

The approval of your Honorable Body and a waiver of reconsideration is requested.

Respectfully submitted,
MEDINA NOOR
Director
Purchasing Division

By Council Member Tinsley-Talabi:

Resolved, That **CPO #2741461** referred to in the foregoing communication dated February 25, 2008, be hereby and are approved.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Reeves, Tinsley-Talabi, and President K. Cockrel, Jr. — 5.

Nays — Council Members Jones, Kenyatta, Watson, and Conyers — 4.

**Department of Public Works
City Engineering Division**

February 13, 2008

Honorable City Council:

Re: Petition No. 1245 — METCO Engineers, Architects & Surveyors — Economic Development Corporation (EDC) request dedication of land to create a new alley right-of-way, dedication of land to re-route Lemay Avenue, and vacation and conversion to easement of a portion of Lemay Avenue, north of Freud Avenue, all necessary for proposed Jefferson Village Street Improvement Project.

Petition No. 1245 METCO Engineers, Architects & Surveyors at 1274 Library, Suite 400, Detroit, Michigan 48226 on behalf of the Economic Development Corporation (EDC) whose address is 500 Griswold, Suite 2200, Detroit, Michigan 48226, request dedication of land to create a new alley right-of-way, 18.00 feet wide, north of Freud Avenue between St. Clair Avenue and the north-south public alley, 18.00 feet wide, first west of said St. Clair Avenue. Also, the dedication of land to re-route Lemay Avenue, 50 feet wide, easterly, intersecting with Fairview Avenue, 66 feet wide, north of Freud Avenue. Also, the conversion of a portion of Lemay Avenue, 50 feet wide, north of Freud Avenue into a private easement for public utilities.

The request was approved by the Planning and Development Department, The Department of Environmental Affairs, the Solid Waste Division — DPW and the Street Design Bureau — City Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

The Traffic Engineering Division — DPW reports no objections provided that the Lemay Avenue re-route must be constructed as per City standards and open for vehicular and pedestrian traffic before the closing of the that portion of Lemay Avenue to be vacated and converted to easement.

City Council is requested to accept the deed for street & 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.'

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

I am recommending adoption of the attached resolution.

Respectfully submitted,
JESSY JACOB
Interim City Engineer

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

Be It Resolved, That this Honorable Council hereby authorizes acceptance of dedication of the following described property and is hereby dedicated for public street and alley purposes:

"LEMAY AVENUE DEDICATION"

All that part of Lots 69, 70, 81, 82, 83 and part of the north/south Public Alley (16 feet wide) adjoining said Lots of "KEAN'S FREUD AVENUE SUBDIVISION NO. 1", of part of Private Claims 387 & 724. City of Detroit, Wayne Co., Michigan recorded in Liber 59 of Plats, Page 13 Wayne County Records, described as:

Commencing at the intersection of northerly right-of-way of Freud Avenue (60 feet wide) and the easterly right-of-way of Lemay Avenue (50 feet wide) also being the southwesterly corner of Lot 80 of said, "KEAN'S FREUD AVENUE SUBDIVISION NO. 1", thence N.26°46'59"W. along the easterly right-of-way of said Lemay Avenue also being the westerly line of said Lots 80 and 81, a distance of 154.78 feet to the Point of Beginning; Thence continuing N.26°46'59"W. along the easterly right-of-way of said Lemay Avenue also being the westerly line of Lots 81-83 inclusive, of said "KEAN'S FREUD AVENUE SUBDIVISION NO. 1", 80.00 feet to a non-tangent point of curvature to the left; Thence 60.75 feet along an arc to the left having a radius of 39.00 feet, a central angle of 89°15'01", a chord bearing of S.71°24'30"E. and a chord distance of 54.79 feet; Thence N.63°57'59"E. 167.31 feet to the easterly of said Lot 69 also being the westerly right-o-way of Fairview Avenue (66 feet wide); Thence S.26°06'19"E. along the westerly right-of-way of said Fairview Avenue and the easterly line of said Lots 69 and 70 a distance of 50.00 feet; Thence S.63°57'59"W. 167.37 feet to a curve to the right; Thence 39.21 feet along a curve to the right having a radius of 89.00 feet, a central angle of 25°14'23", a chord bearing of

S.76°35'11"W. and a chord distance of 38.89 feet to the easterly right-of-way of said Lemay Avenue and the westerly line of said Lot 81 also being the Point of Beginning; Also,

"NEW ALLEY DEDICATION"

