

porate limits of the City of Detroit.

The estimated project cost is \$22,574 funded 100% by the State.

We therefore recommend adoption of the attached resolution, which authorizes the Finance Director to:

- 1. Establish an appropriation for the project in the amount of \$22,574.

The approval of your Honorable Body and Waiver of Reconsideration is requested on the above agreement.

Respectfully submitted,
 ULYSSES BURDELL
 Interim Deputy Director
 Department of Public Works

Approved:

PAMELA SCALES
 Deputy Budget Director
 SEAN WERDLOW
 Finance Director

By Council Member Tinsley-Talabi:

Resolved, That, in accordance with the above communication, the Finance Director is hereby authorized to establish an appropriation for Removal and Disposal of Scrap Tire in the amount of \$22,574.

Be It Further Resolved, That, the Finance Director be and is hereby authorized to honor voucher in an amount of \$22,574 when presented for payment; and

Be It Further Resolved, That, State Application Numbers CI-3-82-21458 through CI-3-82-21484 is hereby approved and Ulysses Burdell, Interim Deputy Director — Department of Public Works, is hereby authorized to execute it on behalf of the City of Detroit.

Adopted as follows:

Yeas — Council Members Bates, S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, and President Mahaffey — 7.

Nays — None.

**Department of Public Works
City Engineering Division**

October 4, 2002

Honorable City Council:

Re: Petition No. 3870 — Rising Star Missionary Baptist Church, for closure of alley in the area of 11525 Whittier.

Petition No. 3870 of "Rising Star Missionary Baptist Church" at 11525 Whittier, Detroit, Michigan 48224, request conversion of the east-west public alley, 20 feet wide, in the block bounded by Kelly Road, 86 feet wide. Duchess Avenue 60 feet wide, Stockwell Avenue, 60 feet wide, and Whittier Avenue, 96 feet wide, into a private easement for public 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 (utility

review) and report. This is our report.

The petitioner plans to use the paved alley return entrance (into Stockwell and Duchess) and request such remain in its present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

All other City departments and private utility companies have reported no objection to the conversion of public rights-of-way into 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 JAIYESIMI
 City Engineer

City Engineering Division — DPW

By Council Member Tinsley-Talabi:

Resolved, All of the east-west and north-south public alley(s), 20 feet wide, in the block bounded by Kelly Road, 86 feet wide, Duchess Avenue, 60 feet wide, Stockwell Avenue, 60 feet wide, and Whittier Avenue, 96 feet wide lying Southerly of and abutting the South line of Lots 1-37, both inclusive, lying easterly of and abutting the East line of Lots 38-42, both inclusive, lying Northerly of and abutting the North line of Lots 43-61, both inclusive, and lying Westerly of and abutting the West line of Lot 43 of "Roney's Super-Highways Sub. of part of Lot 1 of Subdivision of the Back Concession to P.C. 262 and P.C. 272" (P.C. 272 should be P.C. 273 according to the Patent) as recorded in Liber 581, Page 311, Wayne Co., Deeds, City of Detroit, Wayne County, Michigan, Recorded in Liber 54, Page 16 Plats, Wayne County Records; and lying Southerly of and abutting a portion of the Southerly line of Out Lot 1 of "Plat of Sub'd of the Back Concession to Private Claims No. 262 & 272" as recorded in Liber 33 of Deeds, Page 75, 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 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 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, concrete slabs or driveways, 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.

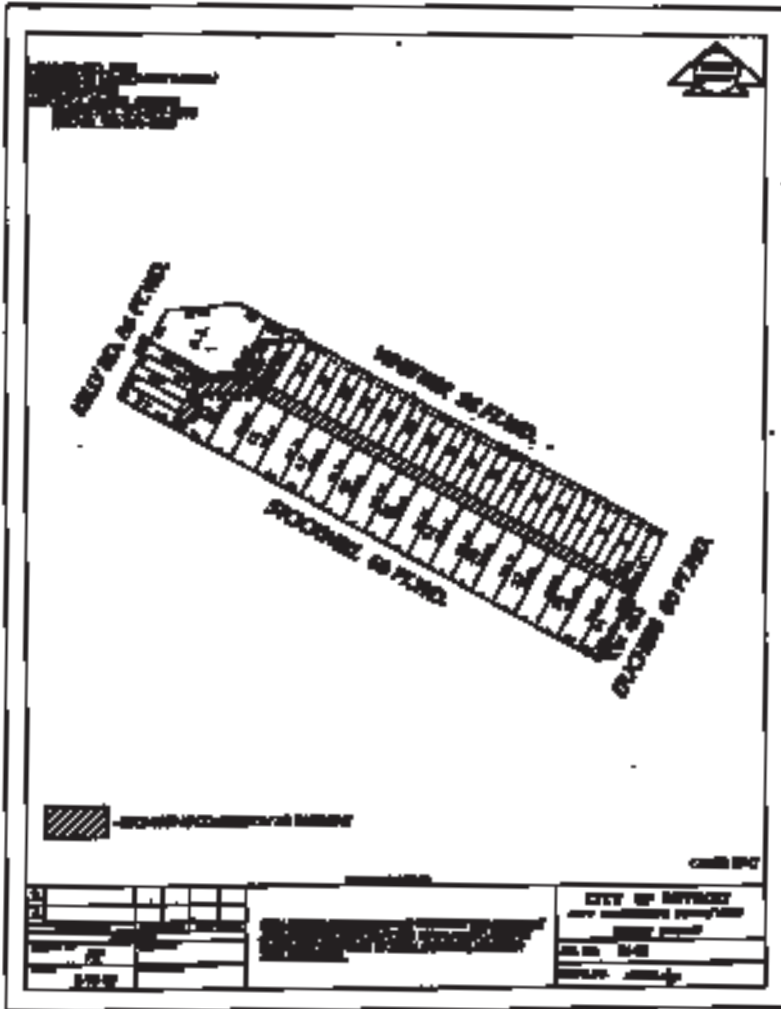
Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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 alley return at the entrance (into Duchess and Stockwell) 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 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 Bates, S.



Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, and President Mahaffey — 7.

Nays — None.

Planning & Development Department
October 10, 2002

Honorable City Council:
Re: Approval of Industrial Facilities Exemption Certificate under Public Act 198 of 1974.

Attached for your action please find a resolution which will give local approval to PTI Paint Satellite's Application for an Industrial Facilities Exemption Certificate (IFEC) in accordance with Public Act 198 of 1974.

The discussion required by the Act was conducted by your Honorable Body earlier today. Inasmuch as no impediments to approval of the IFEC were pre-

sented at the discussion, we recommend that your Honorable Body approve the resolution at your next regular or adjourned formal session.

A Waiver of Reconsideration is requested.

Respectfully submitted,
HENRY B. HAGOOD

Director of Development Activities
By Council Member McPhail:

Whereas, This City Council has established by Resolution City of Detroit Industrial Development District No. 164 in the area of 6501 E. Nevada, Detroit, Mi 48234 pursuant to the provisions of Act No. 198 of the Public Acts of 1974, as amended ("the Act"); and

Whereas, PTI Paint Satellite, L.L.C., filed with the Detroit City Clerk an Application (Petition No. 4269) for an