

establish conservation as the design treatment level for the district, and to define the elements of design for the district.

All interested persons are invited to be present to be heard as their views.

Adopted as follows:

Yeas — Council Members K. Cockrel, Jr., S. Cockrel, Everett, McPhail, Tinsley-Talabi, and President Mahaffey — 6.

Nays — None.

**Department of Public Works  
City Engineering Division**

January 8, 2003

Honorable City Council:

Re: Petition No. 505 — Eastside Detroit Elderly, LDHA, LP, requests to vacate (outright), convert to easement and dedicate rights-of-way within the area bounded by Waveney, Mack, Springle and Gray.

Petition No. 505 of "Eastside Detroit Elderly, LDHA, LP", 5075 Chalmers, Detroit, Michigan 48213 in c/o Timothy M. Morgan, requests to vacate (outright) the east-west public alley, 18 feet wide, a portion of the north-south public alley, 18 feet wide, and the dedication of private land for a new alley outlet, all in the block bounded by Waveney Avenue, 66 feet wide, Mack Avenue, 120 feet wide, Springle Avenue, 60 feet wide and Gray Avenue, 60 feet wide.

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 Planning and Development Department is working with the developer (Eastside Detroit Elderly, LDHA, LP) to provide a 54 unit senior housing complex on the north side of Mack between Springle and Gray Avenues. In order to proceed with this plan, it is necessary to vacate certain rights-of-way and create a new alley outlet.

City Council is requested to accept the deed and alley opening for public purposes; provided said property complies with the requirements of Detroit codes and ordinance No. 29-94, Detroit Code Sections 2-2-11 through 2-2-15 also known as the "Environmental Review Guidelines", and that the fee owner submit a properly executed "warranty" deed; proof of lien-free ownership; proof of paid Wayne County taxes and proof of paid Detroit property taxes.

The Public Lighting Department (PLD) reports no objections to the proposed changes in public rights-of-way in the area of Waveney, Mack, Springle and Gray. The PLD has street lighting cable and poles and arc circuits within said east-west and north-south alleys. removal and relocation of PLD facilities must be

done at project costs.

The Detroit Water and Sewerage Department (DWSD) has existing sewer lines located in the alleys in the block bounded by Waveney, Mack, Springle and Gray that must remain in service. DWSD has no objection to the requested changes in public rights-of-way, provided that the petitioner relocate the existing sewer lines located in the alleys in accordance with plans approved by DWSD. All work necessary to relocate the sewer lines and abandon the existing sewers is to be done by the petitioner at no cost to DWSD. In addition, all work is to be done under DWSD's permit and inspection.

The Detroit Edison Company reports no objection to the proposed changes in public rights-of-way provided that the petitioner removes and/or reroutes its facilities, at a not to exceed cost of \$25,000.00.

Comcast Cablevision and the Ameritech (SBC) report no objection to the proposed changes in public rights-of-way provided that the petitioner removes and/or reroutes its facilities at project costs.

The Detroit Fire Department insists that the developer provide 24-hour access, for fire fighting purposes.

All other city departments and privately owned utility companies have reported no objection to the proposed changes in public rights-of-way. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW

By Council Member Everett:

Resolved, All that east-west public alley 18 feet wide, in the block bounded by Waveney Avenue, 66 feet wide, Mack Avenue, 120 feet wide, Springle Avenue, 60 feet wide and Gray Avenue, 60 feet wide, lying Northerly of and abutting the North line of Lots 184-193, both inclusive, and lying Southerly of and abutting the South line of Lots 183 and 194, (except that part necessary for Springle and Gray Avenues rights-of-way); Also, that part of the north-south south public alley, 18.00 feet wide, lying Easterly of and abutting the East line of Lots 194-203, both inclusive, and the Southerly 17.00 feet of Lot 204 and lying Westerly of and abutting the West line of the Southerly 17.00 feet of Lot 172, Lots 173-183, both inclusive, as platted in "Daniel J. Campau's Subdivision" of that part of the Second Concession of Private Claim 315 and the Easterly 714.5 feet of Private Claim 322 lying between Mack Avenue and the rear line of the said Second Concessions, of said Private Claims, Grosse Pointe Twp.

