandum of Agreement entered into by the same parties; and

Resolved, that the Detroit City Clerk is hereby authorized to record the June 26, 1995 Memorandum of Agreement with the Wayne County Register of Deeds.

Adopted as follows:
Yeas — Council Members Cockrel, Everett, Hill, Scott, Tinsley-Williams and

President Mahaffey — 6.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 5) per motions before adjournment.

Department of Public Works

June 29, 1995

Honorable City Council:

Re: Petition No. 1298. Thyssen Steel Group Streets and Alley to Vacation. Requesting the outright vacation of (1) Wesson between Ford Expressway and McGraw; (2) Devereaux between Wesson and Campbell; (3) North-south public alley in the block bounded by Wesson, Campbell, Ford Expressway and Devereaux.

Petition No. 1298 of the "Thyssen Steel Group" requests the outright vacation of the following public streets and alley:

(1) Wesson Avenue, 50 feet wide, between McGraw Avenue and the Edsel Ford Expressway; also (2) Devereaux Street, 66 feet wide, between Wesson and Campbell Avenues; also (3) All of the north-south public alley, 20 feet wide, in the block bounded by Wesson and Campbell Avenues, the Edsel Ford Expressway, and Devereaux Street.

The petition was referred to the City Engineering Division — DPW by the Planning and Development Department for investigation (utility clearances) and report. This is our report:

The Recreation Department has reviewed and approved the public street and alley vacations.

The requested vacation of Wesson will alter traffic patterns crossing a vehicular bridge over the expressway. Therefore, the City Engineering Division — DPW has consulted the Michigan Department of Transportation (M-DOT). M-DOT has reported no objections to the vacation of Wesson Avenue.

The petitioner plans to alter the Wesson Avenue and public alley returns into the Ford Expressway service drive. If necessary, Thyssen Steel shall apply to M-DOT for construction permits to work within the Edsel Ford Expressway service drive.

Whenever discontinuance of use makes removal of the public street returns into McGraw and/or Campbell necessary, the petitioner shall pay all incidental removal or alteration costs. Thyssen Steel shall apply to the City Engineering Division — DPW for construction permits to work within McGraw and/or Campbell Avenue(s).

Satisfactory arrangements have been made with the Water and Sewerage Department, Comcast Cablevision, Detroit Edison Company, and Michigan Consolidated Gas Company regarding the relocation and/or alteration of their facilities.

The petitioner has deposited the following city department reimbursement cost(s)

with the City Treasurer:

Public Lighting Department (PLD):

(1) \$5,000.00. Receipt No. 219526;
Deposit to remove PLD facilities within
Wesson and Devereaux;

(2) \$15,000.00. Receipt No. 219597;
Deposit to remove public lighting facilities
within the north-south public alley in the
block bounded by Wesson, Campbell, Ford
Expressway, and Devereaux;

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

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division —DPW

By Council Member Tinsley-Williams:

Resolved, All of Wesson Avenue, 50 feet
wide, between McGraw Avenue and the
Edsel Ford Expressway lying westerly of
and abutting the west line of Lots 48 thru
62; also lying westerly of and abutting the
west line of Devereaux Street, 66 feet wide;
also lying westerly of and abutting the west
line of Lots 63 thru 85 of "Talbot's
Subdivision of Lot 1 of the Subdivision of
Daniel Livernois Estate of North part of
Private Claim 171, City of Detroit and
Springwells," City of Detroit, Wayne
County, Michigan as recorded in Liber 18,
page 80, Plats, Wayne County Records;
also lying easterly of and abutting the east
line of that "Part of Lot 2 [lying between
McGraw and the Edsel Ford Expressway]
of the North part of Private Claim 171,
being (part of) the Estate of Daniel
Livernois, [Probate file 7093]" City of
Detroit, Wayne County, Michigan as
recorded in Liber 181, Page 450, Deeds,
Wayne County Records; also

All of Devereaux Street, 66 feet wide,
between Wesson and Campbell Avenues
lying southerly of and abutting the south
line of Lot 63; also lying southerly of and
abutting the south line of the vacated north-
south public alley (20 feet wide; in the block
bounded by Wesson and Campbell
Avenues, Devereaux Street, and McGraw
Avenue; said public alley having been pre-
viously vacated in the City Council resolu-
tion adopted on December 23, 1901 —
J.C.C. page 1211); also lying southerly of
and abutting the south line of Lot 32; also
lying northerly of and abutting the north line
of Lot 33; also lying northerly of and abut-
ting the north line of the north-south public
alley (20 feet wide; in the block bounded by
Wesson and Campbell Avenues, the Edsel
Ford Expressway, and Devereaux Street);
also lying northerly of and abutting the
north line of Lot 62 of "Talbot's Subdivision
of Lot 1 of the Subdivision of Daniel
Livernois Estate of North part of Private
Claim 171, City of Detroit and Springwells,"
City of Detroit, Wayne County, Michigan as
recorded in Liber 18, Page 80, Plats,
Wayne County Records; also

All of the north-south public alley, 20 feet
wide, in the block bounded by Wesson and
Campbell Avenues, the Edsel Ford
Expressway, and Devereaux Street lying
westerly of and abutting the west line of
Lots 33 thru 47; also lying easterly of and
abutting the east line of Lots 48 thru 62 of
"Talbot's Subdivision of Lot 1 of the
Subdivision of Daniel Livernois Estate of
North part of Private Claim 171, City of
Detroit and Springwells," City of Detroit,
Wayne County, Michigan as recorded in
Liber 18, Page 80, Plats, Wayne County
Records.

