

The City Engineering Division would be responsible for permitting and inspecting the work involved in the barricading of the public streets. According to City Engineering staff, the permit approval process would include the requirement that the proposed plans are signed off by all of the affected departments and utilities prior to approval of a permit application. Therefore, each department and utility would have to be satisfied that the conditions and concerns related to it, as stated in the resolution, are met before the City Engineering Division would grant a permit. City Engineering inspectors would verify that the plans are carried out as approved. If, after the construction is completed, it is found that the GSA is not maintaining the encroachments in compliance with the conditions of the resolution, the City Engineering Division would be able to send inspectors out and proceed through the enforcement process if necessary.

Please let us know if you require any additional information regarding this matter.

Respectfully submitted,  
MARCUS D. LOPER  
Deputy Director

**Department of Public Works  
City Engineering Division**

December 19, 1997

Honorable City Council:

Re: Petition No. 2275. General Services Administration — Federal Protective Service Division (GSA), Barricade Blockage of Streets — Encroachments, First and Howard — near federal government buildings; also requesting permission to maintain one existing guardhouse encroaching into the public sidewalk space on the north side of Howard, east of First.

Petition No. 2275 of "General Services Administration — Federal Protective Service Division (GSA)" asks the city to consider a federal government request to 'block by barricades' two public streets near 477 Michigan Avenue (Patrick V. McNamara Building) and 431 Howard Street (Rick Finley Building). GSA also requests permission to maintain an existing guardhouse structure encroaching into the public sidewalk space on the north side of Howard Street, east of First Street. Two city streets in the Central Business District are involved:

[1] First Street (60 feet wide) between Howard and Abbott Streets; also

[2] Howard Street (60 feet wide) between First Street and Cass Avenue;

The petition was referred to the City Engineering Division — DPW for investigation and report. This is our report.

This federal government petition involves more than a so-called ordinary

"temporary" public street closing(s). On May 20, 1997, GSA submitted details of the proposed barricades to City Engineering Division — DPW — excluding encroachment details of an existing guardhouse structure. Petition No. 2275 involves three permit issues; but only two issues are under the control of the Department of Public Works:

**Permit Issue Number One:** Barricade blockage of First and Howard Streets by means of the placement and maintenance of a removable parking bollard system, together with a system of pre-cast stone planter boxes. A City Engineering Division — DPW permit is required; also

**Permit Issue Number Two:** Maintenance of one existing guardhouse structure encroaching into the public sidewalk space on the north side of Howard, east of First. [NOTES: There is no record of City Council approval for the encroachment. The existing guardhouse controls vehicular ingress and egress into the McNamara Building parking garage.] A City Engineering Division — DPW permit is required; also

**Permit Issue Number Three:** Gate assembly system inside the McNamara Building designed to control pedestrian ingress and egress, which deploys delay exit hardware, latching device, ties into the federal building fire alarm system, and security override. All public building fire safety concerns are subject to the plan review and approval of the Detroit Fire Marshal, in conjunction with Buildings and Safety Engineering Department permits, if necessary;

Traffic Engineering Division — DPW is responsible for the safe and efficient use of public streets. Traffic Engineering Division — DPW is responsible for the investigation of "all petitions relating to streets and traffic problems, including rules, regulations and control devices, shall hold hearings thereon when requested or found necessary and shall render promptly a report to the City Council with recommendation thereon and reasons therefor." — Detroit Code 55-2-8.

City Engineering Division — DPW prepared the attached resolution primarily on the basis of the Traffic Engineering Division — DPW reply. Traffic Engineering Division — DPW shall assume full responsibility for their evaluation of a petition that barricades two public streets for an undetermined time period. Since Traffic Engineering reported no objections to Petition No. 2275, it is apparent that the division concluded that barricades blocking free and easy access within two public streets bordering federal buildings can be approved by City Council. Also, Traffic Engineering Division — DPW suggested that vehicles and pedestrians can safely transverse said city streets for official



and/or public business within adjacent federal buildings.

