

The deficit in the appropriation was caused due to the pendency of approval of Block Grant Funding for City owned vacant lot cutting.

I, therefore, respectfully request that your Honorable Body adopt the attached resolution which authorizes the Finance Director to increase the amount in Appropriation #0038 by an amount equal to \$203,000. The increase will come from the available balance in Appropriation No. #0035, Refuse Collection.

Respectfully submitted,  
CLYDE D. DOWELL  
Director, D.P.W.

Approved:

J. EDWARD HANNON

Budget Director

EARL CABBELL

Chief Accounting Officer

By Council Member Cleveland:

Resolved, That in accordance with the above communication, the Finance Director is hereby authorized to transfer \$203,000 from Appropriation No. 0035, Refuse Collection, to Appropriation No. 0038, Vacant Lot Clean-Up, And Be It Further

Resolved, That the Finance Director is hereby authorized to honor vouchers when presented in accordance with this resolution.

Adopted as follows:

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

Nays — None.

**Department of Public Works  
City Engineering Division**

March 21, 1995

Honorable City Council:

Re: Petition No. 3254, Dewitt Products, Inc., Alleys to Easement remaining public alleys in the triangular block bounded by Campbell, Plumer and the Railroad

Petition No. 3254 of "Dewitt Products, Inc." requests the conversion of the remaining public alleys in the triangular block bounded by Campbell and Plumer Avenues, and the (Michigan Central) Railroad right-of-way into a private easement for public utilities.

The requested conversion was approved by the Planning and Development Department. The petition was referred to the City Engineering Division — DPW for investigation and report. This is our report:

The petitioner plans to use the paved alley return entrances (into Campbell and Plumer Avenues) and requests such remain in their present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

The City is owner in fee of the west 10.00 feet of the north-south public alley, 30 feet wide, in the referenced triangular block (said parts of lots having been deeded to the City of Detroit for public alley purposes in the City Council resolutions adopted on August 9, 1921 — J.C.C. pages 1493-94; August 30, 1921 — J.C.C. pages 1608-09; and September 20, 1921 — J.C.C. page 1723). Therefore, the Finance Director must execute a quit-claim deed to transfer the vacated and converted part of public right-of-way.

City departments and privately-owned utility companies have reported no objections to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
SUNDAY JAIYESIMI  
City Engineer

By Council Member Cleveland:

Resolved, All of the north-south public alley, 30 feet wide (as widened in the City Council resolutions adopted on August 9, 1921 — J.C.C. pages 1493-94; August 30, 1921 — J.C.C. pages 1608-09; and September 20, 1921 — J.C.C. page 1723), in the triangular block bounded by Campbell and Plumer Avenues, and the (Michigan Central) Railroad right-of-way lying westerly of and abutting the west line of Lots 247 thru 255; also lying easterly of and abutting a line 10.00 feet westerly of parallel to the east line of Lots 203 thru 206 of "Leavitt's Subdivision of part of Private Claims 574 and 171, Springwells (Township)", City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 29, Plats, Wayne County Records; also

All of the remaining east-west public alley, variable width, in the triangular block bounded by Campbell and Plumer Avenues, and the (Michigan Central) Railroad right-of-way lying westerly of and abutting the east line extended northerly of Lot 255; also lying easterly of and abutting a line extended northerly, being 10.00 feet westerly of and parallel to the east line of Lot 203 of "Leavitt's Subdivision of part of Private Claims 574 and 171, Springwells (Township)", City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 29, Plats, Wayne County Records;

Be and the same are hereby vacated as public alleys and are hereby converted into a private easement for public utilities of the full width of the alleys, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of



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the lots abutting on said alleys 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 alleys 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 alley 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 alleys 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) 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 alleys 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 alley returns at the entrances (into Campbell and/or Plumer Avenues), 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 owner(s), 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; 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 (alley) right-of-way to "Dewitt Products Company" (5860 Plumber Avenue, Detroit, Michigan 48209), for the fair market value and/or other valuable considerations:

"Land in the City of Detroit, County of Wayne, Michigan being all that part of the easterly 10.00 feet of Lots 203 thru 206 of "Leavitt's Subdivision of part of Private Claims 574 and 171, Springwells (Township)", as recorded in Liber 2, Page 29, Plats, Wayne County Records (said parts of lots having been deeded to the City of Detroit for public alley purposes in the City Council resolutions adopted on August 9, 1921 — J.C.C. pages 1493-94; August 30, 1921 — J.C.C. pages 1608-09; and September 20, 1921 — J.C.C. page 1723); subject to a private easement for public utilities."

Adopted as follows:

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

Nays — None.

#### Recreation Department

March 15, 1995

Honorable City Council:

Re: Proposed grant applications for the Michigan Department of Natural Resources

The Recreation Department proposes to submit three applications for funding to the Michigan Department of Natural Resources.

1. **Bishop Playfield** — This grant is to redevelop Bishop Playfield as an active outdoor sports complex. The grant will be submitted to the Michigan Quality of Life Recreation Bond Program and has a total cost of \$1,000,000. State funding of \$750,000 and a required local match of \$250,000 would be used to build two new softball/little league ball fields, 3 new basketball courts, a new soccer/multipurpose playing field, a picnic and children's play area, parking area, walk-