

November 20

2775

2009

resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 8.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 144) per motions before adjournment.

**Department of Public Works
City Engineering Division**

November 9, 2009

Honorable City Council:

Re: Petition No. 3878 — James H. Cole Home for Funerals Inc., requesting the vacation of the north-south and east-west alleys in the area of Schaefer, Hartwell and Puritan.

Petition No. 3878 of "James H. Cole Home for Funerals Inc." request the conversion to easement the East-West public alley 18 feet wide and a portion of the North-South public alley 16 feet wide; Also request that the Honorable City Council accept an easement, 16 feet wide, over private property for a new alley outlet all in the block bounded by Florence Avenue, 50 feet wide, Puritan Avenue, 66 feet wide, Schaefer Highway, 86 feet wide, and Hartwell Avenue, 60 feet wide. This is phase two of construction for the new James H. Cole funeral home.

The City Engineering Division — DPW/ Street Design Bureau and the Traffic Engineering Division of DPW approved the request. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

The Public Lighting Department (PLD) reports having overhead lighting in the alley, however, PLD will remove the overhead fixture in the alley once the area is converted to easement/private ownership.

All other city departments and privately owned utility companies have no objections to the requested conversion to easement and easement for a new alley of the public rights-of-way.

Respectfully submitted,

JESSY JACOB P.E.

City Engineer

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

Resolved, All that part of the North-South public alley, 16 feet wide, lying Easterly of and abutting the East line of Lots 15 through 22, both inclusive, and the South 24.00 feet of Lot 14, and lying Westerly of and abutting the West line of Lots 28 through 39, both inclusive, all in the "Monnier-Puritan Subdivision" of part of the South 1/2 of the Northwest 1/4 of Section 17, T. 1 S., R. 11 E., Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 42, Page 6, Plats, Wayne County Records;

Also, All that part of the East-West pub-

lic alley, 18 feet wide, lying Southerly of and abutting the South line of Lot 28, and lying Northerly of and abutting the North line of the East 30.00 feet of Lot 25, all of Lots 26 and 27 all in the "Monnier-Puritan Subdivision" of part of the South 1/2 of the Northwest 1/4 of Section 17, T. 1 S., R. 11 E., Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 42, Page 6, Plats, Wayne County Records;

Be and the same is hereby vacated as public alleys, and is hereby converted into private easements for public utilities of the full width of the alleys, 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 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 easement or right-of-way over said vacated public alley 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 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 right-of-way in and over said vacated 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 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 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, and further

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 easements, nor change of surface grade made, without prior approval of the City Engineering Division — DPW, and further

Fourth, That if the owners of any lots abutting on said vacated alley 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; and further

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

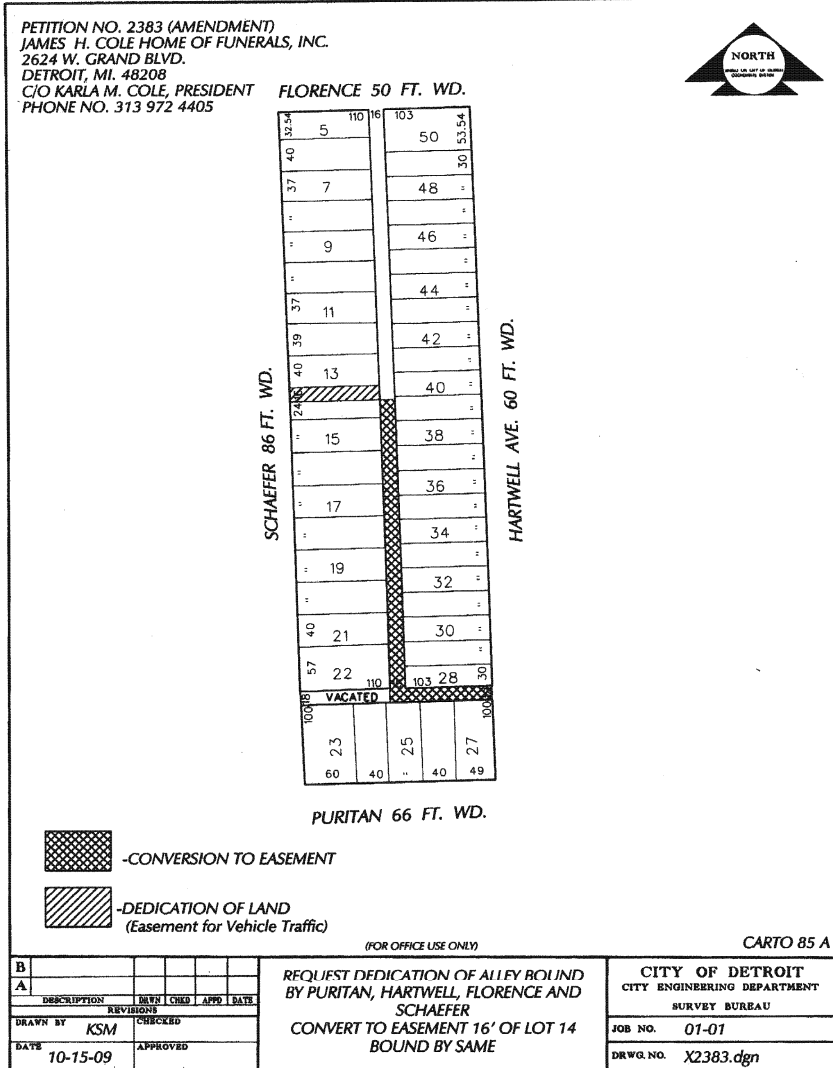
Provided, That if it becomes necessary to remove the paved alley return at the entrances (into Hartwell Avenue.), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City