The barricades are designed to block "free and easy access" to federal buildings. The public street obstacles can also limit the right of entry for public emergency vehicles, and affect utility services. All involved utilities received the seven pages of the GSA barricade information for review and approval. However, City Engineering Division — DPW bears no responsibility for "standard replies" and/or the oversight of some utilities to consider the full nature and extent of Petition No. 2275. Nevertheless, a sequence of reasonable provisions composed to protect utility rights of ingress and egress within public rights-of-way, is part of the attached resolution. The conditional utility replies are received and placed on file at the City Engineering Division — DPW.

All involved utility services reported no objection to the existing guardhouse and/or other barricade system encroachments. GSA must contact "Miss Dig" (City Engineering Division — DPW suggests GSA hold pre-construction meetings) to locate and protect buried utilities within the public street rights-of-way. GSA must maintain 24-hours per day ingress and egress for utility services within the public street rights-of-way. Should damages to utilities occur GSA shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installation(s).

I am recommending adoption of the attached resolution.

Respectfully submitted,  
SUNDAY JAIYESIMI  
City Engineer

City Engineering Division — DPW  
By Council Member Scott:

Whereas, Federal buildings in Detroit need to take measures to safeguard employees in high risk facilities. Therefore, petition No. 2275 of "General Services Administration (GSA)" asks the city to consider a federal government request to secure two public streets near 477 Michigan Avenue (Patrick V. McNamara Building) and 431 Howard Street (Rick Finley Building). The two city streets are:

[1] First Street (60 feet wide) between Howard and Abbott Streets; also

[2] Howard Street (60 feet wide) between First Street and Cass Avenue; and

Whereas, This federal government petition involves more than a so-called ordinary "temporary" public street closing(s). On May 20, 1997, GSA submitted details of the proposed barricades to City Engineering Division — DPW. Petition No. 2275 involves three permit issues; but only two issues are under the control of the Department of Public Works:

**Permit Issue Number One:** Barricade

blockage of First and Howard Streets by means of the placement and maintenance of a removable parking bollard system, together with a system of pre-cast stone planter boxes. A City Engineering Division — DPW permit is required; also

**Permit Issue Number Two:** Maintenance of one existing guardhouse structure encroaching into the public sidewalk space on the north side of Howard, east of First. [NOTES: There is no record of City Council approval for the encroachment. The existing guardhouse controls vehicular ingress and egress into the McNamara Building parking garage.] A City Engineering Division — DPW permit is required; also

**Permit Issue Number Three:** Gate assembly system inside the McNamara Building designed to control pedestrian ingress and egress, which deploys delay exit hardware, latching device, ties into the federal building fire alarm system, and security override. All public building fire safety concerns are subject to the plan review and approval of the Detroit Fire Marshal, in conjunction with Buildings and Safety Engineering Department permits, if necessary; and

Whereas, GSA VMX (fax number: 313-226-2661; dated May 20, 1997) transmitted seven pages of barricade information — excluding encroachment details of an existing guardhouse structure — via facsimile to City Engineering Division — DPW. [NOTES: The name of the GSA sender and/or the intended recipient in City Engineering Division — DPW is unknown to Survey Bureau.] The barricades are designed to block free and easy access to federal buildings. The public street obstacles can also limit the right of entry for public emergency vehicles, and affect utility services.] This is a list of the seven pages of the GSA barricade information mailed to various city departments and privately-owned utility companies:

**GSA Fax page number 008** — Planters depicting unknown manufacturer designs: A thru D (one sheet); and

**GSA Fax page number 009** — Federal buildings site drawing (one sheet); and

**GSA Fax page number 010** — Bollards depicting unknown manufacturer designs for various parking and light bollards, mountings, and hardware (one sheet); and

**GSA Fax page number 011** — Letter from GSA to Fire Marshal dated March 1, 1997 describing restrictive gate assembly system (one sheet); and

**GSA Fax page number 012** — Architectural drawing (reduction) Michigan Avenue lobby level of McNamara building pedestrian corridor lock-off; and

