

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI
 City Engineer

By Council Member K. Cockrel, Jr.:

Whereas, The Carmel Hall Building (2450 Woodward Avenue) has been demolished and the site prepared for redevelopment, however, city records contain three (3) encroachments into the public right-of-way. The site encroachment granted September 19, 1967, and the three (3) encroachments do not have expiration dates. Unless they are removed from city records, encroachments can entangle the orderly transfer of property; therefore be it

Resolved, The following non-transferable public right-of-way encroachment, found in city records and connected with the Carmel Hall Building at 2560 Woodward Avenue, described as Lots 1, 2, 3 of Winders Subdivision of Park Lots 6 & 7 Block 7, be and the same hereby rescinded: (1) Three (3) flower boxes encroaching into Woodward Avenue: September 19, 1967-J.C.C. Page 2216.

It is the intent of this resolution to remove from city records the non-transferable encroachments into public rights-of-way; and further

Provided, 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, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.

Nays — None.

**Department of Public Works
 City Engineering Division**

May 4, 1999

Honorable City Council:

Re: Petition No. 853-Woodward & Garfield, L.L.C. requesting commercial alley closure in the area of Woodward, John R, Garfield, and Canfield Avenues.

Petition No. 853 of "Woodward & Garfield, L.L.C." request the conversion of a portion of the east-west public alley, 20 & 30 feet wide, and the north-south public alley, 20 feet wide, in the block bounded by Woodward, John R, East Canfield and Garfield Avenues, into a private easement for public utilities.

The petition was referred to the City Engineering Division-DPW for investigation (utility review) and report. This is our report.

This site is planned for the creation of a mixed-use development to include retail and possibly residential. This plan is complimentary to other developments taking place in this area of the Woodward

Corridor, most notably, the Garfield Loft project which is located on the northern corner, opposite of the subject property.

The public alley closing was approved by the Planning & Development Department and the Traffic Engineering Division-DPW. All other involved city departments and privately owned utility companies reported no objections to the conversion of public right-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY A. JAIYESIMI,
 City Engineer

By Council Member Scott:

Resolved, All that part of the north-south public alley, 20 feet wide, lying easterly of and abutting the east line of lot(s) 1 & 2 and that part of the east-west public alley, 20 & 10 feet wide, lying southerly of and abutting the south line of the west 4.62 feet of lot 44 and lot(s) 45-47, inclusive, of the "Plat of Hubbard and King's Subdivision of Park Lot 32 and part of Park Lot 33," as recorded in Liber 7, page 20 Plats, Wayne County Records; Also, all that part of the east-west public alley, 10 feet wide, lying northerly of and abutting the north line(s) of lot 3, the east 15 feet of lot 4 and the vacated public alley (confirmed September 9, 1868) 15 feet wide, of "Fisher and Shearer's Subdivision of Park Lots 30 and 31," as recorded, in Liber 1, Page 15. Plats, Wayne County Records;

Be and the same 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 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, 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, maintain-

ing, 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 fences; 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 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 construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all cost incidental to the repair of such broken or damaged utility; and further

Provided, that if it becomes necessary to remove the paved alley return at the entrance into Garfield, 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, an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to and over said easement for the purpose above set forth, and further

Provided, Free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment including the use of backhoes, bulldozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and further

Provided, the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide posts over its water mains at reasonable intervals and at points of deflection; 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, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.

Nays — None.

Detroit Zoological Institute

April 22, 1999

Honorable City Council:

Re: Detroit Zoological Institute Donation of 1999 Dodge Pickup

A new 1999 Dodge Pickup Truck (44 miles), VIN Number 1B7HC16X1XS-270468, was donated to the Detroit Zoological Institute on April 20, 1999 by the Detroit Zoological Society. The vehicle has a value of \$16,084.00.

We respectfully request that your Honorable Body formally approve the attached resolution authorizing the Detroit Zoological Institute to accept this vehicle received from the Detroit Zoological Society.

Respectfully submitted,
DARRL McFADDEN
Deputy Director

Approved:

JON MESSNER

Deputy Budget Director

By: ANDREA MORROW

Chief Accounting Officer

By Council Member Cleveland:

Resolved, that the Director of the Detroit Zoological Institute be and is hereby authorized to accept for the City of Detroit the 1999 Dodge Pickup Truck, VIN Number 1B7HC16X1XS270468, donated by the Detroit Zoological Society; and be it further

Resolved, that the 1999 Dodge Pickup Truck, VIN Number 1B7HC16X1XS-270468, be accepted into the City of Detroit Fleet and assigned to the Detroit Zoological Institute.

Resolved, that a communication of appreciation be forwarded to the Detroit Zoological Society by the Detroit Zoological Institute of the City of Detroit.