Land in the City of Detroit, Wayne County, Michigan, being part of Lots 15 and 16 of, "GOESCHEL'S ARCADIA SUB'N", of Part of Outlots 4 & 5 of East 1/2 of P.C. 725 South of Jefferson Ave. City of Detroit, Wayne County, Michigan, recorded in Liber 40 of Plats Page 31. (Wayne County Records), described as:

Commencing at the intersection of northerly right-of-way of Freud Avenue (60 feet wide) and the westerly right-of-way of St. Clair Avenue (50 feet wide); thence N.27°40'39"W. along the westerly right-of-way of said St. Clair Avenue, 597.19 feet to the southeasterly corner of Lot 15 of said "GOESCHEL'S ARCADIA SUB'N", also being the Point of Beginning; Thence S.62°26'26"W. along the southerly line of Lot 15, also being the northerly line of Lot 16, of said "GOESCHEL'S ARCADIA SUB'N", 84.96 feet to a curve to the left; Thence along a curve to the left 31.46 feet, having a radius of 20.00 feet, a central angle of 90°07'04", a chord bearing of S.17°22'53"W. and a chord distance of 28.31 feet to the easterly right-of-way of a Public Alley (variable width), also being a point on the westerly line of said Lot 16; Thence N.27°40'39"W. along the easterly right-of-way of said Public Alley, 38.04 feet; Thence N.62°26'26"E. 105.00 feet to the westerly right-of-way of said St. Clair Avenue, also being the easterly line of said Lot 15; Thence S.27°40'39"E. along the westerly right-of-way of said St. Clair Avenue, and the easterly line of said Lot 15, a distance of 18.00 feet to the southeasterly corner of said Lot 15, also being the Point of Beginning.

Provided, That the Lemay Avenue re-route must be constructed as per City standards and open for vehicular and pedestrian traffic before the closing of the that portion of Lemay Avenue to be vacated and converted to easement; and

Provided, That the petitioner shall design and construct the proposed rights-of-way as required by The City Engineering Division — DPW (CED)/ Street Design Bureau and the Traffic Engineering Division of DPW; and

Provided, That the entire work is to be performed in accordance with plans and specifications approved by CED and constructed under the inspection and approval of CED; and

Provided, That the entire cost of the proposed new construction, including inspection, survey and engineering shall be borne by the petitioner; and

Provided, That all taxes with respect to property of which the Dedication Area is a part shall be paid and proof thereof fur-

nished to the Law Department; and

Provided, That proof of compliance with Detroit Ordinance No. 29-94, Detroit Code Sections 2-1-11 through 2-1-15 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 further

Resolved, All that part of Lemay Avenue (50 feet wide), north of Freud Avenue (60 feet wide) lying in the City of Detroit, Wayne County, Michigan, described as:

Beginning at the intersection of northerly right-of-way of Freud Avenue (60 feet wide) and the westerly right-of-way of Lemay Avenue (50 feet wide), thence N.26°46'59"W. along the westerly right-of-way of said Lemay Avenue 234.13 feet to a non-tangent point of curvature to the left; Thence 99.43 feet along a curve to the left, having a radius of 89.00 feet, a central angle of 64°00'38", a chord bearing of S.58°47'19"E. and a chord distance of 94.34 feet to the easterly right-of-way of said Lemay Avenue; Thence S.26°46'59"E. along the easterly right-of-way of said Lemay Avenue, 154.78 feet to the northerly right-of-way of said Freud Avenue; Thence S.63°57'59"W. along the northerly right-of-way of said Freud Avenue, 50 feet to the westerly right-of-way of said Lemay Avenue also being the Point of Beginning.

Be and the same is hereby vacated as a public street and is hereby converted into a private easement for public utilities of the full width of the street, 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 street 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 street 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 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 street 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, concrete slabs or driveways, 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,