**GSA Fax page number 013** — Architectural drawing (first partial enlargement) Michigan Avenue lobby level of



McNamara building pedestrian corridor lock-off; and

**GSA Fax page number 014** — Architectural drawing (second partial enlargement) Michigan Avenue lobby level of McNamara building pedestrian corridor lock-off; and

Whereas, City Engineering Division — DPW obtained the following replies from city departments and privately-owned utility companies:

(a) *American Telephone & Telegraph Company* (AT&T Co.) in a reply (dated 8/26/97) says: "AT&T's Cable is INVOLVED. Please call me at your earliest convenience to arrange a site meeting to further discuss your plans to excavate. I can be reached at 313-451-3064. As always, AT&T's goal is to have 0% intrusions on our fiber optic cable thereby eliminating costly interruptions to our customers service. I look forward to hearing from you in the very near future. As stated in the enclosed letter, AT&T's cable is INVOLVED. What we would need and what is required is that we have access to manholes on these streets for maintenance and emergency purposes. Please feel free to contact this office at 313-451-3064 regarding any questions or concerns you may have. [Reply by Darlene L. Scott];" and

(b) *Ameritech/Michigan Bell Telephone Company* (A/MBT Co.) in a reply (dated 9/17/97) says: "Involved; but have no objections to the change provided that an easement of the full width of the alley/street is reserved [reply by: Allan Rousell, OSP Engineer];" and

(c) *Detroit Edison Company* (DE Co.) in a reply (dated 8/15/97) says: "Involved; but have no objections to the change provided that an easement of the full width of the alley/street is reserved with the rights of ingress and egress [reply by: Paul S. Zarins, Engineer-Planning];" and

(d) *Fire Department* in a reply (dated 11/6/97) says: "Provide access to building(s) for fire fighting purposes [reply by: Robert Butler, Chief Plan Exam];" and

(e) *Metro Fiber System/World Communications* (MFS Co.) in a reply (dated 8/8/97) says: "Involved; MFS fiber optics cable in Detroit Edison conduit system at this location. Need access to manholes [reply by: Gerald F. Dotson, Engineer];" and

(f) *Michigan Consolidated Gas Company* (MCG Co.) in a reply (dated 8/25/97) says: "MichCon has no objection to Petition #2275. No objection to Petition #2275 provided access can be obtained by and for our heavy equipment in a natural gas emergency to the barricaded streets via removable bollards as indicated by said petitioner. It is also understood that there will be other times that access will be needed and made available for the purpose of maintenance. Please abide by

Public Act 59 (Miss Dig) [reply by: Daniel J. Puggini, Supervisor Drafting/ MARS];" and

(g) *Police Department* in a reply (dated 8/15/97) says: "Involved; but have no objections to the change provided that an easement of the full width of the alley/street is reserved. [reply by: Sidney E. Bogan, Inspector, Commanding Officer — First Precinct];" and

(h) *Public Lighting Department* (PLD) in a reply (dated 11/1/97) says: "Petition: X-2275. The Public Lighting Department has no objection to the proposed temporary street closing. However, as mentioned in the previous petition dated 9/20/96 that P.L.D. has underground fed street lighting in Howard Street and First Street. Also, please note that P.L.D. has primary cables (high voltage) and communications cables inside concrete encased ducts in First Street. Twenty-four (24) hours easement is required for movement of heavy vehicles for the maintenance of the underground installations. Construction over the ducts is **not** allowed. Also, we are requesting horizontal clearance of 3'-6", a vertical clearance of 1' from all our facilities [reply by Satish Sadwal, Sr., Assistant Electrical Engineer];" and