(now City of Detroit), Wayne County, Michigan, as recorded in Liber 42, Page 19 Plats, Wayne County Records;

Be and the same hereby vacated as public alleys to become a part and parcel of the abutting property, subject to the following provisions;

Provided, That if it becomes necessary to remove the paved alley return(s) at the entrance (into Springle and Gray), 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

Provided, That the petitioner removes and/or reroutes Public Lighting Department, Comcast Cablevision and Ameritech (SBC) facilities at project costs; and

Provided, That the developer provide 24-hour access, for fire fighting purposes; and

Provided, That the petitioner shall relocate the existing sewer lines; and

Provided, The Detroit Water & Sewerage Department (DWSD) be and is hereby authorized to review the drawings for the relocation of the sewer lines and to issue a permit for construction; and

Provided, That the plans for the sewer alterations shall be prepared by a registered Engineer, and

Provided, That the entire work is to be performed in accordance with plans and specifications approved by DWSD and the construction is subject to the inspection and approval of DWSD; and

Provided, That the petitioner shall deposit with DWSD in advance of Engineering, inspection and survey, such amounts as that Department deems necessary to cover the costs of these services; and

Provided, That the petitioner shall grant the City of Detroit a satisfactory easement for the sewer before the start of construction; and be it further

Provided, That the Board of Water

Commissioners shall accept and execute the easement grant on behalf of the City of Detroit; and be it further

Provided, That upon satisfactory completion of the sewer construction, the sewer lines shall be City of Detroit property and become part of the City system; and be it further

Provided, That the existing sewers located in the alleys that are outright vacated are abandoned as City sewers to become the responsibility of the petitioner; and be it further

Resolved, The following described privately owned property is hereby dedicated for public alley purposes;

The Northerly 18.00 feet of Lot 204 of "Daniel J. Campau's Subdivision" of that part of the Second Concession of Private Claim 315 and the Easterly 714.5 feet of Private Claim 322 lying between Mack Avenue and the rear line of the said Second Concessions, of said Private Claims, Grosse Pointe Twp. (now City of Detroit), Wayne County, Michigan, as recorded in Liber 42, Page 19 Plats, Wayne County Records;

Provided, That the alley is constructed prior to the acceptance of deed, in accordance with the specifications of the City of Detroit, with plans approved by the City Engineering Division — DPW; and

