

**Department of Public Works
Administrative Division
Director's Office**

July 25, 2002

Honorable City Council:

Whereas, The City of Detroit Local Development Finance Authority ("LDFA") was created by the City Council pursuant to Act 281, Public Acts of Michigan, 1986, as amended ("Act 281"), for the purpose of promoting economic development within the City of Detroit; and

Whereas, Pursuant to Act 281, the City Council adopted the Jefferson/Connor Industrial Revitalization Project Development plan and Tax Increment Financing Plan, as subsequently amended (the "Plan"); and

Whereas, Pursuant to the authority granted under the Act, the LDFA is maintaining the landscape berm along St. Jean between Jefferson and Mack Avenue with tax increment funds; and

Whereas, In the interest of providing consistency with the maintenance activity performed by the LDFA to the berm area in the immediate vicinity and to promote the aesthetic appeal of the corridor, DPW has agreed to contribute to the cost of maintaining the landscape berm along St. Jean from Mack Avenue to Warren;

We therefore, recommend adoption of the attached resolution which authorizes the Department of Public Works to transfer an amount not to exceed \$23,054 from Appropriation #00038 (vacant lot cutting) to the LDFA for defraying the cost of maintaining the landscape berm along St. Jean between Mack Avenue and Warren from July, 2002 through June, 2003, upon receipt of invoice from the LDFA.

Respectfully submitted,
ULYSSES S. BURDELL
Interim Deputy Director

Approved
ROGER SHORT
Budget Director
SEAN WERDLOW
Finance Director

By Council Member McPhail:

Resolved, That, in accordance with the above communication, the Department of Public Works is hereby authorized to transfer an amount not to exceed \$23,054 from APPRN #00038 to the LDFA to defray the cost of maintaining the landscape berm area along St. Jean from Mack Avenue to Warren, from July, 2002 through June, 2003, upon receipt of invoice from the LDFA;

Be It Further Resolved, That the Chief Financial Officer is hereby authorized to honor voucher from the LDFA in an amount not to exceed \$23,054 when it is presented for payment.

Adopted as follows:
Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett,

McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.
Nays — None.

**Department of Public Works
City Engineering Division**

July 29, 2002

Honorable City Council:

Re: Petition No. 371 — Phillip G. Grier, et. al., requesting for conversion of alleys to easement in the area of Willis, Woodward, Alexandrine and Cass.

Petition No. 371 of "Phillip G. Grier et. al.," request conversion to easement the East-West and North-South public alleys, (Deeded to the City of Detroit on July 2, 1901 and December 26, 1967, J.C.C. Pgs. 3136-7) in the block bounded by Willis Avenue, 100 feet wide, Alexandrine Avenue, 100 feet wide, Woodward Avenue, 120 feet wide and Cass Avenue, 80 feet wide into a private easement for utilities.

The request was approved by the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation and report. This is our report:

If the petitioner at any time plans to discontinue use of the paved alley entrance (Willis and Cass Avenues), the petitioner shall pay all incidental removal cost.

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

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

City Engineering Division — DPW
By Council Member McPhail:

Resolved, All that part of the East-West public alley, varied in width, lying Northerly of and abutting the North line of Lot 18, and the public alley vacated on December 26, 1967, J.C.C. Pgs. 3136-7, and lying Southerly of and abutting the South line of Lot 19, Deeded to City of Detroit on July 2, 1901 and December 26, 1967, J.C.C. Pgs. 3136-7; and lying Northerly of and abutting the North line of Lots 39 through 45, both inclusive; and lying Southerly of and abutting the South line of Lots 32 through 38, both inclusive; also All that part of the North-South public alley, 20 feet wide, lying Easterly of and abutting the East line of Lots 19 through 21, both inclusive, and lying Westerly of and abutting the West line of Lot 38 all in the Plat of Subdivision of "Park Lots 61 and 62" Detroit, J.F. Munro October 15, 1863 as recorded in Liber 1 Page 128, Plats, Wayne County Records;

Be and the same is hereby vacated as public alleys and is 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 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 easements or rights-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 the public alleys in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purpose above set forth,

Second, Said utility easements or rights-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 easements or rights-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 easements 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 easements, 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 easements, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