(i) *Water and Sewerage Department* (DWSD) in a reply (received 9/4/97) says: "Involved; but have no objections to the proposed temporary closing of: 1. First Street between Abbott and Howard 2. Howard between First Street and Cass; provided that the attached provisions are fulfilled: We will agree to the proposed temporary closing subject to the fulfilling of the following provisions: 1. Detroit Water and Sewerage Department forces shall have free and easy access to the water main and sewer facilities at all times to permit proper operation, maintenance and if required, alteration or repair of the water main and sewer facilities. Free and easy access shall mean that no structures or storage of materials will be allowed upon the temporarily closed street to hinder the movement of maintenance equipment. 2. Where a fence is placed across the temporarily closed portion of a street/alley, then a gate must be installed to permit access for DWSD forces. The gate shall remain unlocked 24 hours a day, unless a guard is stationed near the gate to allow the Detroit Water and Sewerage Department ingress and egress at any time to and from the temporarily closed street. The minimum dimensions of the gate or gates shall provide 15 foot vertical and 13 foot horizontal clearances for freedom of DWSD equipment movement. 3. Should the water main and/or sewer facilities be broken or damaged as a result of any action on the part of the petitioner or assigns, than in such event the petitioner or assigns shall be



liable for all costs incident to the repair of such broken or damaged water main and appurtenances, and waives all claims for damages. These provisions must be made a part of the City Council's Resolution granting the temporary closing of the subject street/alley [reply by Daljit Singh, Engineer of Water System]."

[COMMENTS: The barricades are designed to block "free and easy access" to federal buildings. The public street obstacles can also limit the right of entry for public emergency vehicles, and affect utility services. All involved utilities above received seven pages of the GSA barricade information for review and approval. This federal government petition involves more than a so-called ordinary "temporary" public street closing(s). City Engineering Division — DPW bears no responsibility for "standard replies" and/or the oversight of some utilities to consider the full nature and extent of Petition No. 2275. Nevertheless, a sequence of reasonable provisions, composed to protect utility rights of ingress and egress within public rights-of-way; is part of the resolution.] The above conditional utility replies are received and placed on file at the City Engineering Division — DPW; and

Whereas, Traffic Engineering Division — DPW is responsible for the safe and efficient use of public streets. Traffic Engineering Division — DPW is responsible for the investigation of "all petitions relating to streets and traffic problems, including rules, regulations and control devices, shall hold hearings thereon when requested or found necessary and shall render promptly a report to the City Council with recommendation thereon and reasons therefor." — Detroit City Code 55-2-8; and

Whereas, City Engineering is unable to analyze "traffic influence" criterion [as it relates to Petition No. 2275 of General Services Administration] under the sole purview of Traffic Engineering according to Detroit Code 55-2-8; and

Whereas, Traffic Engineering Division — DPW (in a reply dated 8/29/97) says: "Involved; have no objection to the proposed temporary closing portions of First Street, and Howard Street as detailed in the attached drawing No. 2275 provided that 100% of the abutting property owners' signatures are secured. First Street between Lafayette and Howard must be changed from one-way operation to two-way operation before the portion of Howard is closed. The Traffic Engineering Division will be able to complete the necessary changes along First Street within 60 days [reply by Dennis Zawaski, Assistant Director]." The owner of the abutting lots shown on the referenced drawing is the federal government and/or its interests. City Engineering Division — DPW prepared the resolution below pri-

marily on the basis of the quoted Traffic Engineering reply. Traffic Engineering Division — DPW shall assume full responsibility for their evaluation of a petition that barricades two public streets for an undetermined time period; and

Whereas, Since Traffic Engineering Division — DPW reported no objections to Petition No. 2275, it is apparent that the division concluded that barricades blocking free and easy access within two public streets bordering federal buildings can be approved by City Council. Also, Traffic Engineering Division — DPW suggested that vehicles and pedestrians can safely transverse said city streets for official and/or public business within adjacent federal buildings; therefore be it

Resolved, City Engineering Division is hereby authorized and directed to issue permits to "General Services Administration — Federal Protective Service Division (GSA)" to maintain an existing guardhouse; also to place and maintain other access control devices within two city streets as follows:

[1] First Street (60 feet wide) between Howard and Abbott Streets; also

[2] Howard Street (60 feet wide) between First Street and Cass Avenue;

Said parts of two city streets abutting the following described property:

