

Adopted as follows:
 Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.
 Nays — None.

**Department of Public Works
 City Engineering Division**

January 25, 2001

Honorable City Council:

Re: Petition No. 2659 — Pecar's WOW Communications, requesting to temporarily close the public alley in the area of Morang Avenue, Somerset and Nottingham.

Petition No. 2659 of "Pecar's WOW Communications", is requesting the Temporary Closing of the east-west public alley, 20 feet wide, in the block bounded by Morang Avenue, 106 feet wide, Britain Street, 60 feet wide, Nottingham Road, 60

feet wide, and Somerset Road, 60 feet wide, for a period of five (5) years.

The request was approved by the Planning and Development Department and the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW with certain restrictions.

The Traffic Engineering Division — DPW (TED) also requires that the petitioner contact the Operations Section of TED for deploying proper signage and barricades prior to actual closure.

The Detroit Water and Sewerage Department Ameritech/Michigan Bell Telephone Company, Comcast Cablevision, Detroit Edison Company and the Fire Department (all) will require unimpeded access to service the public and/or their existing facilities. Any fence and gate installation must provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles.

All other City departments and privately owned utility companies have reported no objections to the proposal, provided they have the right to ingress and egress at all times to their facilities.

An appropriate resolution, containing the necessary conditions, is attached for consideration by your Honorable Body.

Respectfully submitted,

SUNDAY JAIYESIMI,

City Engineer

City Engineering Division — DPW

By Council Member Mahaffey:

The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Pecar's WOW Communications", to close the east-west public alley, 20 feet wide, in the block bounded by Morang Avenue, 106 feet wide, Britain Street, 60 feet wide, Nottingham Road, 60 feet wide, and Somerset Road, 60 feet wide lying southerly of and abutting the south line of Lot(s) 39-44, inclusive, and lying northerly of and abutting the north line of Lot 38 of "Silverman Subdivision of part of Lot 5 of the subdivision of the back concession of Private Claim No. 258", City of Detroit, Wayne County, Michigan, as recorded in Liber 68, Page 32 Plats, Wayne County Records; Also, lying southerly of and abutting the south line of Lot(s) 26-31, inclusive, and lying northerly of and abutting the north line of Lot 25 of "Nottingham Court Subdivision of part of Lot 5 of the subdivision of the back concession of Private Claim No. 258", City of Detroit, Wayne County, Michigan, as recorded in Liber 68, Page 18 Plats, Wayne County Records; on a temporary basis to expire on February 1, 2006;

Provided, That the petitioner 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 harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public alley closing; and

Provided, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; and

Provided, The property owned by the petitioner and adjoining the temporary public closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the alley; and

Provided, No buildings or other structures of any nature whatsoever (except necessary line fence), shall be constructed on or over the alley. The petitioner shall observe the rules and regulations of the City Engineering Division — DPW. The City of Detroit retains all rights and interests in the temporarily closed public alley. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public alley. Further, the petitioner shall comply with all specific conditions imposed to ensure unimpeded 24-hour-per-day access to the City and utility companies; and

Provided, All of the petitioner's public property fence and gate installations shall be subject to the review and approval of the City Engineering Division — DPW (if necessary, in conjunction with the Traffic Engineering Division — DPW, and the Planning and Development Department); and

Provided, This resolution does not permit the storage of materials, displays of merchandise, or signs within the temporarily closed public alley. Further, the placement of materials, merchandise, or signs on any adjacent berm area is prohibited; and

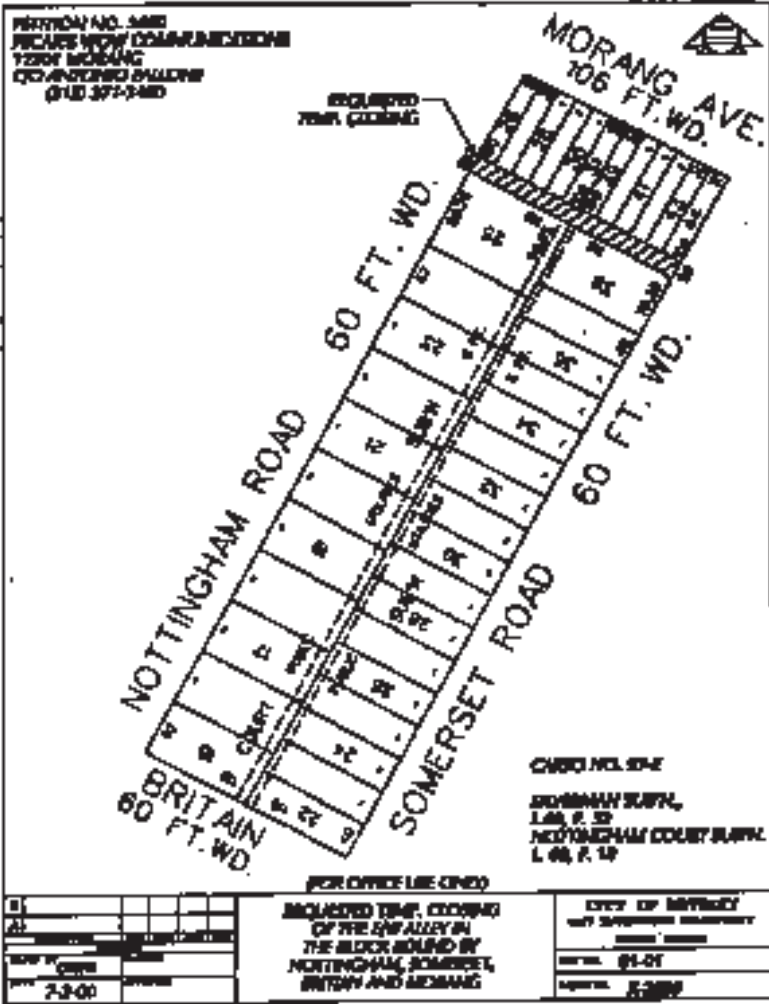
Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division — DPW by the petitioner at the petitioner's expense; and

Provided, The petitioner's fence and gate installation shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

Provided, This resolution is revocable at the will, whim or caprices of the Detroit City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

Provided, This permit shall not be assigned or transferred without the written approval of the Detroit 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, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.

Nays — None.

Water and Sewerage Department

February 16, 2001

Honorable City Council:

Re: Agreement and Grant of Easement for a 42-Inch Water Main Extension to the City of Wixom, Coe Rail, Inc. — #99-28.

Coe Rail, Inc., has executed an Agreement and Grant of Easement for a 42-Inch Water Main with the Detroit Water and Sewerage Department (DWSD). DWSD will use this easement to install (in tunnel) a 42-inch water main extension to the City of Wixom under Contract WS-611 approved by the Board of Water

Commissioners on June 28, 2000.

Coe Rail, Inc., will grant to the City of Detroit, through its BOWC a water main easement as illustrated in Exhibits A & B of the Easement Agreement. This action will allow DWSD to operate, maintain, repair, replace, remove, and use the water main and related improvements and appurtenances as needed.

At its meeting of January 24, 2001, the Board of Water Commissioners approved entering into this Agreement. It is respectfully requested that your Honorable Body adopt the attached resolution accepting the Easement Agreement as agreed to by the Board of Water Commissioners and Coe Rail, Inc.

Respectfully submitted,
KATHLEEN LEAVEY
 Interim Director