

July 28

1708

2009

Adopted as follows:
Yeas — Council Members S. Cockrel, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 7.
Nays — None.

**Finance Department
Purchasing Division**

July 16, 2009

Honorable City Council:
The Purchasing Division of the Finance Department recommends a Contract with the following firms or persons:

2792940 — 100% Federal Funding — To provide Senior Health Services — Virginia Park Citizens Service Corporation, 8431 Rosa Parks Blvd., Detroit, MI 48206 — Contract period: Upon City Council's Approval and 12 months thereafter — Contract amount not to exceed: \$45,000.00. **PLANNING & DEVELOPMENT.**

Respectfully submitted,
CHRISTINA LADSON
Interim Director

Finance Dept./Purchasing Division
By Council Member Reeves:
Resolved, That Contract No. 2792940 referred to in the foregoing communication dated July 16, 2009, be hereby and is approved.

Adopted as follows:
Yeas — Council Members S. Cockrel, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 7.
Nays — None.

**Finance Department
Purchasing Division**

July 16, 2009

Honorable City Council:
The Purchasing Division of the Finance Department recommends a Contract with the following firms or persons:

2794774 — 100% Federal Funding — To provide a Youth Recreational Program, During & After-School Music Instruction Program — The Drummer Boy's, 18286 Northlawn, Detroit, MI 48221 — Contract period: January 1, 2009 through December 31, 2009 — Contract amount not to exceed: \$45,000.00. **PLANNING & DEVELOPMENT.**

Respectfully submitted,
CHRISTINA LADSON
Interim Director

Finance Dept./Purchasing Division
By Council Member Reeves:
Resolved, That Contract No. 2794774 referred to in the foregoing communication dated July 16, 2009, be hereby and is approved.

Adopted as follows:
Yeas — Council Members S. Cockrel, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 7.
Nays — None.

Law Department

July 15, 2009

Honorable City Council:
Re: Correction of Legal Description in Resolution Adopted July 1, 2008 (J.C.C. pp 1778-9), vacating part of Pine Avenue between Huron and Vermont pursuant to Petition No. 2239.

On July 1, 2008, pursuant to Petition No. 2239, your Honorable Body adopted a resolution vacating the portion of the north 8.00 feet of Pine Avenue between Huron and Vermont abutting Lot 73 (2008 J.C.C. 1778-9). As part of that resolution, your Honorable Body also authorized conveyance of the vacated parcel by deed.

However, in the course of preparing the deed to confirm title of the vacated parcel in the abutting property owner, an error was discovered in the legal description. The correct description includes the north 8.20 feet, rather than the north 8.00 feet. In addition, a typographical error was noted on the map accompanying the resolution, and the resolution erroneously recited that the City had originally acquired title to that portion of Pine Avenue by deed, whereas the actual acquisition was through eminent domain.

The errors have resulted in title exceptions that are interfering with development of the property. Accordingly, after consultation with an concurrence by the Department of Public Works, the Planning & Development Department, the abutting property owner (Greater Corktown Development Corporation), and its title insurer, the Law Department has prepared the attached substitute resolution for your consideration. Adoption of this resolution will clear title and allow development on the vacated parcel and adjacent property to proceed.

Accordingly, adoption of the attached resolution is respectfully requested.

Respectfully submitted,
JOHN M. NADER
Senior Assistant
Corporation Counsel

Approved:
TIMOTHY A. BECKETT
Supervising Assistant
Corporation Counsel

By Council Member Reeves:
Whereas, The City of Detroit received Petition No. 2239 from Corktown Housing, LLC, requesting the vacation of that portion of the north eight (8) feet of Pine Avenue, variable width, between Huron Street and Vermont Street adjacent to property described as Lot 73 of the Plat of Larned Subdivision of the Lafferty Farm (also known as the Laferty Farm), recorded in Liber 60 of Deeds, Page 2, Wayne County Records; and

