

October 2

1996

without the written approval of the City Council; 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 Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.
Nays — None.

**Department of Public Works
City Engineering Division**

September 23, 1996

Honorable City Council:

RE: Petition No. 120 Goodwill Industries of Greater Detroit, Inc. Alleys to Vacation and Easement; also temporary closing in the block bounded by Trumbull, Brooklyn, Grand River, Elm and Ash

Petition No. 120 of "Goodwill Industries of Greater Detroit, Inc." requests the (outright) vacation of certain public alleys, 12 and 18 feet wide, in the block bounded by Trumbull, Brooklyn and Grand River Avenues, Elm and Ash Streets; also the conversion of the northwestern 62.02 feet of the north[west]-south[east] public alley, 18 feet wide, north of Elm Street and west of Brooklyn Avenue into a private easement for public utilities. "Goodwill" plans to construct an addition [20,000 square feet] to their present building.

"Goodwill Industries of Greater Detroit, Inc." is negotiating a purchase of 3121 and 3127 Grand River; and therefore, requests the temporary closing of the remaining north[west]-south[east] public alley, 18 feet wide, north of Elm Street and west of Brooklyn Avenue. "Goodwill" submitted a letter to the City Engineering Division agreeing to hold the city harmless from claims, damages or expenses for the temporary public alley closing.

The requests were approved by the Planning and Development Department, and Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

The Ameritech/Michigan Bell Telephone Company, Comcast Cablevision, Detroit Edison Company, and the Public Lighting Department have overhead facilities in the public alleys. Satisfactory arrangements (to relocate poles and overhead wires from the public alleys) are complete.

The petitioner has paid the following city reimbursement costs:

Public Lighting Department [PLD] — Accounting:

\$2,000.00 — Receipt No. A-961677;

The estimated cost to remove and reroute the PLD circuit was \$2,000.00.

All other city departments and privately

owned utility companies have reported no objections to the requested (outright) vacation. Provisions to protect utilities (in the north[west]-south[east] public alley, 18 feet wide, north of Elm Street and west of Brooklyn) are part of the vacating resolution.

The abutting business owner(s) plan to use one paved public alley return into Elm Street (first west of Brooklyn); and requests such remain in its present status. "Goodwill Industries of Greater Detroit, Inc." will pay all expenses to remove the paved public alley return whenever discontinuance of use makes removal necessary; subject to city specifications, permits and inspection.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI,

City Engineer

By Council Member Scott:

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Goodwill Industries of Greater Detroit, Inc." at 3132 Trumbull, Detroit, Michigan to close a southerly portion of the north[west]-south[east] public alley, 18 feet wide, north of Elm Street and west of Brooklyn Avenue lying southerly of and abutting the south line of Lots 24 thru 26; also lying northerly of and abutting the north line of the south[easterly] 65.44 feet of Lot 32 of the "Subdivision of Outlots 13,14,15 and 16, Baker Farm by the City Assessor," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 285, Plats, Wayne County Records; on a temporary basis to expire on November 1, 2001;

Provided, The petitioner shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public alley closing; and

Provided, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; and

Provided, The property owned by the petitioner and adjoining the temporary public alley closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the alley; and

Provided, No building or other structure (except necessary line fence), shall be constructed on or over the alley. The petitioner shall observe the rules and regulations of the City Engineering Division —

DPW. The City of Detroit retains all rights and interests in the temporarily closed public alley. The city and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public alley. Further, the petitioner shall comply with all specific conditions imposed to insure unimpeded 24-hour-per-day access to the city and utility companies; and

Provided, All of the petitioner's public property fence and gate installation(s) shall be subject to the review and approval of the City Engineering Division — DPW (if necessary, in conjunction with the Traffic Engineering Division — DPW and the Planning and Development Department); and

Provided, The petitioner's fence and gate installation shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

Provided, This resolution does not permit the storage of materials, display of merchandise, or advertising signs within the temporarily closed public alley. Further, the placement of materials, merchandise, or advertising signs on any adjacent berm area is prohibited. It is the intent of this provision to prohibit private advertising within public rights-of-way, but not signs conforming to the current Michigan Manual of Uniform Traffic Control Devices; and

Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division — DPW by the petitioner at the petitioners expense; and