The southern 280.66 feet of Lot 24, Lots 22 and 23 of "Detroit Urban Renewal Plat No. 1 of part of Private Claims 23, 247, 55 and Military Reserve," City of Detroit, Wayne County, Michigan as recorded in Liber 90, Pages 85 and 86, Plats, Wayne County Records; also the western 1.32 feet of Lot 1 (said part of Lot 1 also lying west of Cass Avenue, 80 feet wide) being part of the Military Reserve in the City of Detroit as shown on "A map of the tract of land granted by Act of Congress (approved May 20, 1826) to the City of Detroit as the same have been divided into lots and numbered by order of the Common Council of said City by J. Mullett Surveyor June 1831," City of Detroit, Wayne County, Michigan as recorded in Liber 5, Page 218, City Records; also the western 28.08 feet of Lot 1, and Lots 2 thru 7 of the "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; the vicinity of the "Patrick V. McNamara Building (a/k/a 477 Michigan Avenue)" and the "Rick Finley Building (a/k/a 431 Howard Street)";

Encroachment to consist of a removable parking bollard system, together with a system of pre-cast stone planter boxes for the purpose of barricade blockage — First and Howard Streets — near federal government buildings. Also, there is one existing guardhouse structure encroaching into the public sidewalk space on the



north side of Howard, east of First — in the vicinity of the federal government buildings addressed as 477 Michigan Avenue and 431 Howard Street (property described in part above). [NOTES: There is no previous record of City Council approval for the guardhouse. The existing guardhouse controls vehicular ingress and egress into the McNamara Building parking garage. It is necessary for GSA to submit (to the City Engineering Division — DPW) as "as built" plan and survey of the encroaching guardhouse structure — Detroit Code Sec. 50-2-5b.];

Provided, That before installing a gate assembly system inside the McNamara Building, the petitioner shall apply to the Buildings and Safety Engineering Department for a building permit. All public building fire safety concerns are subject to the plan review and approval of the Detroit Fire Marshal, in conjunction with Buildings and Safety Engineering Department permits. Also, the use and maintenance of the proposed barricade system encroachments (into said portions of public street rights-of-way) shall comply with the rules and regulations of the City Engineering Division — DPW, the Buildings and Safety Engineering Department, and the DPW — Traffic Engineering Division; and further

Provided, That the grade and alignment of the public sidewalks shall be subject to the specifications, inspection, and permits of City Engineering Division — DPW. All costs for construction, maintenance, and permits to barricade the public sidewalks shall be borne by the federal government. All public rights-of-way shall be maintained safe for public travel. "U.S. General Services Administration — Federal Protective Service Division (GSA)," representing the federal government, shall be liable for all claims, demands, costs, damages, expenses, and caused of action of every kind and character arising in favor of any person, or other legal entity on account of personal injuries or death or damage to property causes by or claimed or alleged to have arisen out of the installation and maintenance of any barricade system encroachments within public street rights-of-way. The installation and maintenance of the public sidewalks and said barricade system encroachments shall comply with the rules and regulations of the Department of Public Works (also the Fire Marshal and Buildings and Safety Engineering Department, if necessary); and further

Provided, Said barricade system encroachments shall be installed and maintained according to the guidelines of the *American Telephone & Telegraph Company* (AT&T). AT&T's cable is involved at the federal buildings site. AT&T's policy is no intrusions over fiber optic cables, thereby eliminating costly

interruptions to customer services. AT&T requires access to manholes on First and Howard Streets for maintenance and emergency purposes. Ingress and egress to all AT&T manholes shall be maintained 24 hours-per-day. To ascertain and observe the minimum clearances between AT&T facilities, and the proposed encroachments — GSA shall arrange for pre-construction meetings; and further

Provided, Said barricade system encroachments shall be installed and maintained according to the guidelines of the *Detroit Edison Company* (Edison). Edison requires full rights of ingress and egress to maintain utility services at the federal buildings site. Ingress and egress to all Edison manholes shall be maintained 24 hours-per-day. To ascertain and observe the minimum clearances between Edison facilities, and the proposed encroachments — GSA shall arrange for pre-construction meetings; and further