Whereas, On July 1, 2008, the Detroit City Council adopted a resolution vacating the north 8.00 feet of Pine Avenue

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abutting said Lot 73, as set forth in the 2008 Journal of City Council, pages 1778 and 1779 (the "Original Resolution"); and

Whereas, In addition to vacating that portion of Pine Avenue, the Original Resolution authorized the Director of the Planning & Development Department to issue a quit claim deed to convey of the vacated portion of the street; and

Whereas, Upon further review and investigation, it has been determined that the legal description in Petition No. 2239 and in the Original Resolution were incorrect — specifically instead of the north 8.00 feet, the description should have included the north 8.20 feet; and

Whereas, Upon further review and investigation, it has been determined that the map accompanying the Original Resolution, as set forth in 2008 J.C.C. page 1779, incorrectly identifies Lot 69 as Lot 68, and fails to label the to-be-vacated portion of Pine Avenue as Lot 68; and

Whereas, Upon further review and investigation, it has been determined that the Original Resolution incorrectly states that the City acquired the land for the opening of Pine Avenue by deed, when in actuality the City acquired the land through eminent domain; and

WHEREAS, The Department of Public Works, the Planning and Development Department, and the Law Department agree that the Original Resolution should be amended to make the corrections described above; Now, Therefore, Be It

Resolved, The Original Resolution dated July 1, 2008, J.C.C. pp 1778-79, is rescinded and the following is adopted in its place:

Resolved, That portion of Pine Avenue, variable width, acquired by the City as of February 14, 1922 through eminent domain as set forth in entries in the Journal of Common Council dated September 13, 1921 (JCC pp 1680-82), February 21, 1922 (JCC pp 266-67), April 25, 1922 (JCC p 802), and October 24, 1922 (JCC pp 2104-5) highlighted with cross-hatching on the attached map and described as:

That part of the North 8.20 feet of Pine Avenue, variable width, between Huron Street, 50 feet wide, and Vermont Avenue, 50 feet wide, lying Southerly of and abutting the South Line of Lot 73 also

described as the North 8.20 feet of Lot 68, all in the "Plat of Larned Subdivision of Lafferty Farm" recorded in Liber 60, Pages 2 and 3 of Deeds, Wayne County Records; also described as:

A part of Private Claim 228 in the City of Detroit, Wayne County, Michigan, being the Northerly portion of Lot 68 of "Larned's Subdivision of the Lafferty Farm," as recorded in Liber 60, Page 2 of Deeds, Wayne County Records, previously dedicated for the widening of Pine Avenue, published in the Journal of Common Council, February 21, 1922, and formerly known as the North 8.20 feet of Lot 68, more particularly described as: Beginning at the Northeast corner of said Lot 68; thence S22°47'00"E, 8.20 Feet along the West Line of Vermont Avenue; thence S67°17'53"W, 100.00 Feet; thence N22°47'00"W, 8.20 Feet to the Northwest corner of said Lot 68; thence N67°17'53"E, 100.00 Feet to the point of beginning ("Vacated parcel").

Be and the same is hereby vacated (outright) as public right-of-way to become part and parcel of the abutting property, subject to the following provisions;

