

All utility companies are advised by copy of this letter to immediately start utility disconnects.

Respectfully submitted,
CREIGHTON C. LEDERER
 Director

By Council Member Hood:

Resolved, That in accordance with the foregoing communication, the City Engineering Department is directed to immediately implement emergency measures to demolish dangerous structure at 2010 Clark, and to assess the cost of same against the property.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, and President Mahaffey — 8.

Nays — None.

City Engineering Department

February 18, 1993

Honorable City Council:

Re: Petition No. 2768. Detroit Newspaper Agency Requesting permission to construct and maintain a barrier-free access ramp encroaching into the south side of W. Lafayette between Third and Second, the Detroit News Building.

Petition No. 2768 of the "Detroit Newspaper Agency" requests permission to construct and maintain a barrier-free access ramp encroaching about 2.12 feet into the south side of W. Lafayette Boulevard, 80 feet wide, between Third and Second Avenues (in front of the Detroit News Building, address: 615 W. Lafayette).

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

The encroachment request was approved by the Department of Public Works — Streets & Traffic Division.

Necessary permits will have to be obtained for any public sidewalk opening(s), backfill, surface restoration, barricade, or occupancy of City rights-of-way to construct the barrier-free access ramp.

Also, the Water and Sewerage Department (DWSD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of 3.50 feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes (and any other DWSD facilities) and the proposed ramp encroachment.

All other involved city departments and privately owned utility companies have reported no objection to the proposed 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 encroaching installations.

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

Respectfully submitted,
CLYDE R. HOPKINS
 Director

By Council Member Eberhard:

Resolved, The City Engineering Department is hereby authorized to issue permits to the "Detroit Newspaper Agency (and/or "Ventura & Associates, Inc.") to construct and maintain a barrier-free access ramp encroaching into the south side of W. Lafayette Boulevard, 80 feet wide, between Third and Second Avenues (in front of the Detroit News Building, address: 615 W. Lafayette), property described (in part) as follows:

Lots 1 thru 3, Block 22, of "Subdivision of Cass Farm lying between the Chicago Road and Fort Street, by John Mullett, Detroit, October 1856," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 234, Deeds, City Records;

Encroachment to consist of a barrier-free access ramp (approximately 87.81 feet in Length) extending about 2.12 feet (width) into the public street right-of-way, lying northerly of and abutting the north line of the above described property (lots);

Provided, That the petitioner shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, whenever it becomes necessary to open-cut, occupy, or barricade any portion of W. Lafayette Boulevard (80 feet wide) for construction or placement of ramp structures, such work shall be according to detailed permit application drawings (submitted by the petitioner, subject to City department review and stamp approvals) prior to any public right-of-way staging or construction; and further

Provided, That if any public sidewalk areaway or vault is uncovered during excavation for the construction of the (permitted) ramp encroachment, then any such public property structures must conform to the requirements of Detroit Code Section 50-4-24. It is the responsibility of the "Detroit Newspaper Agency" and their contractors to give reasonable and proper disclosure (including detailed plans and written application for additional "construction" permits) to the City Engineering Department for review of said public sidewalk areaway or vault before resuming open-cut operations within the W. Lafayette Boulevard public street right-of-way (80 feet wide). The petitioner and assigns shall be liable for all claims, damages, or expenses resulting from the mainte-

nance (or improper maintenance) of any public sidewalk areaway(s) or vault(s); and further

Provided, That the necessary permits shall be obtained from the City Engineering Department and the Buildings and Safety Engineering Department, and the ramp structures shall be constructed and maintained under their rules and regulations; also in accordance with detailed plans submitted to and approved by these departments, including the Public Lighting Department (if necessary), the Water and Sewerage Department (if necessary), the Recreation Department (if necessary), and the Department of Public Works — Streets and Traffic Division (if necessary); and further

Provided, That all costs for the construction, maintenance, permits and use of the ramp structures shall be borne by the petitioner; and further

Provided, Said encroaching ramp structures shall be constructed and maintained according to the specifications of the Water and Sewerage Department (DWSD), including the minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes or shut-offs (and any other DWSD facilities) and the proposed barrier-free access ramp encroaching structure(s). Should damages to DWSD facilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located in the public rights-of-way, by the acceptance of this permission, the owners for themselves, their heirs or assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Department at the owner's expense; and further

Provided, The petitioner (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 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 encroachment; and further

Provided, That said permittee shall be subject to any tax under the provisions of

the General Property Tax Act which may be levied against it pursuant to law; and further

