

expected had the petitioner not encroached into the alley shall be borne by DWSD, and further

Provided, That all construction performed under this petition shall not be commenced until after five (5) days written notice to DWSD. Seventy-two (72) hours notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one call system, and further

Provided, Construction under this petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the discretion of DWSD, be borne by the petitioner, and further

Provided, If DWSD facilities located within the alley and adjoining easement shall break or be damaged as the result of any action on the part of the petitioner, then in such event the petitioner agrees to be liable for all costs incidental to the repair, replacement or relocation of such broken or damaged DWSD facilities, and further

Provided, The petitioner shall hold DWSD harmless for any damage to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD's facilities, and further

Provided, If at any time in the future the petitioner shall request removal and/or relocation of DWSD's facilities in the alley being encroached upon, the petitioner agrees to pay all costs for such removal and/or relocation, and further

Provided, That said permit should be issued only after a certified copy of this resolution has been duly recorded by and at the petitioner's expense in Wayne County Register of Deeds, and further

Provided, That no right in the public alley shall be considered waived by this permission which is granted expressly on the condition that the building and all obstructions in connection therewith shall be removed at the expense of the grantee at any time when so directed by City Council, and further

Provided, If at any time in the future it becomes necessary to repair or replace the sewers or other utilities located or to be located in said alley by the acceptance of this permission, the owners for themselves, their heirs and 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 at the owners expense, and further

Provided, That this resolution is revocable at the will, whim or caprice of the City Council, and the grantees by the acceptance of this permission waive any right to claim damages or compensation for any

structures constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges not expressly stated herein.

Adopted as follows:

Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

January 22, 2000

Honorable City Council:

Re: Petition No. 1966 — "Wayne County", requesting permission to maintain existing encroachments at the Wayne County Juvenile Detention Facility in the area of Macomb St. and Chrysler Service Drive.

Petition No. 1966 of "Wayne County" requests to maintain existing encroachments into the West Chrysler Freeway Service Drive between Macomb Street, 50 feet wide, and Clinton Street, 40 feet wide. Encroachments consist of 1) One existing underground bell caisson for the purpose of supporting the southeast building corner at the northwest corner of Macomb Street and the Chrysler Service Drive. The bell caisson is located in the public right-of-way, immediately adjacent to the Wayne County Juvenile Detention Facility, approximately 37-feet north of the Macomb Street right-of-way, along the west edge of the Chrysler Service Drive right-of-way. The footing encroaches approximately 1'-5" into the public right-of-way and is approximately 7'-0" wide. The encroachment request is 4'-0" into the right-of-way and 10'-0" wide. The building column does not encroach upon the public right-of-way. 2) One existing spread footing for the purpose of supporting the east building wall along the west side of the Chrysler Service Drive, north of Macomb Street. The spread footing is located in the public right-of-way, immediately adjacent to the Detention Facility, approximately 82 feet north of Macomb Street right-of-way, along the west line of the Chrysler Service Drive. The footing encroaches approximately 1'-5" into the public right-of-way and is approximately 9'-6" wide. The building wall does not encroach. 3) One existing ramp along the West Side of the Chrysler Service Drive, north of Macomb Street. The ramp is located in the right-of-way, immediately adjacent to the Juvenile Detention Facility, approximately 40 feet north of the Macomb Street right-of-way, along the west line of the Chrysler Service Drive right-of-way. The ramp encroachment varies from approximately 4'-6" to 5'-6" into the public right-of-way and is approximately 36'-0" wide.

On June 5, 1996 (J.C.C. pages 1229-

1232), City Council approved an alley vacation and caisson encroachments at this site.

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

The Public Lighting Department (PLD) reports no objections to the proposed encroachments. However, the PLD has underground fed street lights in Chrysler Freeway Service Drive PLD requires a minimum horizontal clearance of 3'-6" and a vertical clearance of 1'-0" must be maintained from their facilities.

Ameritech reports no objection to the requested encroachments provided that they have continued access to their conduit run from a manhole on Macomb St. to a customer at 1326 St. Antoine.

The Detroit Water and Sewerage Department (DWSD) reports there is an 8-inch water main 22-feet east of the west property line and a 12-inch water main 6-feet east of the west property line in the Chrysler Freeway Service Drive between Clinton and Macomb Streets, therefore, DWSD has objections to this petition, but will agree to the proposed encroachments subject to the fulfilling of the provisions that are a part of the attached resolution.

All other City departments and privately owned utility companies have reported no objections to the encroachments. Where appropriate, provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

By Council Member Cleveland:

Whereas, Encroachments consist of 1) One existing underground bell caisson for the purpose of supporting the southeast building corner at the northwest corner of Macomb Street and the Chrysler Service Drive. The bell caisson is located in the public right-of-way, immediately adjacent to the Wayne County Juvenile Detention Facility, approximately 37-feet north of the Macomb Street right-of-way, along the west edge of the Chrysler Service Drive right-of-way. The footing encroaches approximately 1'-5" into the public right-of-way and is approximately 7'-0" wide. The encroachment request is 4'-0" into the right-of-way and 10'-0" wide. The building column does not encroach upon the public right-of-way. 2) One existing spread footing for the purpose of supporting the east building wall along the west side of the Chrysler Service Drive, north of Macomb Street. The spread footing is located in the public right-of-way, immediately adjacent to the Detention Facility, approximately 82 feet north of Macomb Street right-of-way, along the

west line of the Chrysler Service Drive. The footing encroaches approximately 1'-5" into the public right-of-way and is approximately 9'-6" wide. The building wall does not encroach. 3) One existing ramp along the West Side of the Chrysler Service Drive, north of Macomb Street. The ramp is located in the right-of-way, immediately adjacent to the Juvenile Detention Facility, approximately 40 feet north of the Macomb Street right-of-way, along the west line of the Chrysler Service Drive right-of-way. The ramp encroachment varies from approximately 4'-6" to 5'-6" into the public right-of-way and is approximately 36'-0" wide; be it therefore

