



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER
LOUIS H. SCHIMMEL

47450 Woodward Avenue
Pontiac, Michigan 48342
Telephone: (248) 758-3133
Fax: (248) 758-3292

Dated: August 12, 2013

ORDER NO. S-323

RE: Correction to Council Minutes

TO: Sherikia Hawkins, City Clerk

The Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) in Section 10 empowers an Emergency Manager to issue orders to the appropriate local elected and appointed officials and employees, agents, and contractors of the local government a Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local elected and appointed officials and employees, agents, and contractors of the local government to whom they are issued.

Section 12(1) of the Act provides that “[a]n emergency manager may take 1 or more of the following additional actions with respect to a local government that is in receivership, notwithstanding any charter provision to the contrary: (ee) [t]ake any other action or exercise any power or authority of any officer, employee, department, board, commission, or other similar entity of the local government, whether elected or appointed, relating to the operation of the local government. The power of the emergency manager shall be superior to and supersede the power of any of the foregoing officers or entities.”

Whereas, the Pontiac City Council was presented with a recommendation to vacate several alleys on February 22, 1988; and,

Whereas, the information submitted to the City Council by the Planning Commission was summarized in the minutes and reflected in the recitals; and,

Whereas, the body of the resolution did not accurately reflect the intentions of the Planning Commission and City Council.

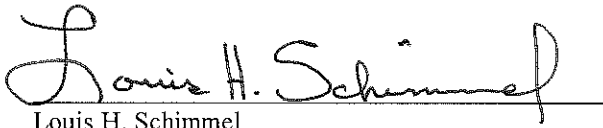
It is hereby ordered:

1. The minutes of the February 23, 1988 meeting of the Pontiac City Council are corrected as attached.
2. The City Clerk takes all actions necessary to correct the official record of the City Council.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (**Public Act 442 of 1976, MCL 15.231, et. seq.**).

This order is effective as indicated and is necessary to carry out the duties and responsibilities required of the Emergency Manager as set forth in the Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.

A handwritten signature in black ink that reads "Louis H. Schimmel". The signature is written in a cursive style and is positioned above a horizontal line.

Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council

Corrected Resolution 123-88, adopted February 23, 1988, found on Page 64 in the official proceedings of the Pontiac City Council

123-88 Report was received from the Mayor regarding a request submitted by the Department of Community Development on behalf of the City of Pontiac; 450 East Wide Track Drive; Pontiac, Michigan, to vacate the following Alleys: Alley #1 – Said Alley abutting Lots 46 and 47 and 134 and 135 of Gillespie and VanWagoner Addition; Alley #2 – Said Alley abutting Lots 4 through 7, 36 and 47 of Elkins Addition; and, Alley #3 – Said Alley abutting Lots 619 through 624 of Ferry Farm Addition.

By Councilperson Seay, supported by Councilperson Bueno, Whereas, the Pontiac City Planning Commission finds that the vacation of said Alleys will not prevent accessibility to the abutting property owners; and

Whereas, the Pontiac City Council finds that the proposed vacation of said alleys will not conflict with the City's Adopted Land Use and Master Thoroughfare Plans; and

Whereas, the Pontiac City Council finds the Vacation of said Alleys will facilitate future development of properties to the East and West of the site; and

Whereas, said ownership of the subject Alley will be divided equally upon vacation.

Now, Therefore, Be It Resolved, that the request to vacate the following Public Alley: Said Alley #1 abutting Lots 46 & 47 and 134 and 135 of Gillespie and VanWagoner addition in the City of Pontiac as recorded in Liber 6 of Plats, Page 38 of Oakland County Records; Alley #2- Said Alley abutting Lots 4 through 7 and Lots 36 and 47, of Elkins Addition in the City of Pontiac as recorded in Liber 8 of Plats, Page 6 of Oakland County Records; and, Alley #3 - Said Alley abutting Lots 619 through 624 of Ferry Farm Addition in the City of Pontiac as recorded in Liber 6 of Plats, Page 39 of Oakland County Records; is hereby Approved by the Pontiac City Council on this 23rd Day of February 1988, contingent on the following condition:

1. All easements rights shall be retained for future maintenance of utilities.

Be It Further Resolved, that the City of Pontiac, pursuant to the provisions of State Law (Act 288, Public Acts of 1967, Section 257), for the use and benefit of the City of Pontiac, and any lawfully franchised utility company doing business in the City having the right to use public rights-of-way, their successors, licensees, or assigns and their agents and employees, does hereby reserve an easement for public utility purposes for the benefit of the City of Pontiac, and any lawfully franchised utility company doing business in the City having the right to use public rights-of-way, giving them the right to construct and maintain, and to repair, remove, replace,

improve, and enlarge sewers, drains, or water or gas mains, cables, wires, conduits, poles, and towers, and other supports, and all necessary appurtenances thereto, including braces, guys, anchors, manholes, and transformers, and to enter upon said property at any time for the purpose of constructing, maintaining, repairing, removing, replacing, improving, enlarging, or inspecting same, and to trim or remove any trees or roots that may at any time interfere with or threaten to interfere with the said public utility installation. Said reserved easement shall cover all of the above vacated alley.

Be It Further Resolved, that no building or structure shall be placed over or upon said easement without the express consent of the City of Pontiac, and upon said easement without the express consent of the City of Pontiac, and any lawfully franchised utility company doing business in the City having the right to use public right-of-way, or their successors, licensees, or assigns. Such consent of the City of Pontiac shall be obtained in writing from the Engineering Department of the City after submission of complete plans for the proposed construction, and the issuance of a building permit for any such building or structure shall not constitute such consent. The non-use or limited use of this easement right by the holders thereof shall not prevent later use thereof to the full extent provided herein.

Be It Further Resolved, that a copy of this resolution be recorded with the Register of Deeds for Oakland County and sent to the State Treasurer.

Ayes: Allen, Bueno, Elliott, Gracey, Seay, Tenuta, Willis

Nays: None

Resolution Adopted.