

Department of Police

May 5, 1983

Honorable City Council:

Re: Proposed Resolution on Rules Regulating Waterways within the City of Detroit.

On January 15, 1983, the new Marine Safety Ordinance went into effect. It prohibits water skiing, jet skiing, swimming and diving in unauthorized areas, and creating a wake within two hundred feet of a dock or a moored vessel. To enable the Police Department to enforce this ordinance, which parallels the state law, the Department of Natural Resources requires that the local governing body pass a resolution approving the control recommended by their agency.

Therefore, the attached resolution is submitted for your adoption, with the concurrence of the Law Department.

Respectfully submitted,

WILLIAM L. HART

Chief of Police

By Council Member Hood:

Whereas, the Detroit City Council has requested the Michigan Department of Natural Resources to determine if local watercraft controls are necessary on the waters of the Detroit River within the corporate limits of the City of Detroit; and

Whereas, on-site investigation and testimony received from public hearings have indicated a need for special local watercraft controls to alleviate recreational boating and surface water use problems on the Detroit River within the corporate limits of the City of Detroit; and

Whereas, the proposed regulations are as follows:

Regulation No. 82, Wayne County. R 281.782.25. Detroit river and Rouge river; prohibitions.

Rule 25. On the waters of the Detroit river and the Rouge river, and those canals and channels connected thereto, located within the city limits of Detroit, Michigan, the following provisions apply:

(a) It is unlawful for the operator of a vessel to exceed a slow-no wake speed when within 200 feet of any shore, dock, raft, buoyed or occupied swimming area, or vessel moored or at anchor.

(b) A person shall not operate a motorboat which is 16 feet or less in length, which is constructed so as to be incapable of carrying the operator in or on the motorboat, and which is actually operated by a person being towed. In addition, a person shall not operate a motorboat which is 16 feet or less in length, which is designed to carry 1 person aboard the motorboat,

and which is operated by use of controls mounted on handlebars or other similar arrangement.

(c) A person shall not swim, bathe, or engage in underwater diving operations outside of buoyed and designated swim areas, except when authorized by the Detroit harbormaster. This subdivision does not preclude bona fide commercial salvage diving operations and emergency and recovery operations by law enforcement agencies.

(d) Waterskiing is prohibited.

(e) It is unlawful, at any time, to operate a vessel at a speed in excess of 40 miles per hour (64 kilometer per hour); and

Whereas, such special local watercraft controls have been tentatively approved by the Commission of Natural Resources and duly aired at a public hearing at 6001 Cass Avenue, Detroit, Michigan on February 25, 1982; and

Whereas, such special local watercraft controls are necessary for the public health, safety and welfare;

Now, Therefore, Be It Resolved that the Detroit City Council has considered the control recommended by the Department of Natural Resources and approves the said rule.

Approved as to form:

MARK R. ULICNY

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 9.

Nays — None.

Department of Public Works

May 4, 1983

Honorable City Council:

Re: Petition No. 1657, Comerica, Inc., Requesting Name Change on Use of Berm at Three Mile Drive and Warren.

Returning herewith Petition Number 1657 of Comerica, Inc., requesting the resolution adopted by your Honorable Body on February 23, 1971 (J.C.C. Page 365) granting the request to use the berm area at the northwest corner of Three Mile Drive and Warren for access in conjunction with a business, be amended to reflect the change of ownership from Susie Q Restaurants to Comerica, Inc.

The City Engineering Department recommends that the request be granted in accordance with attached resolution.

Respectfully submitted,

LOUIS W. KLEI

City Engineer

By Council Member Cleveland:

Resolved, That the resolution adopted

February 23, 1971 (J.C.C. Pages 365-366) permitting Susie Q Restaurants, Inc. use of the berm area for access in conjunction with the operation of their business,

Be and the same is hereby rescinded and replaced by the following new resolution:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to Comerica, Inc., for use of the berm area at the northwest corner of Warren Avenue at Three Mile Drive for access in conjunction with a bank facility. The encroachment consists of a twenty (20) foot area running one hundred (100) feet in a northerly direction on the west side of Three Mile Drive from a line just north of Warren Avenue, Detroit, Michigan.

Provided, That the necessary permits be obtained from the City Engineering Department and that same shall be maintained under its rules and regulations and that the site plans be submitted to City Plan Commission and Department of Streets and Traffic and the landscaping plans be submitted to the Department of Parks and Recreation prior to the issuance of the permits for their approval. That the landscaped area be maintained by permittee in a healthy, neat and orderly condition at all times; and

Provided, That the construction of the drive and barrier curb to prevent access to Three Mile Drive be in accordance with the specifications established by the City Engineer, and that the drive be limited to the area indicated on the City Plan drawing No. E-3; and

Provided, That permittee at the time of obtaining said permits file with the Finance Department an indemnity agreement in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permits and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said permission; and

Provided, That said permittee shall be subject to any tax which may be levied against it under the terms of Public Act 189 of 1953, and such other taxes as may be properly assessed and levied; and

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said drive and

barrier encroachment shall be removed at the expense of the permittee at any time when so directed by the City Council, and that the public property affected shall be restored to a condition satisfactory to the City Engineering Department and Parks and Recreation by said permittee at its expense; and

Provided, That this resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby expressly waives any right to claim damages or compensation for property constructed hereunder for the removal of same, and further, that permittee acquires no implied or other privileges hereunder not expressly stated herein; and

Provided That these permits shall not be assigned or transferred without the written approval of the City Council; and

Provided, That all construction costs occasioned by the approval to use public property be borne by permittee; and

Provided, That the filing of the indemnity agreement and the securing of the necessary permits referred to herein shall be construed as acceptance of the terms of this resolution by the permittee; and

Provided, That a certified copy of this resolution shall be recorded with the office of the Register of Deeds for Wayne County by and at permittee's expense.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 9.

Nays — None.

Department of Public Works

April 25, 1982

Honorable City Council:

Re: Street Fund Urban Systems Program — Appropriation Deficits.

The Street Fund Urban Systems Program has several appropriations in deficit position. The following appropriations are those in a deficit position:

Appropriation:

4401; Project Name: Beaubien - E. Jefferson - Congress; Amount: \$1,528.00.

4750; Project Name: Livernois - Burlingame to Lyndon Signals; Amount: \$10.00.

4966; Project Name: Resurfacing Sections of Ten (10) Streets; Amount: \$3,370.00.

Total: \$4,908.00

The deficits are a result of labor cost incurred during the construction phase. These project costs have exceeded our original estimated cost. The Federal-aid reimburseable rate is limited to