Be and the same are hereby vacated
(outright) as public streets and alley to
become part and parcel of the abutting
property, subject to the following provi-
sions:

Provided, That before any construction
shall be permitted within the vacated (out-
right) public streets and alley, mentioned
above, the petitioner shall apply to the
Buildings and Safety Engineering
Department for a building permit.
Simultaneously, the petitioner shall submit
said building plans to the Water and
Sewerage Department (DWSD) for review
and approval. The building plans shall
include the following engineering details as
required by DWSD:

(a) the proposed construction of a new
sewer line starting at the existing manhole
located at Wesson and McGraw, extending
easterly on McGraw to tie into the existing
10.00 feet diameter public sewer in
Campbell; also a new manhole shall be
constructed in order to tie the new sewer to
the existing public sewer in Campbell.
[NOTES: The new public sewer line shall
be engineered and constructed by
Thyssen's contractor at Thyssen's cost.
The new public sewer plans and construc-
tion shall be designed, reviewed and
inspected in accord with DWSD standard
specifications. Upon satisfactory comple-
tion of the construction of a new/relocated
public sewer, subject to acceptance by
DWSD, the existing public sewer(s) within
the vacated public rights-of-way, men-
tioned above in this resolution, shall be
abandoned by DWSD and become private
sewers of the Thyssen Steel Group togeth-
er with full maintenance and repair respon-
sibilities for said abandoned sewers. The
existing connection to the DWSD sewer
system may have to be restricted; subject
to DWSD's evaluation of the Thyssen Steel
plans. In the event that the abandoned
sewers shall break, causing damages to
any construction, property or materials
within the Thyssen Steel site, the petitioner
and/or assigns by acceptance of building
permits for construction over said aban-
doned sewers, waives all claims for dan-
gers. Thyssen Steel shall apply to the City
Engineering Division — DPW for construc-
tion permits to work within McGra and/or

Campbell Avenue(s)

Further, the petitioner has provided a 24-inch diameter private sewer line to the Kelsey-Hayes property. DWSD will not accept responsibility for maintaining this private sewer.]; and

(b) the proposed installation of a new 12-inch diameter water main private meter pit to be located at the Ford Expressway service drive and Wesson Avenue. [NOTES: Said private meter pit will supply the two existing 8-inch diameter water service lines off of Wesson Avenue. It is optional, but recommended, that Thyssen Steel consider constructing an emergency water main private meter pit at the McGraw Avenue water main. This proposal will result in an 8-inch diameter sprinkler fire service near the southern line of Wesson; also a second 8-inch diameter water line which terminates in a 2-inch diameter domestic water service. The northern part of the existing 12-inch diameter water main in Wesson Avenue (that presently feeds the domestic center) should be cut and capped after the installation of a 8-inch diameter water main service tee. The 8-inch diameter water main in Devereaux Avenue should be cut and capped at Campbell Avenue. All of the water main adjustments shall be made at the cost of Thyssen Steel; subject to DWSD standards, specifications and inspection. The cost of said alterations, maintenance and repair of the proposed private water lines are the sole responsibility of the petitioner and their assigns. Thyssen Steel shall apply to the City Engineering Division — DPW for construction permits to work within

McGraw and/or Campbell Avenue(s). If necessary, Thyssen Steel shall apply to the Michigan Department of Transportation (M-DOT) for construction permits to work within the Edsel Ford Expressway service drive.]; and further

Provided, All costs for DWSD plan review associated with the abandonment of public sewers and/or other construction that may be required by DWSD (designed to prevent damages and maintain public sewer and/or water services), including but not limited to inspections, survey, engineering, and permits shall be paid by the "Thyssen Steel Group" and/or their contractors; and further

Provided, That the petitioner shall grant the Water and Sewerage Department through the Board of Water Commissioners (for and on behalf of the City of Detroit) a satisfactory easement for the existing 10.00 feet diameter concrete cylinder public sewer within property owned (or to be owned) by the Thyssen Steel Group. [NOTE: Said existing 10.00 feet diameter public sewer is now located within the vacated part of Campbell Avenue, 60 feet wide, between Devereaux Street and McGraw Avenue; said public street having

been previously vacated as part of "Atkinson Playfield" by City Council resolution on December 23, 1901 — J.C.C. page 1211]. After said easement has been reviewed and accepted by the Board of Water Commissioners, then said grant of sewer easement shall be conveyed by a properly executed document, containing a legal description suitable for recording. Additionally, the Water and Sewerage Department shall record said executed document in the Wayne County Register of Deeds; and further

Provided, The removal or alteration of the public street return entrances (into McGraw Avenue and/or the remaining part of Campbell Avenue); including public sidewalks, curbs, commercial driveways, and any necessary drainage alterations) shall be subject to the specifications, inspection, and permits of the City Engineering Division — DPW; 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 Public Lighting Department is hereby authorized and directed to remove all of its facilities (now located within the herein above described vacated public streets and alley) in the Thyssen Steel development site.

Adopted as follows:

Yeas — Council Members Cockrel, Everett, Hill, Scott, Tinsley-Williams and President Mahaffey — 6.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 6) per motions before adjournment.

REPORT OF THE COMMITTEE OF THE WHOLE THURSDAY, JUNE 29TH

Chairperson Tinsley-Williams submitted the following Committee Report for above date and recommended its adoption.

Permit

Honorable City Council:

To your Committee of the Whole was referred petition of Coalition to Stop the Execution of Mumia (1400) for a permit to march. After careful consideration of the matter, your Committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,

TINSLEY-WILLIAMS

Chairperson

By Council Member Tinsley-Williams:

Resolved, That permission be and is hereby granted to the Coalition to Stop the Execution of Mumia (1400) to conduct a march on July 3, 1995 in the vicinity of Woodward and Warren during a time and along a route approved by the Police Department.

Provided, That, same is conducted