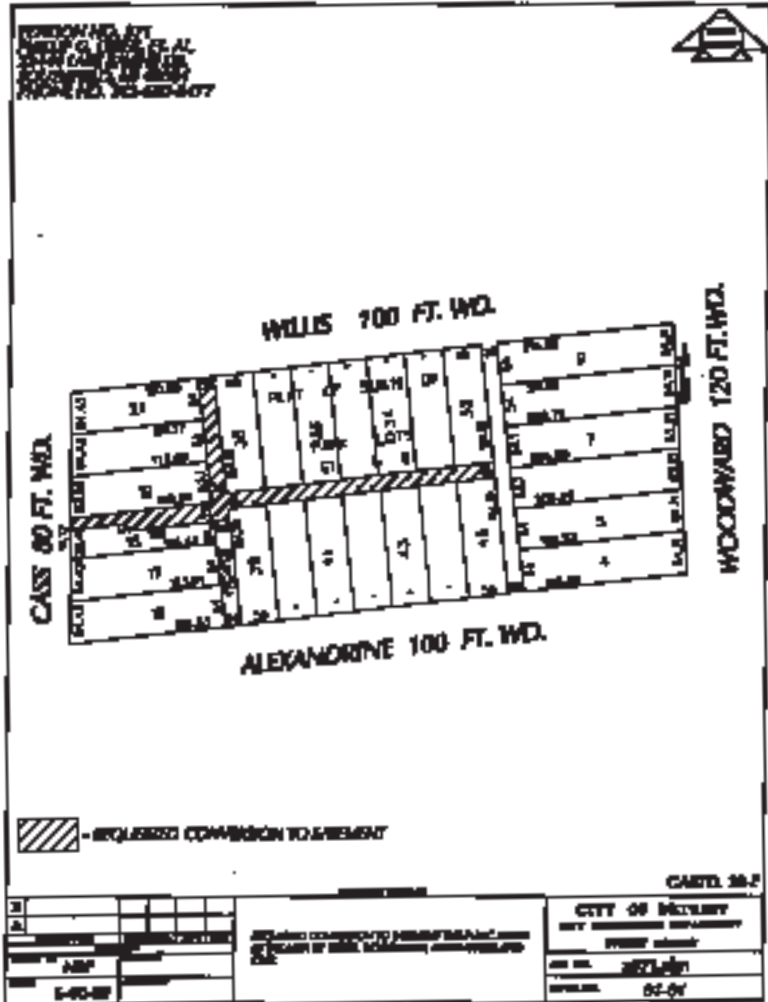
Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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 entrances (into Willis and Cass 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 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; and be it further

Resolved, That Planning and Development Department Director is hereby authorized to issue a quit-claim deed to transfer the following vacated public rights-of-ways for the fair market value and/or other valuable consideration:

Land in the City of Detroit, County of Wayne, State of Michigan; That part of lot 18 in the Plat of Subdivision of "Park Lots 61 and 62" Detroit J.F. Munro October 15, 1863 being the North 15 feet of Lot 18 Dedicated for alley purposes July 2, 1901; also the South 10 feet of the North 25 feet of the East 108 feet of Lot 18 Dedicated for alley purposes December 26, 1967, J.C.C. Pgs. 3136-7 as recorded in Liber 1 Page 128, Plats, Wayne County Records;



Adopted as follows:
 Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.
 Nays — None.

**Department of Public Works
 City Engineering Division**
 July 25, 2002

Honorable City Council:
 Re: Petition No. 3797 — Jesus Tabernacle of Deliverance Church, requesting certain changes in public rights-of-way in the area of Outer Drive, Kilbourne, Rosemary and Chalmers.

Petition No. 3797 "Jesus Tabernacle of Deliverance Church", at 10827 Chalmers Avenue, Detroit, Michigan 48213, request

to encroach into the south side of Kilbourne Ave., 150 feet wide, the north and south sides of Rosemary Ave., 120 feet wide, and Chalmers Ave., 76 feet wide. Also, the petitioner requests the conversion of the northerly portion of the north-south public alley, 20 feet wide, between Rosemary Ave. and Kilbourne Ave., first west of Chalmers Ave., into a private easement for public utilities.

The requested encroachment(s) will include the following:

- The creation of parking bays within the south 30 feet of Kilbourne Ave., 150 feet wide, with wrought iron fencing enclosing an area approximately 30 ft. x 100 ft.
- The installation of concrete steps (at grade) within the north 30 feet of Rosemary Ave., 120 feet wide.