

4032 28th Street	Ward 14, Item 10926, RUC 416	\$ 71.00
4027 Baldwin	Ward 17, Item 11571	\$732.26
8952 N. Clarendon	Ward 14, Item 7444, RUC 416	\$ 71.00
6002 Maxwell	Ward 17, Item 8401, RUC 418	\$ 71.00
2585 Harding	Ward 21, Item 39854, RUC 419	\$ 71.00
509 Cottrell	Ward 18, Item 9185, RUC 418	\$ 71.00

Be It Further Resolved, That the Finance Director is hereby authorized to remove the above from the various tax rolls in the total amount of \$4,521.31 (Principal).

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.

Nays — None.

Department of Public Works City Engineering Division

May 24, 2004

Honorable City Council:

Re: Petition No. 2288 — Rite On Inc., requesting for conversion of alley to easement south of Michigan between Larkins and Apple Streets.

Petition No. 2288 of "Rite On Inc.", request conversion of the Westerly portion of the East-West public alley, 20 feet wide, in the block bounded by Michigan Avenue, 100 feet wide, St. John Avenue, 50 feet wide, Larkins Street, 50 feet wide, and Apple Street, 50 feet wide into a private easement for utilities.

With the support of most of the adjacent property owners the petitioner originally requested the closure of all of the East-West public alley and the North-South public alley 18 feet wide. However, due to the objection of a property owner at 4312 Apple Street, the City Engineering Division — DPW is presenting this resolution for your Honorable Body to consider closing only that part of the public alley lying between the petitioners property and the property of the Knights of Columbus parking lot.

You should be aware that the property owner at 4312 Apple Street also objected to the closing of that part of the public alley recommended in the attached resolution. However, from our investigation that property owner will have continued access to the rear of his property from the north and the south. Also the property owners adjacent to that part of public alley requested to be closed in this resolution has the legal right to be allowed this closing.

The request was approved by the Planning and Development Department, Solid Waste Division — DPW, 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:

If the petitioner at any time plans to discontinue use of the paved alley entrance (into Larkins Street), the petitioner shall pay all incidental removal cost.

All other city departments and private utility companies have reported no objection to the conversion of the public right-

of-way into a private easement for utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
WILLIAM TALLEY
Head Engineer

City Engineering Division — DPW
By Council Member Tinsley-Talabi:

Resolved, All that part of the East-West public alley, 20 feet wide, lying Northerly of and abutting the North line of Lot 37 in the "Resubdivision of Lots 29 to 65, inclusive and Lots 78 to 99, inclusive, of Larkin's Subdivision of part of P.C. 719" City of Detroit, Wayne County, Michigan as recorded in Liber 59 Page 58, Plats, Wayne County Records, and lying Southerly of and abutting the South line of the West 9.69 feet of Lot 22 and Lots 23 through 28, both inclusive, in the "T. Larkin's Subdivision West of Apple Street of P.C. 719 in Springwells T.2 S. R.11 E." Wayne County, Michigan, (now Detroit) as recorded in Liber 17 Page 74, 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 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, 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

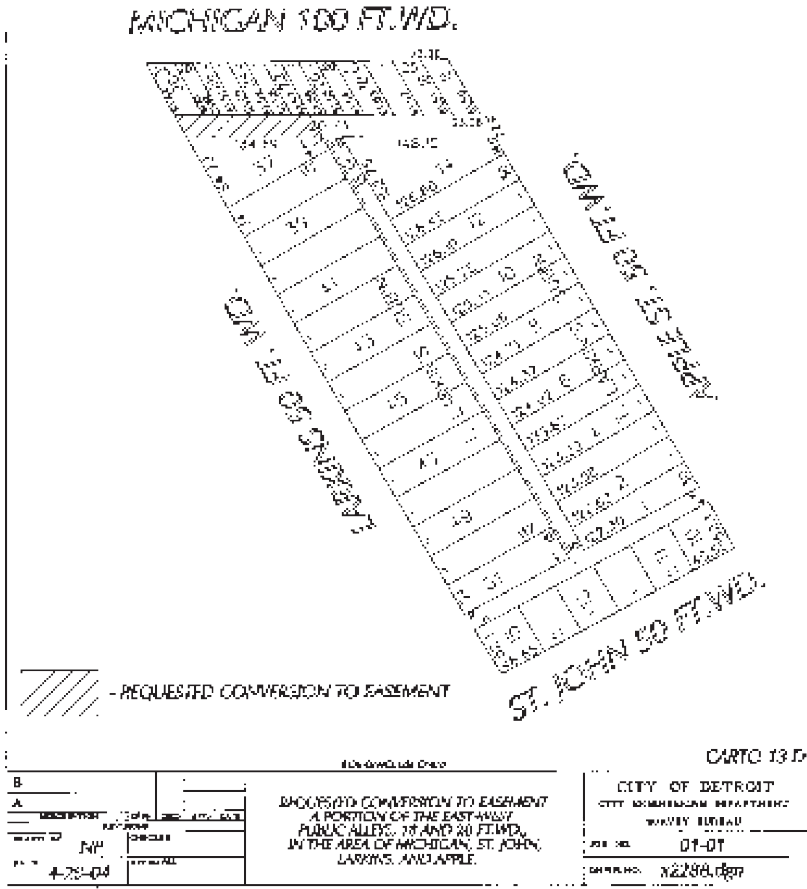
any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

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 Larkins Street), 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.

PETITION NO. 2288
 RTD CON INC
 6935 MICHIGAN AVE
 C/O ERNEST REMERKA
 PHONE 313-297-3333
 FAX NO. 313-297-6864



Adopted as follows:
 Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.
 Nays — None.

Finance Department
 May 24, 2004

Honorable City Council:
 Re: Revised Resolution for the Fiscal Stabilization Application.

Attached please find a revised resolution for the Fiscal Stabilization application submitted to the State Administrative Board last week.

The resolution revises the determination of the fiscal 2003 deficit to include those incurred in the Transportation Fund and the Automobile Parking Fund. This revision is necessary in order to satisfy a provision of Act 80 of 1981 (141.1004 Section 4.(1)(c)) which requires that the

deficit exceed one half of the City's operating levy. Additionally it incorporates the recognition of all General Fund related deficits.

While this revision recognizes a larger deficit to satisfy a technicality in State law it does not reflect any change in the City's borrowing plan, specifically, the City still intends on issuing only \$60 million of Fiscal Stabilization bonds.

Respectfully submitted,
 SEAN K. WERDLOW

Chief Financial Officer

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DETROIT, COUNTY OF WAYNE, STATE OF MICHIGAN AUTHORIZING APPLICATION TO STATE ADMINISTRATIVE BOARD FOR APPROVAL TO ISSUE NOT TO EXCEED \$82,098,376 IN FISCAL STABILIZATION BONDS

By Council Member Tinsley-Talabi:
 WHEREAS, The City of Detroit,