Provided, This resolution is revocable at the will, whim or caprice of the City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request if the circumstances justify accordingly) grant an extension thereto; and

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

Resolved, All of the north-south public alley, 12 feet wide, in the block bounded by Trumbull, Brooklyn and Grand River Avenues, Elm and Ash Streets having been platted as the westerly 6.00 feet of part of Lot 5, and the westerly 6.00 feet of Lots 1 thru 4 of "Rices Subdivision of Lot 31 of the Subdivision of Outlots 13, 14, 15 and 16, Baker Farm by the City Assessor," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 284, Plats,

Wayne County Records; also being the easterly 6.00 feet of Lot 22 as platted in "Backus Subdivision of the North part of Outlot No. 95, Woodbridge Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 228, Plats, Wayne County Records; and

All of the remaining part of the north-south public alley, 18 feet wide, in the block bounded by Trumbull, Brooklyn and Grand River Avenues, Elm and Ash Streets lying westerly of and abutting the west line of the east-west public alley, 18 feet wide, in said block; also lying westerly of and abutting the west line of Lot 33; also lying easterly of and abutting the east line of the southern 34.00 feet of Lot 30, Lot 31 and Lot 32 of "Backus Subdivision of the North part of Outlot No. 95, Woodbridge Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 228, Plats, Wayne County Records; and

All of the east-west public alley, 18 feet wide, in the block bounded by Trumbull, Brooklyn and Grand River Avenues, Elm and Ash Streets lying southerly of and abutting the south line of Lots 22 thru 27; also lying northerly of and abutting the north line of Lots 33 thru 38 as platted in "Backus Subdivision of the North part of Outlot No. 95, Woodbridge Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 228, Plats, Wayne County Records;

Be and the same is hereby vacated (outright) as public alleys to become part and parcel of the abutting property; and further

Provided, That if it becomes necessary to remove the paved alley return(s) at their entrance(s) (into Ash and/or Elm Streets), 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 "Goodwill Industries of Greater Detroit, Inc." (the abutting owner), their heirs or assigns; and be it further

Resolved, A northerly portion of the north[west]-south[east] public alley, 18 feet wide, north of Elm Street and west of Brooklyn Avenue lying southerly of and abutting the south line of Lots 27 and 28; also lying northerly of and abutting the north line of the north[westerly] 62.02 feet of Lot 32 of the "Subdivision of Outlots 13, 14, 15 and 16, Baker Farm by the City Assessor," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 285, Plats, Wayne County Records;

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

October 2

1996

the owners of the lots abutting on said alley 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 alley 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 alley 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 — DPVV.

Fourth, that if the owners of any lots abutting on said vacated alley 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 con-

struction 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 Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.
Nays — None.

Recreation Department

September 18, 1996

Honorable City Council:

Re: Natural Gas Service to Lakeside Refectory, Belle Isle.

On August 4, 1995 and March 27, 1996, your Honorable Body adopted resolutions authorizing the installation of natural gas mains on Belle Isle. We have now decided that these mains should be extended to the Lakeside Refectory, located at the east end of the island. Michigan Consolidated Gas Company has agreed to construct this main for a price of \$16,673.00 (Sixteen Thousand, Six Hundred and Seventy-Three and 00/100 Dollars). Funds are available for this work in Account 56-0908 (Recreation Facility Improvements). Attached is a resolution for your Honorable Body's approval, authorizing this work.

Respectfully submitted,
ERNEST W. BURKEEN, JR.

Director

Approved:

JON MESSNER

Deputy Budget Director

ROGER SHORT

Deputy Finance Director

By Council Member Everett:

Whereas, The Recreation Department desires to have natural gas service available at the Lakeside Refectory on Belle Isle, and the Recreation Department is willing to enter into the required service agreement with Michigan Consolidated Gas Company, and

Whereas, Sufficient funds are available in Account 56-0908 (Recreation Facility Improvements) to cover the cost of the aforesaid agreement, Now, Therefore

Be It Hereby Resolved, That the Director of the Recreation Department is hereby authorized to enter into a service agreement with the Michigan Consolidated Gas Company in the amount of \$16,673.00 (Sixteen Thousand, Six Hundred and Seventy-Three and 00/100 Dollars), and

Be It Further Resolved, That the Director of the Finance Department be and is hereby authorized to transfer funds and honor vouchers, in accordance with