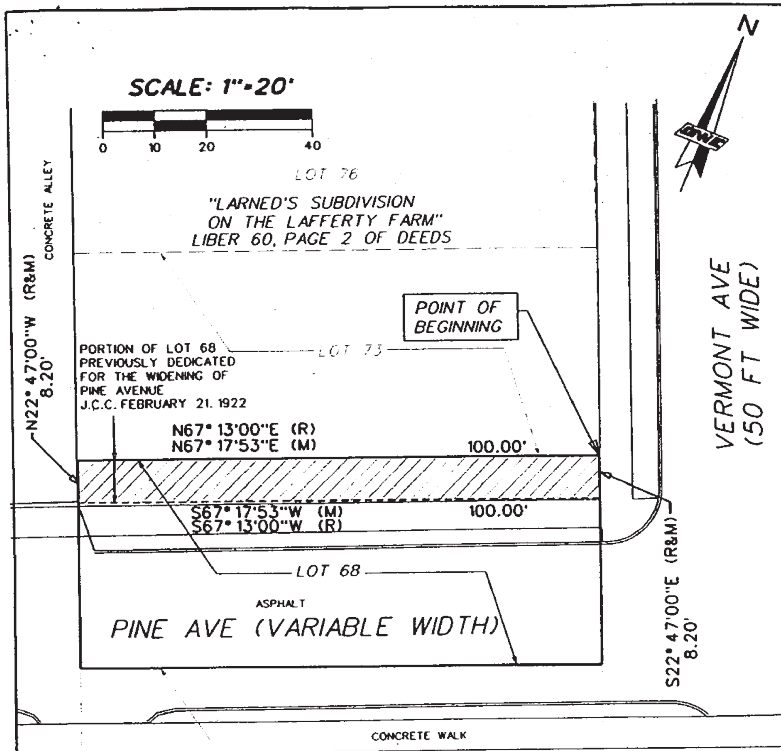
Provided, That a minimum clearance of 10 feet shall be maintained from the north edge of the paved road to the south edge of the Vacated Parcel; and be it further

Provided, That any structure proposed to be built on or adjacent to the Vacated Parcel shall maintain a minimum of 10-inch horizontal clearance from overhead Public Lighting Department lines and installations; and be it further

Provided, That if there is a cost for removing and/or rerouting utility installations in the Vacated Parcel, the petitioner and/or the owner of the adjacent property, and their respective successors and assigns, shall pay all such costs; 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 the Director of the Planning and Development Department is authorized to execute and deliver a quit claim deed and such other instruments as may be necessary or convenient to confirm record title of the Vacated Parcel in the abutting property owner.



Adopted as follows:

Yeas — Council Members S. Cockrel, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 7.
Nays — None.

Law Department

July 14, 2009

Honorable City Council:

Re: Petition Number 3149 — Request for City Council Approval for the Issuance of a New Michigan Liquor Control Commission Dance and Entertainment Permit to Kiosco Hall, LLC, in Conjunction with the Transfer of a Class "C" Liquor License to 7271 Dix Avenue.

Section 916(10)(b) of the Michigan Liquor Control Code of 1998, being MCL 436.1916(10)(b), requires that prior to the issuance of a Michigan Liquor Control Commission ("MLCC") dance or entertainment permit, or a combination dance and entertainment permit, a location licensed by the MLCC for the sale of alcoholic beverages on the premises shall obtain the approval of the local legislative body of the municipality within which the premises are located.

Pursuant to this requirement, the MLCC has forwarded to this Body a Local Approval Notice (Request ID Number 474482), which has been designated by

the City Clerk as Petition Number 3149. This Local Approval Notice requests approval by City Council of a request for the issuance of a new dance and entertainment permit in conjunction with the transfer of a Class "C" liquor license, in escrow at 2542 Oakwood, Melvindale, from Don Ricardo's Restaurante Y Taqueria, Inc., to Kiosco Hall, LLC, for an establishment at 7271 Dix Avenue.

Chapter 61 of the 1984 Detroit City Code, the Detroit Zoning Ordinance, Article XVII, Zoning Map Number 53, indicates that 7271 Dix Avenue is located on land zoned M2 (Restricted Industrial District). Current permitted land uses for this location include rental hall, standard restaurant, and the sale of beer or intoxicating liquor for consumption on the premises in accordance with Section 61-10-16(41) and (42), Section 61-10-22(5), and Section 61-12-227 of the Detroit Zoning Ordinance.

Pursuant to Buildings and Safety Engineering Department (B&SE) Case Number 67-08, effective May 29, 2009, B & SED has issued Permit Number 07319 and a Certificate of Occupancy and Compliance for the location. B & SED Case Number 67-08, as modified, provides conditional approval for the continued operation of a rental hall with the sale of beer, wine, and liquor on the premises.