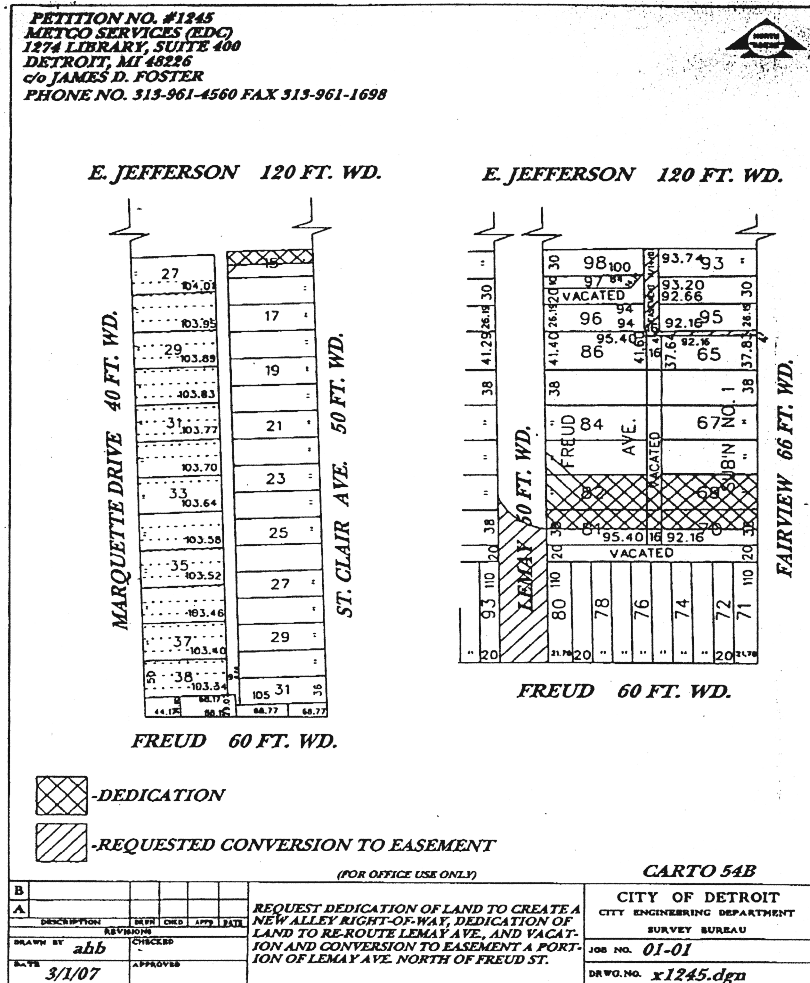
Fourth, That if the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs

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 street returns at the entrances (into Freud Avenue), 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 further

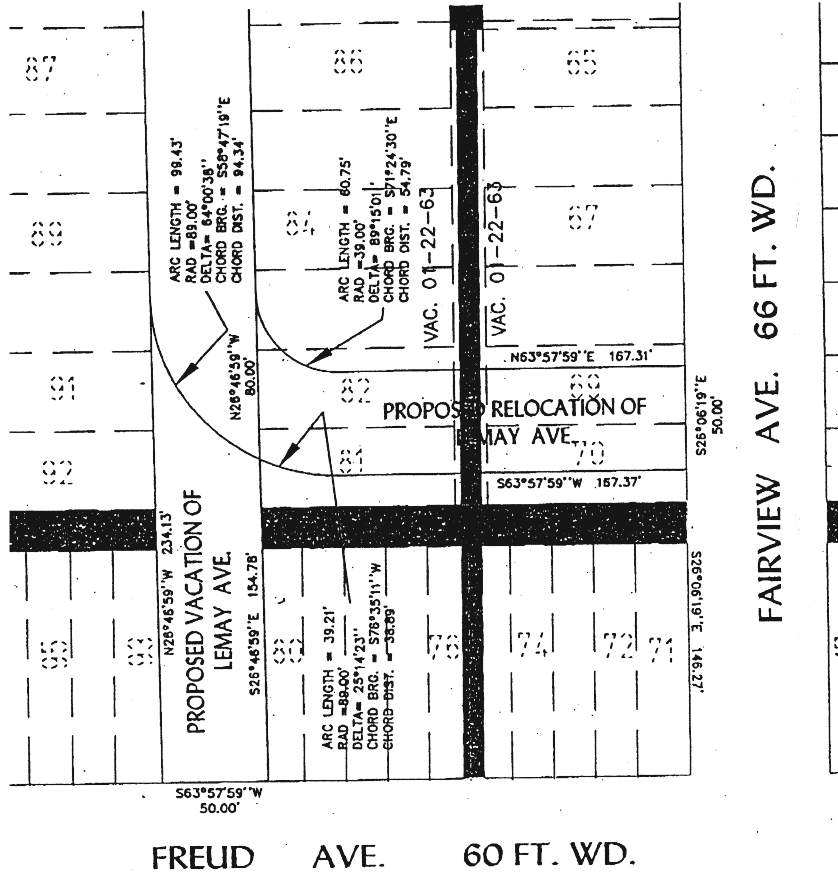
Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