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 encroachment shall be removed at the expense of the permittee at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Department at the permittee's sole cost and expense; and further

Provided, That said permits issued by the City Engineering Department and/or Buildings and Safety Engineering Department are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinance(s), or resolution(s), 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 code(s), or ordinance(s), or resolution(s), or policies; also said permittee does hereby bind itself thereto, and to accept said permits on the conditions hereby imposed, and in the event said permittee shall contest the validity of said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; 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 encroachment(s), and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the petitioner shall apply to and become a participating member of the "Miss Dig" organization (if necessary, to protect below grade encroachment structures); and further

Provided, The filing of the indemnity agreement and the securing of the necessary permit(s) referred to herein shall be construed as acceptance of this resolution by the permittee; and further

Provided, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; 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, and President Mahaffey — 8.
Nays — None.

City Engineering Department

February 5, 1993

Honorable City Council:

Re: Petition No. 2909 Downtown Development Authority (together with 400 Monroe Associates) International Center (Greektown) Parking Structure Requesting permission to construct and maintain a pedestrian skywalk bridge encroaching across Brush between Lafayette and Monroe; linking the garage and the "International Center Building & Hotel"

Petition No. 2909 of the "Downtown Development Authority (together with 400 Monroe Associates)" requests permission to construct and maintain a pedestrian skywalk bridge encroaching overhead (with footings and piers) across Brush Street, 48 feet wide, between E. Lafayette and Monroe Avenues; linking the "International Center Parking Structure" (under construction in 'Greektown') and the "International Center Building & Hotel." (NOTE: Part of the proposed pedestrian skywalk bridge encroachment will cross a public utility easement retained within a portion of the vacated east-west public alley, 20 feet wide, in the block bounded by Brush, Beaubien, E. Lafayette and Monroe; see City Council resolution adopted on March 2, 1988 — J.C.C. pages 537-38.)

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

An agreement for the operations and maintenance of the parking structure, including the skywalk bridge, is pending between the "Downtown Development Authority" and "400 Monroe Associates."

Necessary permits will have to be obtained for any public street opening(s), backfill, surface restoration, barricade, or occupancy of City rights-of-way to construct the skywalk bridge.

The Detroit Edison Company (DE Co.) reports that the footing of the proposed overhead walkway will affect DE Co. underground conduit. Therefore, "close monitoring" is necessary during skywalk construction operations to prevent damage to DE Co. facilities and service disruptions to downtown customers.

The Public Lighting Department (PLD) has underground fed street lighting, communication cable and conduit within Brush Street. PLD will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of 3.50 feet

between PLD facilities and the proposed bridge structures.

The Water and Sewerage Department (DWSD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of 3.50 feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes (and any other DWSD facilities) and the proposed bridge structures.

All involved City departments and privately-owned utility companies, including Michigan Bell Telephone (MBT Co.), have reported no objections to the proposed skywalk bridge construction provided "care and caution" are used in street (or utility easement) openings and substructure excavation operations. They have also requested the petitioner make use of "Miss Dig" facilities before any skywalk construction.

Due to extensive below grade downtown utility services, it is necessary for the petitioner(s) and/or their contractor(s) to arrange for "pre-construction meetings" with DE Co., PLD, DWSD, and (if necessary) MBT Co. Should damages to utilities occur the petitioner(s) will be liable for all incidental repair costs and waive all claims for damages to the encroaching installations.

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

Respectfully submitted,
CLYDE R. HOPKINS,
Director

By Council Member Hill:

Whereas, An agreement for the operations and maintenance of a multi-level parking garage (under construction in 'Greektown'), including a pedestrian skywalk bridge, is pending between the "Downtown Development Authority" and "400 Monroe Associates;" therefore be it

Resolved, The City Engineering Department is hereby authorized to issue permits to the "Downtown Development Authority (together with 400 Monroe Associates)" to construct and maintain a pedestrian skywalk bridge encroaching overhead (with footings and piers) across Brush Street, 48 feet wide, between E. Lafayette and Monroe Avenues, linking the "International Center Parking Structure" and the "International Center Building & Hotel;" adjoining two parcels described (in part) as follows:

(1) Lots 4, 16 and the reversionary interests in the vacated east-west public alley (20 feet wide; in the block bounded by Randolph and Brush Streets, E. Lafayette and Monroe Avenues; having been previously vacated by City Council on April 14, 1879 — J.C.C. pgs. 145-46), "Block 7, Plan of part of the Brush Farm, as subdivided into lots by John Mullett,