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.

Resolved, That your Honorable Body authorize the acceptance of the following described easement, over property owned by the petitioner, subject to the approval of the Traffic Engineering Division — DPW and any other public or privately owned utility company, if necessary;

Land in the City of Detroit Wayne County, Michigan being the Northerly 16.00 feet of Lot 14 in the "Monnier-Puritan Subdivision" of part of the South 1/2 of the Northwest 1/4 of Section 17, T. 1 S., R. 11 E., Greenfield Township (now City of Detroit) Wayne County, Michigan



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as recorded in Liber 42, Page 6, Plats, Wayne County Records;

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 8.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 145) per motions before adjournment.

Recreation Department

October 23, 2009

Honorable City Council:

Re: Authorization to accept and expend a \$238,000.00 Grant from the U.S. Department of Education, Fund for the Improvement of Education, Title V.

The Detroit Recreation Department is hereby requesting the authorization of your Honorable Body to accept and expend \$238,000.00 from the U.S. Department of Education, for the LEAP (Leisure Education Activity Program) project. The funds were received from the Federal Dept. of Education's Improvement of Education, Title V, program for daily physical education activities, including equipment. The grant project will enable the Department to do the following:

- Provide 400-500 Detroit children with the knowledge, skills, fitness and attitudes needed to live healthy, physically active lifestyles;
- Conduct the LEAP Project at 5 of our recreation centers;
- Help participating children develop behaviors and attitudes that will translate into healthy habits throughout their lifetimes, thereby reduce the increasing rates of diseases and chronic conditions which are plaguing our children.

With your authorization, the Department will set up Appropriation No. 12704 and Cost Center No. 398491 for this grant project in the amount of \$238,000.00.

We respectfully request your approval to accept and expend these funds by adopting the following resolution with a Waiver of Reconsideration.

Respectfully submitted,
ALICIA C. MINTER
Deputy Director

Approved:

PAMELA SCALES
Budget Director

FLOYD STANLEY
Deputy Finance Director

By Council Member Watson:

Resolved, That the 2009-2010 Budget be amended for the Recreation Department who is hereby authorized to accept, appropriate and establish Appropriation No. 12704 LEAP totaling \$238,000; now be it further

Resolved, That the Finance Director be and is hereby authorized to increase the

necessary accounts and honor vouchers and payrolls when presented, in accordance with foregoing communication, standard City procedures and regulations of the U.S. Department of Education.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 8.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 146) per motions before adjournment.

Water and Sewerage Department

October 28, 2009

Honorable City Council:

Re: Water Service Contract Between City of Detroit and City of Auburn Hills.

The City of Auburn Hills in Oakland County has agreed to a new thirty-year water service contract with the City of Detroit. This contract is based upon the model water contract that was discussed in detail before the Public Health and Safety Standing Committee on May 19, 2008. As discussed in Committee, the new contracts have a term of thirty years and will replace any and all prior water service agreements between the City of Detroit and the City of Auburn Hills. The terms of each contract negotiated are essentially identical, with the exception of the two contract exhibits. Exhibit A of the contract sets forth the customer's service area and metering information. Exhibit B of the contract sets forth the particular service level needs of the customer.

Your approval of the new water service contract with the City of Auburn Hills, with a waiver of reconsideration, is requested. The Board of Water Commissioners approved this water service contract on October 28, 2009.

Respectfully submitted,
PAMELA TURNER
Director

By Council Member Tinsley-Talabi:

Resolved, That the Water Service Contract Between the City of Detroit and the City of Auburn Hills be and hereby is approved.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 8.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 147) per motions before adjournment.

Water and Sewerage Department

October 28, 2009

Honorable City Council:

Re: Water Service Contract Between City of Detroit and Geoge W. Kuhn Drainage District.