

WHEREAS, An ordinance will be presented to the City Council for introduction and a public hearing to formally repeal the South Africa Ordinance; and

WHEREAS, The economic sanctions are no longer necessary, bids from businesses need not be rejected on the basis of the South Africa Ordinance; NOW, THEREFORE BE IT

RESOLVED, The Detroit City Council authorizes the Purchasing Director to waive the provisions and requirements of the South Africa Ordinance in accepting bids and entering into contracts for goods and services required by the City of Detroit until such time that the South Africa Ordinance can be formally repealed.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

City Engineering Department

September 22, 1993

Honorable City Council:

Re: Petition No. 2204. Comerica, Incorporated. Requesting permission to construct and maintain building addition (proposed ramp to allow barrier-free access at 411 W. Lafayette main entrance) encroaching into the south side of W. Lafayette between First and Cass.

Petition No. 2204 of "Comerica, Incorporated" requests permission to construct and maintain a building addition (proposed ramp to allow barrier-free access at 411 W. Lafayette main entrance) encroaching about 2.50 feet by 20.00 feet into the south side of W. Lafayette Boulevard, 80 feet wide, between First Street and Cass Avenue.

The petition was referred to the City Engineering Department for investigation and report. This is our report:

Necessary permits will have to be obtained for any public street opening, backfill, surface restoration, barricade, or occupancy of City rights-of-way to install the ramp encroachment.

The Public Lighting Department (PLD) has reported street lighting cables inside concrete encased ducts and underground high voltage (24kv) cables within W. Lafayette Boulevard (80 feet wide). PLD will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one half feet between PLD facilities and the proposed building addition structure.

All other involved city departments and privately-owned utility companies have reported no objection to the ramp encroachment. Should damages to utilities occur the petitioner shall be liable

for all incidental repair costs and waives all claims for damages to the encroachment installations.

An appropriate resolution, granting the petition, is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS

Director

By Council Member Cleveland:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "Comerica, Incorporated" to construct and maintain a building addition (proposed ramp to allow barrier-free access at 411 W. Lafayette main entrance) encroaching about 2.50 feet by 20.00 feet into the south side of W. Lafayette Boulevard, 80 feet wide, between First Street and Cass Avenue; abutting the following described (in part) property:

Lots 2 thru 7, Block 20, "Subdivision of the Cass Farm lying between Chicago Road and Fort Street", City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 324, City Records;

Encroachment to consist of a proposed building addition (barrier-free access ramp), extending, together with below grade footings, approximately 2.50 feet by 20.00 feet into the south side of W. Lafayette Boulevard, 80 feet wide, in front of the building addressed as 411 W. Lafayette Boulevard (property described in part above);

Provided, That before any construction into said public street right-of-way the petitioner shall apply to the Buildings and Safety Engineering Department for a building permit. Also, the use and maintenance of said building encroachments shall comply with the rules and regulations of the City Engineering Department, the Buildings and Safety Engineering Department, and the Department of Public Works (DPW) — Traffic Engineering Division; and further

Provided, Said building encroachments shall be constructed and maintained according to the specifications of the Public Lighting Department (PLD), including the minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between PLD underground street lighting and high voltage cables and/or duct banks (and any other PLD facilities) and the proposed ramp encroachment; and further

Provided, The property owned by the petitioner and the building encroachments shall be subject to proper zoning or regulated use (Board of Zoning Appeals Grant); and further

Provided, Whenever it becomes necessary to occupy or barricade the public rights-of-way for construction and/or

maintenance of the building addition encroachments, such work shall be done under City Engineering Department permits and inspection with all costs borne by the petitioner; and further

Provided, If the underground electric power lines or ducts, street lamp poles, hydrants, water lines (or mains), sewers, catch basins, traffic signal feeds, traffic signs, parking meters, or other utility (or city department) facilities located (or to be located) in the public rights-of-way shall break or be damaged as a result of any action on the part of the petitioner or their assigns (by way of illustration but not limitation, such as storage of materials or any construction not in accordance with this resolution or Detroit Building Code), then the petitioner or assigns shall be liable for all costs incidental to the repair of the broken or damaged utility (or other city department facility). The petitioner and assigns shall be liable for all claims, damages, or expenses resulting from their actions; and further

Provided, If it becomes necessary to repair or replace the underground electric power lines or ducts, street lamp poles, hydrants, water lines (or mains), sewers, catch basins, traffic signal feeds or other utility (or city department) facilities located (or to be located) in the public rights-of-way, the owners for themselves, their heirs or assigns (by acceptance of permits for construction near buried utility lines or mains, underground electric power lines or ducts, and utility poles) waives all claims for damages to the encroaching installations and agree to pay the costs incurred in their removal (or alteration), if removal (or alteration) becomes necessary; and further

Provided, That said permits issued by the City Engineering Department, and the Buildings and Safety Engineering Department are granted with the distinct understanding that in the event the City Charter, or Detroit Codes, or ordinances, or resolutions, or City policies (governing the placement of encroachments in public rights-of-way) are amended to provide for the levying thereafter, of a fee, charge or rental, to be hereafter determined upon, for the occupancy of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said Charter, or codes, or ordinances, or resolutions, or policies; also said permittee does hereby bind itself thereunto, and to accept said permits on the conditions hereby imposed, and in the event said permittee shall contest the validity of said Charter, or codes, or ordinances, or resolutions, or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall

immediately become void; and further

Provided, The permittee (at the time of obtaining said permits) shall 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 or unfaithful performance by the permittee of the terms thereof, and in addition to pay any claims, damages or expenses that may arise out of the maintenance of said encroachment; and further

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

Provided, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and further

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

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

Community & Economic Development Department

September 20, 1993

Honorable City Council:

Re: Sale of Property — (E) Helen, between Savage and Eight Mile.

The City of Detroit acquired from the State of Michigan as tax-reverted property a single family residence at 20468 Helen in an area zoned R-2.

The long term tenant, Ben C. Little, a married man, has submitted an Offer to Purchase in the amount of \$2,500.00 on a cash basis.

Your Honorable Body is requested to authorize acceptance of this Offer to Purchase and authorize the Community and Economic Development Department Director to issue a Quit Claim Deed upon receipt of payment in full.

Respectfully submitted,
DEBORAH E. FISHER
Assistant Director