Resolved, That the City Engineering Division — DPW is hereby authorized to issue permits to the "County of Wayne, Michigan" to construct and maintain the above mentioned encroachments into the Chrysler Freeway West Service Drive, adjoining property described as follows: 1) Underground Bell Caisson — Chrysler Freeway Service Drive, N. of Macomb; Commencing at the southeast corner of Lot 1 on the north side of Macomb Street, 50 feet wide, of the "Plat of the Antoine Beaubien Farm" (private claim 2), City of Detroit, Wayne County Michigan as recorded in Liber 27, Page 127, Deeds, Wayne County Records; thence N.26 degrees 06'13"W., along the easterly line of Lot 1, 37.25 feet to the point of beginning; thence N.26 degrees 06'13"W., along the easterly line of Lot 1, 10.00 feet; thence N.59 degrees 52' 09"E., 4.01 feet; thence S.26 degrees 06'13"E., 10.00 feet; thence S.59 degrees 52'00"W., 4.01 feet to the point of beginning, extending from the proposed finish floor elevation of 120.00 feet (city datum) more or less, to elevation 102.00 feet (city datum) more or less; 2) Spread Footing — Chrysler Freeway Service Drive, N. of Macomb; Beginning at a point on the westerly line of I-375 Walter P. Chrysler Freeway westerly service Drive S.26 degrees 06'14"E., 138.73 feet from the intersection of said westerly service drive with the southerly line of Clinton St., 40 feet wide; thence continuing along said line of I-375, S.26 degrees 06'14"E., 8.66 feet; thence 9.35 feet along the arc of a curve to the left, having a radius of 6.93 feet and a central angle of 77 degrees 15'08" to the point of beginning, containing 8.96 sq. ft. 3) Existing Ramp — Chrysler Service Drive, north of Macomb Street; Beginning at a point on the westerly line of I-375 Walter P. Chrysler Freeway westerly service Drive S.26 degrees 06'14"E., 154.54 feet from the intersection of said westerly line of service drive with the southerly line of Clinton St., 40 feet wide, thence continuing along said line of I-375, S.26 degrees 06'14"E., 32.82 feet; thence along the face of said building S.30 degrees

02°09"E., 2.26 feet; thence along the southerly side of said ramp N.59 degrees 57°51"E., 7.00 feet; thence along the easterly side of said ramp N.30 degrees 02°09"W., 35.00 feet; thence along the northerly side of said ramp S.59 degrees 57°51"W., 4.75 feet to the point of beginning, containing 208.2 sq.ft., Also, Building Corner Encroachment: An encroachment over all that part of the I-375 Walter P. Chrysler Freeway westerly service drive, described as: Commencing at the intersection of the northerly of Macomb St., 50 feet wide, with the westerly line of the I-375 Walter P. Chrysler westerly service drive; thence along said line of the service drive, N.26 degrees 06°14"W., 40.95 feet to the point of beginning; thence continuing along said line, N.26 degrees 06°14"W., 2.26 feet; thence along the easterly face of said building, S.30 degrees 02°09"E., 2.26 feet; thence along the southerly building face, S.59 degrees 57°51"W., 0.15 feet to the point of beginning, containing 0.174 sq.ft.; and further

Provided, The County of Wayne 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 public streets, bore, jack, occupy or barricade city rights-of-way for construction of encroachments such work shall be according to detailed permit application drawings prior to any public right-of-way construction; and further

Provided, That the necessary permits shall be obtained from the City Engineering Division — DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; also in accord with plans submitted to and approved by these departments; including the Public Lighting Department (if necessary), the Water and Sewerage Department (if necessary), and the Traffic Engineering Division — DPW (if necessary); and further

Provided, That all costs for the construction, maintenance, permits and use of the encroachments shall be borne by the County of Wayne; and further

Provided, That all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments, shall be borne by the County of Wayne. Should damages to utilities occur the County of Wayne 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 within the public rights-of-way, by acceptance of this permission, the

County of Wayne (owners) for themselves, or their assigns, (by acceptance of permits for construction near underground utility lines, conduits, or mains) waives all claims for damages to the encroaching installations and agree to pay all costs incurred in their removal (or alteration), if removal (or alteration) becomes necessary; and further

Provided, That the County of Wayne shall apply to become a participating member of the "MISS DIG" organization (if necessary); and further

Provided, That the County of Wayne shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance by the County of Wayne of the terms thereof. Further, the County of Wayne shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

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

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

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and the County of Wayne 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, 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, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 8.

Nays — None.

**Finance Department
Purchasing Division**

January 26, 2000

Honorable City Council:

Re: 2505095—Change Order No. 3 —
100% City Funding — To provide ser-