

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 and alley return(s) at their entrance(s) (into Rosa Parks Boulevard, Martin Luther King Jr. Boulevard, and/or Magnolia Street), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications (in conjunction with Recreation Department, if necessary) with all costs borne by "Core City Neighborhoods", the abutting owner, their administrators or assigns; and be it further

Resolved, The following described city-owned properties are hereby dedicated for public street purposes:

Dedications to Establish the North line of Martin Luther King, Jr.

Boulevard between Fourteenth Avenue and Rosa Parks Boulevard

Land in the City of Detroit, Wayne County, Michigan being all of Lots 224 and 225, and the South 32.00 feet of Lot 223, and the South 32.00 feet of Lot 226 of the "Subdivision of Part of the Godfroy Farm, Private Claim 726, lying between Michigan Avenue and Grand River Avenue," as recorded in Liber 1, Page 293, Plats, Wayne County Records; also all of Lots 223 and 224, and the South 12.00 feet of Lot 222, and the South 74.00 feet of Lots 232 thru 234, and the South 74.00 feet of Lots 4 thru 10 [a/k/a the 'Board of Education' Lot] of "Woodruff's Subdivision of Lot 3, Lafferty Farm, Private Claim 228, and South of Grand River Avenue," as recorded in Liber 2, Page 32, Plats, Wayne County Records; also all of Lots 185 and 186, and the South 22.00 feet of Lot 184, and the South 74.00 feet of Lots 187 thru 189 of "Albert Crane's Section of the Thompson Farm being part of Private Claim 227, Late Springwells, Now Detroit," as recorded in Liber 1, Page 11, Plats, Wayne County Records; 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 Cockrel, Everett, Hood, Ravitz, Scott, Tinsley-Williams, and President Pro Tem. Hill — 7.
Nays — None.

**Department of Public Works
City Engineering Division**

September 12, 1997

Honorable City Council:

Re: Petition No. 3087 Cornice and Slate, L.L.C. Requesting permission to maintain six existing underground footings encroaching into the south side of E. Lafayette at 733 St. Antoine.

Petition No. 3087 of "Cornice and Slate, L.L.C." requests permission to maintain parts of six existing underground footings (each) encroaching about 2.50 feet (or less) into E. Lafayette Avenue, 120 feet wide, associated with the expansion of "Flood's Bar and Grille", commonly known as 733 St. Antoine.

The petition was referred to the City Engineering Division - DPW [CED] for investigation (utility clearances) and report. This is our report:

All public right-of-way work, including maintenance, must be subject to city permits, inspection, and specifications. "Cornice and Slate (and/or their assigns, Turner Construction Company)" must obtain permits from City Engineering Division - DPW for any public right-of-way work together with building permits. [NOTES: A second story cornice projection (extending about 1.50 feet more or less) is an architectural embellishment, and a permissible (overhead) public street projection. The installation is an attachment to the building and covered under BOCA Basic building code. However, CED advises Buildings & Safety Engineering Department to examine building plans so as to prevent drain from overhead decorations onto the public street below.]

The Ameritech/Michigan Bell Telephone Company [A/MBT] reported facilities near the existing footings. "Cornice and Slate" has made arrangements to pay A/MBT. Michigan Consolidated Gas Company [MCG] reported an inactive four-inches diameter gas main near the existing footings. MCG reports no objections to the existing encroachments; but reminds "Turner Construction" that "Miss Dig" must be used to prevent damages to MCG services in the public street. Should liabilities occur as a result of the placement or maintenance of six existing underground footings extending into public street right-of-way "Cornice and Slate" shall pay all claims, damages and expenses; also the petitioner, "Cornice and Slate", waives all claims for damages to the encroaching installations.

All other involved city departments and privately owned utility companies reported no objections to the six existing underground footing encroachments.

I am recommending adoption of the attached resolution.

Respectfully submitted

SUNDAY JAIYESIMI,

City Engineer

City Engineering Division-DPW

By Council Member Hood:

RESOLVED, The City Engineering Division - DPW is hereby authorized and directed to issue permits to "Cornice and Slate, L.L.C. (and/or their assigns, Turner Construction Company)" to maintain six existing underground footings extending into the southern public sidewalk space of E. Lafayette Avenue, 120 feet wide, west of St. Antoine Street; said public street right-of-way adjoining property described (in part) as follows:

Lots 7 and 11 (except that part taken for the widening of E. Lafayette Avenue, 120 feet wide) of the "flat of the Antoine Beaubien Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 27, Page 197, Deeds, Wayne County Records; commonly known as 733 St. Antoine;

