

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

The Public Lighting Department (PLD) will require 24-hr. un-impeded heavy vehicle access for the entire length of the easement and physical access to all facilities within the easement. Any damage done to existing PLD facilities by the proposed construction must be repaired at project cost.

The Detroit Water and Sewer Department has reported no objections to the requested conversion to easement, provided that an easement of the full width of the streets and alleys is reserved.

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

I am recommending adoption of the attached resolution.

Respectfully submitted,
WILLIAM TALLEY
Head Engineer

City Engineering Division — DPW
By Council Member Collins:

Resolved, All of that part of Porter Street, 50.15 feet wide, (as opened June 28, 1881; File 494-1881) between 21st Street, 60 feet wide, and the Fisher Freeway Service Drive, lying southerly of and abutting the south line of the remaining portion of Lot 38 and lying northerly of and abutting the north line of the remaining portion of Lot 37 of "Holbrooks Subdivision of Lots 1, 2, 3 and 4 of the Sub'n of P.C. No. 727" between Fort St. and Michigan Central Railroad, as recorded in Liber 99, Page 411, City of Detroit, Wayne County, Michigan, as recorded in Liber 1, Page 202, Plats, Wayne County Records;

Also, all that part of Bristol Place, 50 feet wide, between 21st Street, 60 feet wide, and the Fisher Freeway Service Drive, lying northerly of and abutting the north line of Lot 3 and lying southerly of and abutting the south line of Lot 4 of "Plat of Wm. E. Lovetts Sub'n of Lot 5, of the Sub'n of Lot 3, P.C. 727" lying between Fort St. & M.C.R.R., City of Detroit, Wayne County, Michigan, as recorded in Liber 4, Page 68, Plats, Wayne County Records;

Also, all that part of Lambie Place, 50 feet wide, between 21st Street, 60 feet wide, and the Fisher Freeway Service Drive, lying northerly of and abutting the north line of Lot 11 of "Plat of Wm. E. Lovetts Sub'n of Lot 5, of the Sub'n of Lot 3, P.C. 727" lying between Fort St. & M.C.R.R., City of Detroit, Wayne County, Michigan, as recorded in Liber 4, Page 68, Plats, Wayne County Records; and lying southerly of and abutting the south line of Lots 18 (except that part taken for

the opening of the freeway) and 22 of the "Plat of the Sub'n of Outlot No. 6 of the Sub'n of Private Claim 727", City of Detroit, Wayne County, Michigan, as recorded in Liber 17, Page 80, Plats, Wayne County Records;

Also, all the north-south and east-west public alleys, 18.00 & 18.16 feet wide in the block bounded by said 21st Street, 60 feet wide, the Fisher Freeway Service Drive, Lambie Place, 50 feet wide, and Bagley Avenue, 50 feet wide, more particularly described as the north-south alley 18.00 feet wide, lying westerly of and abutting the west line of Lots 19-22, inclusive, and lying easterly of and abutting the east line of Lot 18 and the east line of an alley vacated 11/25/1969; J.C.C. Pgs. 2884-5, and the east-west public alley 18.00 & 18.16 feet wide, lying southerly of and abutting the south line of Lots 10-14, inclusive, and lying northerly of and abutting the north line of Lot 19 and the north-westerly 7.07 feet of said Lot 19, of the "Plat of the Sub'n of Outlot No. 6 of the Sub'n of Private Claim 727", City of Detroit, Wayne County, Michigan, as recorded in Liber 17, Page 80, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and alleys and is hereby converted into private easements for public utilities of the full width of the streets and alleys, which easements 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 streets and 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 streets and 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 a public street or alley 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 easement or rights-of-way in and over said vacated streets and 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 streets or 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,

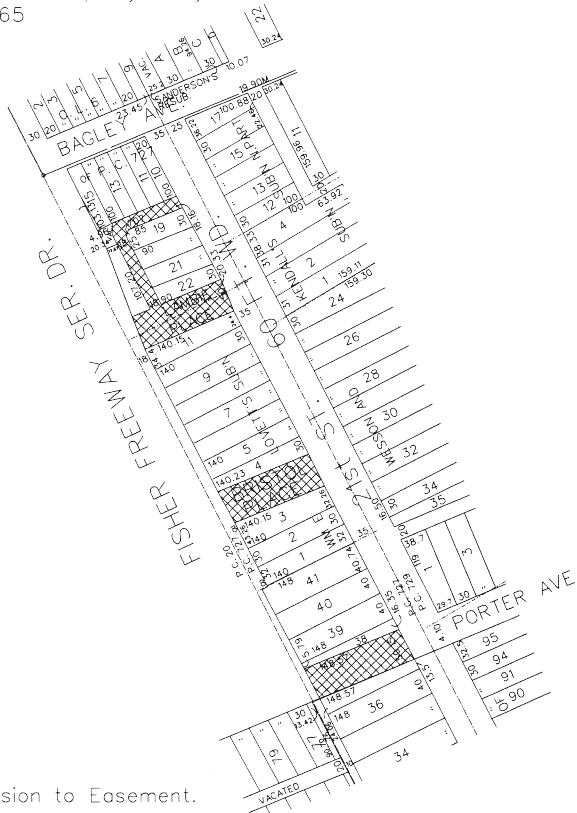
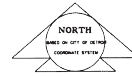
Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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, The Petitioner allows the Public Lighting Department (PLD) 24-hr. UN-impeded heavy vehicle access for the entire length of the easement and physical access to all facilities within the easement, and further

Provided, That any damage done to existing PLD facilities by the proposed construction must be repaired at project cost, and further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deed.

PETITION NO. 3025
 MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT)
 C/O Matthew W. DeLong, Administrator
 ATT: Barbara Vowels, Property Analyst
 (517) 373-4165



Conversion to Easement.

carto map 18 b

B				
A				
DESCRIPTION	DRWN	CHKD	APPR	DATE
REVISIONS				
DRAWN BY	JDF	CHKED	JDF	
DATE		APPROVED	JDF	

Requested conversion to easement of certain streets and alleys.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x3025.dgn

Adopted as follows:
 Yeas — Council Members S. Cockrel, Collins, McPhail, Tinsley-Talabi, and President Pro Tem. K. Cockrel, Jr. — 5.
 Nays — Council Member Watson — 1.

By Council Member Collins:
AN ORDINANCE to amend Chapter 47, Article II, of the 1984 Detroit City Code, 1973 Defined Benefit/Defined Contribution (Annuity) Plan of the General Retirement System, by amending Section 47-2-2, Cessation of Membership; Re-employment by the Employer, to limit the restoration of non-vested forfeiture of credited service to persons not on the active payroll prior to October 1, 2005, to provide for the restoration of non-vested credited service where re-employment occurs within six (6)

years, and to restore non-vested forfeited credited service to persons on the active payroll on or after October 1, 2005, regardless of the date of employment.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

Section 1. Chapter 47, Article II, of the 1984 Detroit City Code be amended by amending Section 47-2-2, to read as follows:

Sec. 47-2-2. Cessation of membership; Re-employment by the employer.

(a) Any member who retires under Section 47-2-4(a), (b), or (c),¹ or dies, shall have a non-forfeitable right to a benefit.

(b) With respect to persons not on the active payroll prior to October 1, 2005, the