Provided, Said barricade system, encroachments shall be installed and maintained according to the guidelines of the *Detroit Fire Department* (DFD). DFD requires access to building(s) for fire fighting purposes; subject to current BOCA Building Codes. [NOTES: The proposed gate assembly system inside the McNamara Building — designed to control pedestrian ingress and egress, which deploys delay exit hardware, latching device, ties into the federal building fire alarm system, and security override — is under the sole purview of DFD. All public building fire safety concerns are subject to the plan review and approval of the Detroit Fire Marshal, in conjunction with Buildings and Safety Engineering Department permits, if necessary.]; and further

Provided, Said barricade system encroachments shall be installed and maintained according to the guidelines of the *Metro Fiber System/World Communications* (MFS). MFS fiber optics cable (inside the Detroit Edison conduit system) is involved at the federal buildings site. MFS requires access to manholes on First and Howard Streets for maintenance and emergency purposes. Ingress and egress to all Detroit Edison Company manholes shall be maintained 24 hours-per-day. To ascertain and observe the minimum clearances between MFS facilities, and the proposed encroachments — GSA shall arrange for pre-construction meetings; and further

Provided, Said barricade system encroachments shall be installed and maintained according to the guidelines of the *Michigan Consolidated Gas Company* (MCG). MCG requires access to gas mains on First and Howard Streets (sometimes using heavy construction



equipment) for maintenance and emergency purposes. MCG requests GSA (or their contractors) make use of "Miss Dig" facilities prior to any construction within the public street rights-of-way. To ascertain and observe the minimum clearances between MCG facilities, and the proposed encroachments — GSA shall arrange for pre-construction meetings; and further

Provided, Said barricade system encroachments shall be installed and maintained according to the guidelines of the *Detroit Police Department* (DPD). DPD requires access to building(s) for local law enforcement purposes; and further

Provided, Said barricade system encroachments shall be according to the specifications of the *Public Lighting Department* (PLD). PLD requires access to underground fed street lighting within First and Howard Streets. Also, PLD requires access to primary high voltage cables and communication cables inside concrete encased ducts within First Street. GSA shall maintain 24 hours-per-day ingress and egress to all PLD facilities on First and Howard Streets (sometimes using heavy construction equipment for maintenance and emergency repair purposes). GSA shall observe a minimum vertical clearance of one foot and a minimum horizontal clearance of three and one-half feet between PLD traffic signal conduit, handholes, poles, street lighting conduit (and any other PLD facilities) and the proposed encroachments; and further

Provided, Said barricade system encroachments shall be constructed and maintained according to the specifications of the *Water and Sewerage Department* (DWSD). GSA shall maintain 24 hours-per-day ingress and egress to all DWSD facilities on First and Howard Streets (sometimes using heavy construction equipment for maintenance and emergency repair purposes). GSA shall observe a 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 (and any other DWSD facilities) and the proposed encroachments; and further

Provided, The property owned by the federal government, and barricade system 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 of the barricade system encroachments, such work shall be done under City Engineering Division — DPW permits and inspection with all costs borne by the federal government; and further

Provided, If the electric or steam power service lines (ducts and/or conduit), water lines (or mains), sewers, gas lines (or mains), fiber optic and/or telecommunication cables, or other utility facilities located (or to be located) in the public street rights-of-way shall break or be damaged as a result of any action on the part of the GSA 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 BOCA building codes), then the GSA or assigns shall be liable for all costs incidental to the repair of the broken or damaged utility. GSA and assigns shall be liable for all claims, damages, or expenses resulting from their action(s); and further

Provided, If it becomes necessary to repair or replace the electric or steam power service lines (ducts and/or conduit), water lines (or mains), sewers, gas lines (or mains), fiber optic and/or telecommunication cables, or other utility facilities located (or to be located) in the public street rights-of-way, the GSA, representing the federal government, their heirs or assigns (by acceptance of permits for construction near buried utility lines, conduits or mains, electric or telephone cables, 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 nothing in this resolution shall be construed as giving any authority, permission or grant to the GSA for any part of the barricade system encroachments to be placed upon the surface or underground rights of federal government properties. Enforcement of violations of fire safety regulations and building codes is the responsibility of the Fire Marshal and the Buildings and Safety Engineering Department. GSA, acting in behalf of the federal government, shall apply to the Buildings and Safety Engineering Department for approval and permits to place and/or maintain any installations that block ingress and egress within federal government properties (if necessary); and further

