

of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 83, Plats, Wayne County Records;

Be and the same is hereby (outright) vacated as part of a public street to become part and parcel of the abutting property; subject to the following provision:

Provided, That if it becomes necessary to remove the paved street return at the entrance (into Filer Avenue), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications with all costs borne by the abutting owners, their heirs or assigns; and be it further

Resolved, All that part of the southern 35.00 feet of Brimson Avenue, 70 feet wide, east of Filer Avenue lying northerly of and abutting the north line of Lot 15 of "Mast's Subdivision of Block 28 and part of Block 27 of the original town plat of Norris (North Detroit), Hamtramck Township, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 83, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a private easement for public utilities of the full width (of the above described southern 35.00 feet) of the street, 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 street 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 street 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 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 street 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 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; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering Department, if necessary) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division — DPW,

Fourth, that if the owners of any lots abutting on said vacated street 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,

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 if it becomes necessary to remove the paved street return at the entrance (into Filer Avenue), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications with all costs borne by the abutting owners, 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 Cleveland, Cockrel, Everett, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.

Nays — None.

Water & Sewerage Department

October 16, 1995

Honorable City Council:

Re: Petition No. 1563 — Architects International, Inc. Commercial Sewer Easement Closure — 14221 Mellon.

Returned herewith is Petition No. 1563 from Architects International, Inc., requesting the closure of sewer easement in the vacated alley located at 14221 Mellon in order to expand the existing facility. The existing sewer will become a private sewer with accessibility to a proposed manhole for City use beyond the private property boundary.

We have no objections to the abandonment of the existing City sewer provided that the proposed manhole is constructed in accordance with the plans approved by the Detroit Water and Sewerage Department (DWSD) and under the DWSD's permit and inspection.

We, Therefore, recommend that the petition be granted in accordance with the attached resolution. After the City Council has acted on the petition, please send a copy of City Council's resolution to the attention of Mr. Dennis Kopp, Acting Head Engineer of Water Systems, DWSD, at the Water Board Building, 14th Floor.

Respectfully submitted,
STEPHEN F. GORDEN
Director

By Council Member Hood:

Resolved, That the existing sewer located in the public easement retained by City Council resolution of May 26, 1982, page 1300, for vacation of the east/west public alley, 20 feet wide, in the block bounded by Lowdell, Lang and Mellon Avenues, described as lying in the east/west alley south of Lots 121 to 128 and north of Lots 129 and 130, as recorded in liber 53, page 89 of plats of Wayne County records is hereby vacated as a City sewer with the sewer reverting to the ownership of the petitioner and no longer being the City of Detroit's responsibility, subject to all concerned departments approval.

Provided, That the petitioner (No. 1563) shall construct a new manhole at Lang Avenue for accessibility beyond the private property boundary, and further

Provided, The proposed manhole is constructed in accordance with the plans approved by the Detroit Water and Sewerage Department (DWSD) and under DWSD's permit and inspection, and further

Provided, That the Detroit Water and Sewerage Department be and is hereby authorized to review the drawings for the proposed manhole and to issue a permit for the construction of the manhole, and further

Provided, That the plans for the proposed manhole shall be prepared by a registered Engineer; and further

Provided, That the entire cost of the manhole construction, survey and engineering shall be borne by the petitioner; and further

Provided, That the petitioner shall deposit with the Detroit Water and

Sewerage Department in advance of engineering, inspection, such amounts as that Department deems necessary to cover the costs of these services.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.

Nays — None.

Taken From The Table

Council Member Cockrel moved to take from the table an ordinance to amend Chapter 2 of the City Code to adopt the Modified Development Plan for the Wholesale Distribution Center Rehab Project No. 3 laid on the table August 4, 1995 (JCC p.), which motion prevailed.

The Ordinance was then placed on the order of third reading.

THIRD READING OF ORDINANCE.

The title to the Ordinance was read a third time.

The ordinance was then read.

The question being "Shall this Ordinance Now Pass?"

The ordinance was passed, a majority of the Council Members present voting therefor as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 8.

Nays — None.

Title to the Ordinance was confirmed.

*WAIVER OF RECONSIDERATION (No. 1) per motions before adjournment.

**STATEMENT FOR THE RECORD
OWENS AND MINOR DEVELOPMENT
PROJECT COUNCIL PRESIDENT
MARYANN MAHAFFEY
OCTOBER 25, 1995**

There is a promise from the administration of increasing the Eastern Market Citizens District Council boundaries for more room for food related businesses and industry. Therefore, I am voting yes on this project.

**STATEMENT OF MEL RAVITZ RE
WHOLESALE FOOD DISTRIBUTION
CENTER NO. 3 DEVELOPMENT
PLAN MODIFICATION**

Although I had previously intended to oppose changing the Development Plan for the Wholesale Food Distribution District, I have finally decided to support it.

My decision is based on the Planning Commission's indication that its staff actively sought usable alternative sites for Owens-Minor but was unable to find any available. While I appreciate the concerns of the CDC that violating the "food industry only" integrity of the District will produce possible risks for future food industry expansion, there are other ways to