Encroachment(s) to consist of a six existing underground footings associated with the expansion of "Flood's Bar and Grille; each of the footings encroach about 2.50 feet (or less) beneath the southern public sidewalk space of E. Lafayette Avenue, 120 feet wide, west of St. Antoine Street. [NOTES: A second story cornice projection (extending about 1.50 feet more or less) is an architectural embellishment, and a permissible (overhead) public street projection. The installation is an attachment to the building and covered under BOCA Basic building code. However, City Engineering Division - DPW advises Buildings & Safety Engineering Department to examine building plans so as to prevent drain from overhead decorations onto the public street below.] Said existing encroachment(s) having been shown on the plans prepared by Kessler Associates, Inc. — Architects; 409 E. Jefferson, Suite 600, Detroit, MI 48226; phone: 313-963-5906; fax: 313-963-8552; Title: "Detroit Cornice & Slate Renovation & Addition, Detroit, MI", sheet title: "Foundation Plan and Second Floor Framing Plan, 95.506; drawing numbers S-1 and S 4; issued for construction date: February 18, 1997; abutting the above described property; and further

PROVIDED, The petitioner, "Cornice and Slate, L.L.C. (and/or their assigns, Turner Construction Company)", shall make application to the Buildings and Safety Engineering Department for a building permit. The six existing underground footing encroachments shall be

installed and maintained in accord with plans submitted to and approved by the Buildings and Safety Engineering Department. All costs for plan review, inspection, and building permits shall be paid by the petitioner; and further

PROVIDED, The encroachment(s) owner (at the time of applying for 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 building encroachment(s); and further

PROVIDED, That such use of public right-of-way shall be under the rules and regulations of the City Engineering Division — DPW in conjunction with the Buildings and Safety Engineering Department (if necessary). The City of Detroit retains all rights and interests in the full width of said public street right-of-way. Further, the city and all utility companies retain their rights to establish, maintain, inspect and service any utilities within or over said public street; and further

PROVIDED, That the property owned by "Cornice and Slate, L.L.C." and adjoining said E. Lafayette Avenue (120 feet wide) shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant); and further

PROVIDED, All costs for the construction, maintenance, permits and use of the building encroachments within public street right-of-way shall be borne by the petitioner. The installation and maintenance of said encroachment(s) shall comply with the rules and regulations of the City Engineering Division - DPW [in conjunction with the Buildings and Safety Engineering Department, if necessary], and Traffic Engineering Division - DPW; and further

PROVIDED, If it becomes necessary to repair or replace the utilities located or to be located in the public right-of-way, by the acceptance of this permission, the building encroachment 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 Division - DPW [in conjunction with Buildings and Safety Engineering Department, if necessary] at the encroachment owner's expense; 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 building encroachments 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 Division DPW [in conjunction with Buildings and Safety Engineering Department, if necessary] at the permittee's sole cost and expense; and further

PROVIDED, That said permits issued by the City Engineering Division - DPW and/or the 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 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 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, The installation and maintenance of encroachments [that is, six existing underground footings extending into the southern public sidewalk space of E. Lafayette Avenue, 120 feet wide, west of St. Antoine Street; adjoining the above described properties; said building encroachments require the filing of an indemnity agreement and the securing of the necessary permit(s)] referred to herein shall be construed as acceptance of this resolution by "Cornice and Slate, L.L.C."; and further

PROVIDED, That the building encroachment(s) 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 Cockrel, Everett, Hood, Ravitz, Scott, Tinsley-Williams, and President Pro Tem. Hill — 7.

Nays — None.

**Finance Department
Purchasing Division**

September 11, 1997

Honorable City Council:

Re: File No. 9668. Rehabilitation of the Douglas A. MacArthur Bridge Over the Detroit River. Walter Toebe Construction Co., 29001 Wall St., P.O. Box 930129, Wixom, MI. 14 Items, unit price ranges from \$2.00/each to \$50,000/each. Lowest acceptable bid. Estimated Cost: \$698,430.00. DPW

The Purchasing Division of the Finance Department recommends contracts as outlined above.

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

Respectfully submitted,

AUDREY P. JACKSON

Purchasing Director

By Council Member Everett:

Resolved, that File No. 9668, referred to in the foregoing communication dated September 11, 1997, be hereby and is approved.

Adopted as follows:

Yeas — Council Members Cockrel, Everett, Hood, Ravitz, Scott, Tinsley-Williams, and President Pro Tem. Hill — 7.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 1), per Motions before Adjournment.

**Finance Department
Purchasing Division**

September 16, 1997

Honorable City Council:

The Purchasing Division of the Finance Department recommends Contracts with the following firms or persons.

76238—100% City Funding — Preservation and display of originals and samples of African American contributions to the USA and other societies. July 1, 1997 to expire one year thereafter — Museum of African American History, 315 E. Warren, Detroit, MI. Not to exceed \$1,650,000.00 Finance

76298—100% Federal Funding — Provide Child Care Training services to Title IIB summer participants. Anticipated number of enrollments is 40, anticipated number of positive terminations is 35. June 23, 1997 through September 30, 1997 — TWW and Associates, Inc., 1505 Woodward, Detroit, MI. Not to exceed \$80,817.00 Employment & Training