Provided, It is the intention of this resolution to authorize the City Engineering Division — DPW (prior to the issuance of "encroachment" permits) to act in behalf of the city and require the GSA, representing the federal government, to perform any reasonable task to protect city public rights-of-way interests including, but not limited to, the submission of "as built" engineering plans (containing construction details and distances from property lines) of the entire barricade system encroachment. [OPTIONAL: If national security interests obligate the "U.S. General Services Administration —



Federal Protective Service Division," representing the federal government, to retain "as built" engineering plans only in U.S. government offices; then said "as built" plans shall be made available for viewing and/or reference by the City Engineer, representing the City of Detroit. During any national and/or declared local emergency said "as built" plans shall immediately be made available to the City Engineer, and/or civic emergency management teams. Authorized access to said "as built" plans shall not be unreasonably delayed or withheld from the City Engineer by the GSA. The City of Detroit, a Michigan municipal corporation, holds in reserve the right to draft (or cause to be drafted) a separate "Public Right-of-Way Use and/or Encroachment Permit" agreement between the GSA and the City. Also, the Street Administrator, currently the Director of the Department of Public Works, shall be authorized to execute said agreement with the GSA for and on behalf of the City of Detroit. However, prior to executing said agreement the Street Administrator shall consult with the Law Department. thereafter, said executed document shall be recorded by the Department of Public Works in the Wayne County Register of Deeds.] Also, the City Engineering Division — DPW may require the permit applicant, GSA, to secure approval(s) of said plans from Wayne County, the State of Michigan, any city departments (including commissions, authorities, corporations, councils, boards, contractors, and agencies whenever applicable) and/or utility companies; whether Wayne County, The State of Michigan, city departments and/or utility companies are specifically enumerated in this resolution or not; and further

Provided, Said barricade system encroachment shall be maintained under the rules and regulations of the City Engineering Division — DPW, the Department of Buildings and Safety Engineering, and the Fire Marshall in accord with Detroit Code(s). All costs for the construction, maintenance, permits and use of the encroaching barricade system and existing guardhouse shall be borne by the GSA; and further

Provided, Whenever it becomes necessary to open-cut, drill, bore, jack, or occupy public rights-of-way to place the barricade system installations, such work shall be according to detailed permit application drawings (to be submitted by the GSA or their assigns, subject to city department review and stamp approvals) prior to any public right-of-way construction (later this provision will apply to adjustments or removals, if necessary); and further

Provided, It is the responsibility of "GSA" to give reasonable and proper notice to Traffic Engineering Division — DPW (phone 313-833-7300) to change

First Street between Lafayette and Howard from one-way operation to two-way operation — before the portion of Howard is closed; and before commencing any (permitted) barricade system installations within public rights-of-way; and further

Provided, The GSA (at the time of obtaining said permits) shall file with the Finance Department (in conjunction with the Finance Department — Risk Management Division, if necessary) 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 GSA of the terms thereof, and in addition to pay any claims, damages or expenses that may arise as a result of a barricade system and one existing guardhouse placed, installed and/or maintained (as encroachments) in public rights-of-way; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and GSA, representing the federal government, hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the GSA 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 placement, installation, and/or maintenance of encroachments within public rights-of-way [not withstanding the fact that filing the indemnity agreement and/or the securing of the necessary permit(s) referred to herein is a requirement of this City Council conditional encroachment grant] shall be construed as acceptance of this resolution by the GSA, representing the federal government; 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 Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Williams, and President Hill — 9.

Nays — None.

#### **Finance Department Purchasing Division**

January 20, 1998

Honorable City Council:

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

76470—100% State Funding — To provide fiscal management for the Vaccine