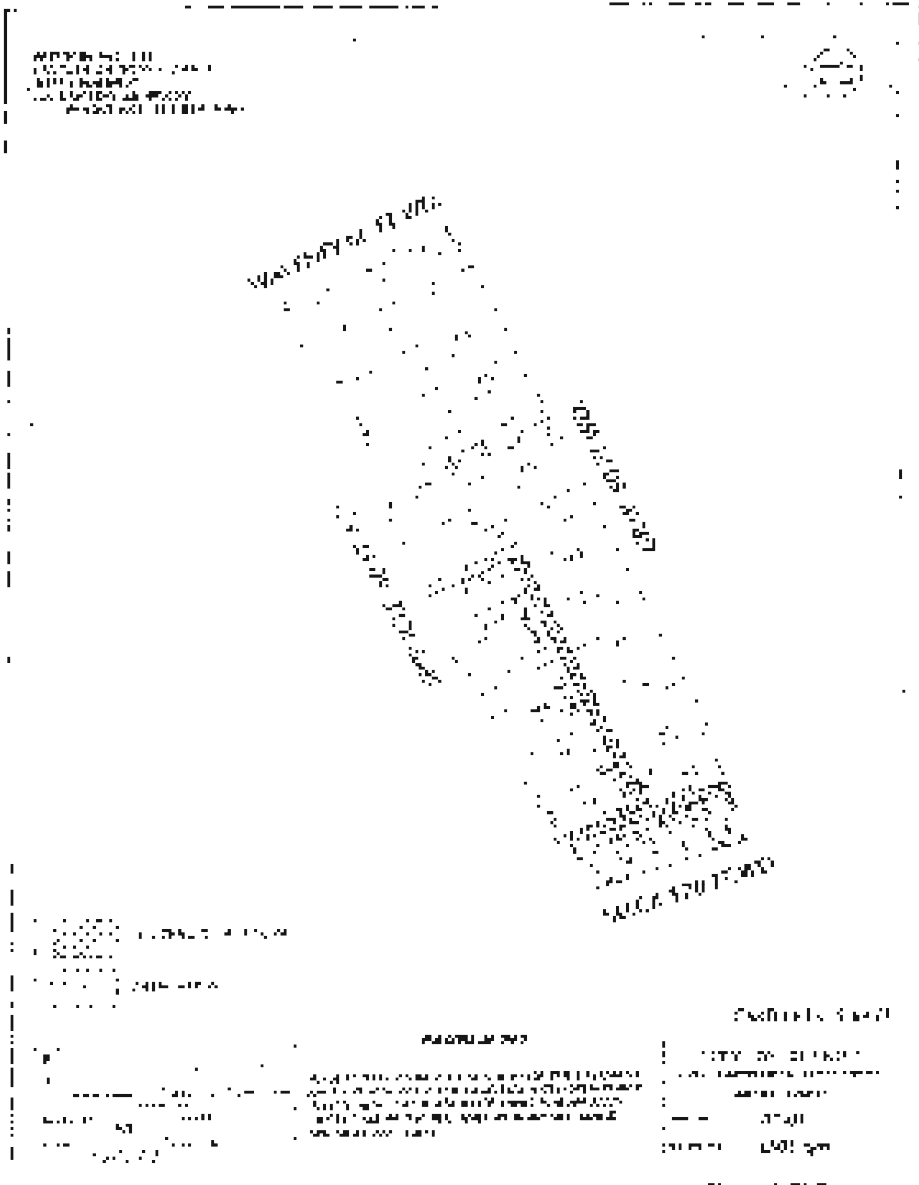
Provided, That all taxes with respect to property of which the Dedication Area is a part shall be paid and proof thereof furnished to the Law Department; and

Provided, That proof of compliance with Detroit Ordinance No. 29-94, Detroit Code Sections 2-2-11 through 2-2-15 also known as the Environmental Review Guidelines, is furnished to the Law Department; and

Provided, That the fee owner submit a properly executed deed acceptable to the Law Department; and

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 K. Cockrel, Jr., S. Cockrel, Everett, McPhail, Tinsley-Talabi, and President Mahaffey — 6.  
 Nays — None.

**Law Department**

January 3, 2003

Honorable City Council:  
 Re: Sheldon Mims vs. City of Detroit, Transportation Department. File #: 13416 (PSB).

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential attorney-client privileged memorandum that is being separately hand-delivered to each member of your Honorable Body. From this review, it is our considered opinion that a settlement in the amount of Ninety Thousand Dollars (\$90,000.00) is in the best interests of the City of Detroit.

We, therefore, request authorization to

settle this matter in the amount of Ninety Thousand Dollars (\$90,000.00) and that your Honorable Body authorize and direct the Finance Director to issue a draft in that amount payable to Sheldon Mims and his attorney Donald L. Petrusis, to be delivered upon receipt of properly executed releases and order of dismissal entered in Workers Compensation Claim #13416, approved by the Law Department.

Respectfully submitted,  
 PHILLIP S. BROWN  
 Assistant Corporation Counsel

Approved:  
 RUTH C. CARTER  
 Corporation Counsel  
 By: VALERIE A. COLBERT-OSAMUEDE  
 Chief Assistant  
 Corporation Counsel  
 By Council Member Tinsley-Talabi: