

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 task, 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, retaining or partition walls, 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 costs incidental to the repair of such broken or damaged utility; and further

PROVIDED, That if it becomes necessary to remove the paved return at the entrance (into West Grand Boulevard), 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 heir or assigns; and be it 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.

*WAIVER OF RECONSIDERATION (No. 113) per motions before adjournment.

**Department of Public Works
City Engineering Division**

July 24, 2000

Honorable City Council:

Re: Petition No. 2574b — LoPatin & Co., to permanently vacate Rademacher St. in the area of Fort St. and the Norfolk & Western/Chesapeake & Ohio Railroad to develop the Meritor Automotive Technical Center.

Petition No. 2574b of "LoPatin & Co.", initially requested for the vacation of Rademacher Street only. However, after review of the request it has been determined that LoPatin & Co., requests the outright vacation of Rademacher Street, 66 feet wide, Rankin Avenue, 50 feet wide, and the east-west public alley, 18 feet wide, all in the area bounded by Waterman, Crawford, W. Fort and the Wabash Railroad Right-of-way. To develop property within the Delray Renaissance Zone the requested street and alley vacations are necessary in order to facilitate the construction of the Meritor Automotive Technical Center.

The request was approved by Planning and Development Department, the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW provided, a portion of Rademacher Street, 58 feet wide, south of the railroad right-of-way to the north line of Hesse Avenue also be closed. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

The Detroit Water and Sewerage Department (DWSD) has no objections to the requested outright vacations provided that the petitioner owns all the property bounded by Waterman, Crawford, W. Fort and the Wabash Railroad. In addition, the water mains and sewers located in the street and alleys to be vacated are cut and capped, bulk-headed or abandoned under DWSD's permit and inspection, and in accordance with plans approved by DWSD. Also, the water mains and sewers located in the area become the responsibility of the petitioner and will no longer be DWSD's responsibility.

The Public Lighting Department (PLD) has no objection to the proposed outright vacation(s). However, PLD has an overhead primary circuit and an overhead lighting circuit within the requested rights-

of-way to be vacated. After the streets and alleys have been closed, PLD will remove the street lights (fixtures and bracket arms) at no cost to the petitioner, the cost of removing the overhead circuits (PLD owned poles) and all associated equipment is estimated at \$15,000.00.

All other city departments and privately owned utility companies have reported no objections to the outright vacation of public rights-of-way or that satisfactory arrangements have been made. Provisions protecting utility installations (if necessary) are part of the resolution.

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

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW

By Council Member Hood:

Resolved, All that part of Rademacher Street, 66 feet wide, between West Fort Street, 100 feet wide and Norfolk/Southern Railroad R.O.W., 60 feet wide, lying easterly of and abutting the east line of Lots 9-23, both inclusive, Lots 48 & 49; the east-west vacated public alley, 10.00 feet wide (vacated July 29, 1969; JCC Pgs. 1961-62), and the east-west vacated public alley, 18.00 feet wide (vacated May 27, 1969; JCC Pgs. 1281-82), as platted in "Harmon's Sub. of the North 861 60/100 feet of Lots 56 & 57 of the Sub. of Crawford's Fort Tract, being part of Private Claims 270, 267 & 268;" Springwells (now Detroit), Wayne County, Michigan, as recorded in Liber 10, Page 61 Plats, Wayne County Records; also, lying westerly of and abutting the west line of Lots 1, 33, 34 vacated Reissman Avenue, 50 feet wide, the vacated public alley, 20 feet wide, north of Reissman, the vacated public alley, 20 feet wide, south of Reissman, (all vacated March 30, 1965; JCC Pg. 672) as platted in "J. I. Turnbull's Sub. of the Sub. of the N'ly 397 ft. of Lots 58, 59 & 60 of Crawford's Fort Tract," Springwells (now Detroit), Wayne County, Michigan, P.C. 268, City of Detroit, Wayne County, Michigan, as recorded in Liber 24, Page 87 Plats, Wayne County Records; also, lying westerly of and abutting the west line of Lot 58 of "Plats of the subdivision of Crawford's Fort Tract, being Private Claim No. 270, the East part of Private Claim No. 267 and the West part of Private Claim No. 268, as recorded in Liber 2, Page 6 Plats, Wayne County Records; also, lying westerly of and abutting the west line of a northerly part of Lot 67 of "Plat of Pohl's Subdivision of part of Lots 58, 59 & 60 and Crawford's Subdivision of Lots 62 & 63 of the Subdivision of Crawford's Fort Tract," Springwells (now Detroit), Wayne County, Michigan, T.2S., R.11E., as recorded in Liber 3, Page 88 Plats, Wayne County Records; also

All that part of Rankin Avenue, 50 feet

wide, between Waterman and Rademacher Avenues, lying southerly of and abutting the south line of Lots 38-48, both inclusive, and lying northerly of and abutting the north line of Lots 49-59, both inclusive, and all of the east-west public alley, 18 feet wide, between Waterman and Rademacher Avenues, lying southerly of and abutting the south line of Lots 1-9, both inclusive, and lying northerly of and abutting the north line of Lots 10, 24 and the vacated public alley, 19.23 feet wide as platted in "Harmon's Sub. of the North 861 60/100 feet of Lots 56 & 57 of the Sub. of Crawford's Fort Tract, being part of Private Claims 270, 267 & 268;" Springwells (now Detroit), Wayne County, Michigan, as recorded in Liber 10, Page 61 Plats, Wayne County Records; also

That part of Rademacher Avenue, 58 feet wide, between Hesse Avenue, and the Norfolk/Southern Railroad R.O.W., lying easterly of and abutting the east line of the north 50.00 feet of the south 74.10 feet of Lot 57 of "Plat of the subdivision of Crawford's Fort Tract, being Private Claim No. 270, the East part of Private Claim No. 267 and the West part of Private Claim No. 268, as recorded in Liber 2, Page 6 Plats, Wayne County Records; and lying westerly of and abutting the west line of the south 40.5 feet of Lot 67 and the northerly 9.5 feet of vacated Hesse Avenue. (vacated April 7, 1953; JCC Pgs. 737-38) of "Plat of Pohl's Subdivision of part of Lots 58, 59 & 60 and Crawford's Subdivision of Lots 62 & 63 of the Subdivision of Crawford's Fort Tract," Springwells (now Detroit), Wayne County, Michigan, T.2S., R.11E., as recorded in Liber 3, Page 88 Plats, Wayne County Records;

Be and the same are hereby vacated as public (street and/or alley) rights-of-way to become part and parcel of the abutting property; subject to the following provisions,

Provided, That the petitioner owns all the property bounded by Waterman, Crawford, W. Fort and the Wabash Railroad. In addition, the water mains and sewers located in the street and alleys to be vacated are cut and capped, bulk-headed or abandoned under DWSD's permit and inspection, and in accordance with plans approved by DWSD. Also, the water mains and sewers located in the area become the responsibility of the petitioner and will no longer be DWSD's responsibility; and further

Provided, That satisfactory arrangements have been made with all involved city departments and privately owned utility companies; and further

Provided, That if it becomes necessary to remove the paved return(s) at the entrance(s) (into West Fort and Waterman), 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 heir or assigns; and be it 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.

*WAIVER OF RECONSIDERATION (No. 114) per motions before adjournment.

City Planning Commission

July 31, 2000

Honorable City Council:

Re: Empowerment Zone Development Corporation, Proposed Amendments to Interim Bylaws and Ordinance 14-95, Including Open Meetings and Quorum Requirements (RECOMMEND APPROVAL)

On March 17, 2000, staff of the City Planning Commission (CPC) and the Research and Analysis Division submitted to City Council proposed amendments to the Interim Bylaws of the Empowerment Zone Development Corporation (EZDC) and to Ordinance 14-95, the Empowerment Zone Strategic Plan. The principle reasons for the amendments were to deal with problems in obtaining a quorum at Board and Executive Committee meetings, and to make the program and operating committee meetings open to the public. The proposed amendments to both the Ordinance and the Bylaws were reviewed with the Executive Committee on March 15, 2000 and approved by that body.

A discussion before City Council was scheduled, but was cancelled because of questions raised by Mr. Dwayne Tarnacki (EZDC legal counsel) and the City's Law Department. Their concerns related primarily to the quorum requirement. Mr. Tarnacki, in particular, was concerned about permitting actions to take place at a meeting in the absence of a quorum, when the meeting was not legally constituted in the first place.

After some discussion among CPC staff, the Law Department, and Mr. Tarnacki, it was suggested that the quorum requirement stay the same for the Board, i.e., that it be a majority of the members then in office, without any provision for acting in the absence of a quorum. The suggestion was to also change the Bylaws from the current requirement of 15 members of the 25-member Executive Committee for a quorum to a majority of the members then in office.

This would have the effect of reducing the number required for a quorum from 15 members to 13 (provided all 25 members were in office).

These changes to the Interim Bylaws and Ordinance 14-95 were discussed at the Executive Committee on June 21, 2000 and approved at the July 19, 2000 meeting of the Board of Directors. The attached draft of the Bylaws, dated July 13, 2000, reflects these changes. All language relating to taking action in the absence of a quorum has been deleted. New language is shown in capital letters. Language to be deleted is shown with a line through it. We understand that similar changes have been made to Ordinance 14-95 by the Law Department. The proposed amendments to Ordinance 14-95 will be submitted to City Council under separate cover by that department.

Proposed Amendments to the Interim Bylaws

City Council Members are in receipt of an earlier draft of the Interim Bylaws dated March 13, 2000. The attached draft dated July 13, 2000 is recommended for adoption by City Council and incorporates the following:

1. Elimination of proposed language that would have permitted action by the Board of Directors in the event there was less than a quorum present. (Section 1.12)
2. Addition of program committees to those meetings of the corporation that are open to the public. (Sections 2.01, 2.02, 2.04, 2.05, 2.06)
3. Addition of operating committees to those meetings of the corporation that are open to the public. (Sections 2.01, 2.02, 2.04, 2.05, 2.06)
4. Addition of language requiring annual publishing and posting of scheduled meetings of the Board, Executive Committee, program committees, operating committees and the Neighborhood Review Panels. (Section 2.01)
5. Deletion of reference to the Executive Committee appointing an Assistant Executive Director. (Section 3.01)
6. Addition of language stating that the Executive Director may appoint a Deputy Director and staff as deemed necessary. (Section 3.06)
7. Change in the quorum requirement for the Executive Committee from 15 members currently to a majority of the members then in office. (Section 4.05)

Proposed Amendments to Ordinance 14-95

In keeping with the proposed amendments to the Interim Bylaws, Ordinance 14-95 (Empowerment Zone Strategic Plan) is proposed to also be amended to incorporate the following:

1. Addition of program committees to those meetings of the corporation that are open to the public. (Section 14-10-11)