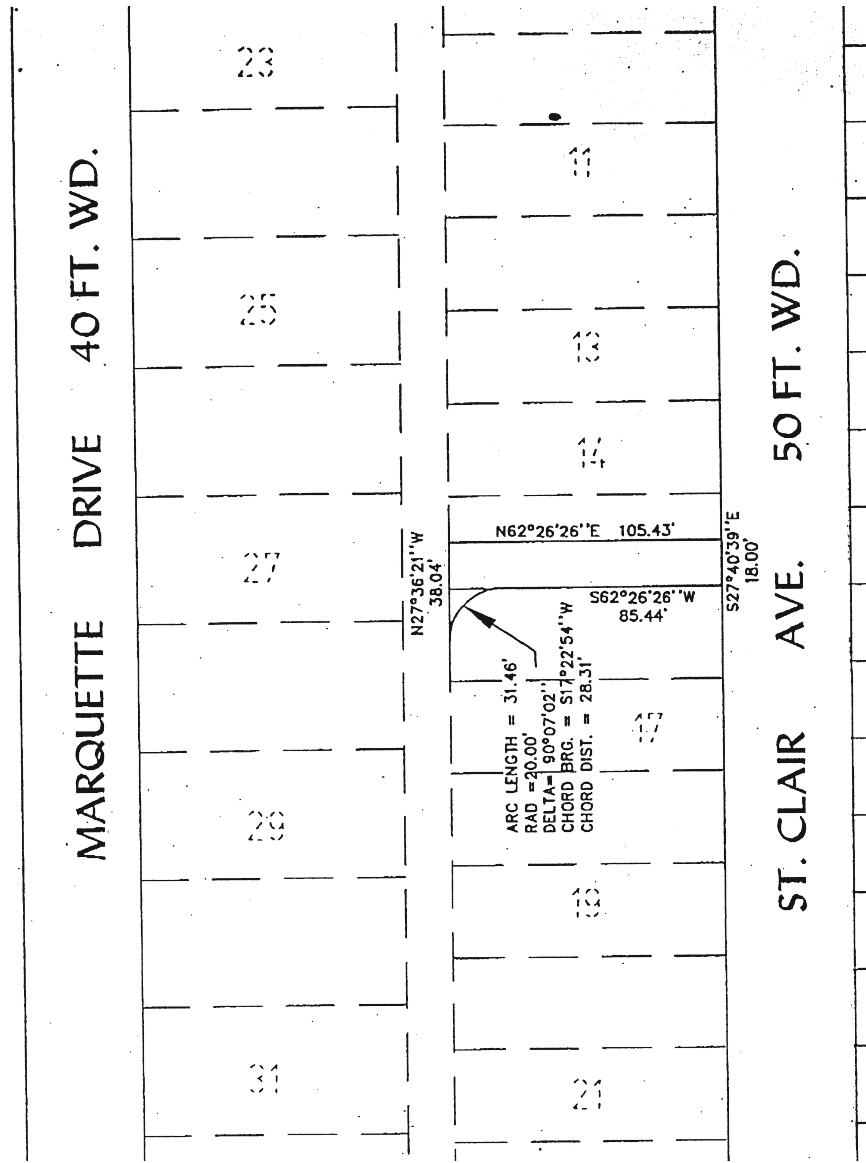


March 25

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Adopted as follows:
 Yeas — Council Members S. Cockrel, Collins, Conyers, Reeves, Tinsley-Talabi, and President K. Cockrel, Jr. — 6.
 Nays — Council Members Jones, Kenyatta, and Watson — 3.

**Department of Public Works
 City Engineering Division**

February 20, 2008

Honorable City Council:
 Re: Petition No. 1678 — Groundwater and Environmental Services Inc. (GES)/Shell Oil, request permission to encroach with two (2) monitoring wells within Hazelwood Street west of Woodward Avenue.

Petition No. 1678 of "Groundwater and Environmental Services Inc. (GES)/Shell Oil" requests permission to install and

maintain two (2) monitoring wells within Hazelwood Street, 60 feet wide, west of Woodward Avenue, 100 feet wide. The two wells are in the vicinity of a former Shell Gas Station. The purpose of the bored wells is to monitor the existence or extent of soil contamination from leaking underground fuel storage tanks (a/k/a "L.U.S.T.").

The encroachment petition was referred to the City Engineering Division — DPW for investigation and report. This is our report:

The Department of Environmental Affairs (DEA) is responsible for developing and implementing a coordinated and comprehensive environmental policy for the City of Detroit, including soil remediation from leaking underground fuel storage tanks. To ensure public safety DEA will review the petitioner's environmental