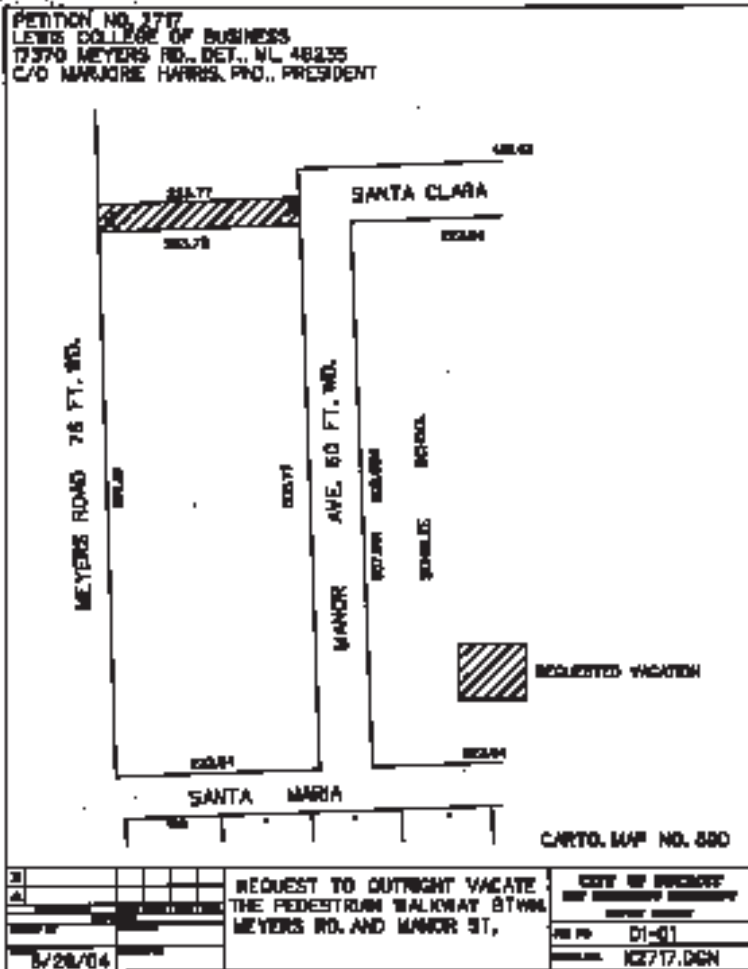


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Whereas, The "Lewis College of Business" is the owner of all property abutting the pedestrian walkway and intends to create a contiguous parcel of land, therefore be it

Resolved, All that part of land situated in the City of Detroit, County of Wayne, State of Michigan, located in the Southeast 1/4 of Section 8 Town 1 South, Range 11 East, described as follows; Commencing at a point in the East line of Meyers Road, 76 feet wide, being also in the North line of Santa Maria Avenue, 50 feet wide, thence Northerly along said East line of Meyers Road, 609.10 feet to the point of beginning; thence continuing along said East line of Meyers Rd., 30.00 feet; thence Easterly along a line at right angles and perpendicular to said Meyers Rd, 223.77 feet to the West line of Manor Avenue, 60 feet wide; thence Southerly

along said West line of Manor Avenue, 30.00 feet; thence, Westerly along a line at right angles and perpendicular to said Manor Ave., 223.72 feet to the point of beginning;

Be and the same is hereby vacated as a pedestrian walkway to become part and parcel of the abutting property;

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 S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, Watson, and President Pro Tem. K. Cockrel, Jr. — 7.
 Nays — None.

Department of Public Works

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City Engineering Division

August 31, 2004

Honorable City Council:

Re: Petition No. 2003 — KWAI, L.L.C., requesting encroachments at 1241-49, 1275 Woodward Ave. in order to accommodate the Merchants Row development.

Petition No. 2003 — KWAI, L.L.C., in care of William Hall, Project Manager, Development Division, Schostak Brothers & Company, Inc., 25800 Northwestern Highway, Suite 750, Southfield, Michigan 48075-6106, request to install and maintain encroachments within the westerly right-of-way line of Woodward Avenue, 120 feet wide, and the north-south public alley(s), 20 feet wide, first west of Woodward Avenue, between Clifford Avenue and State Street. The encroachments are adjacent to property more commonly known as 1241-1247 Woodward Avenue, 1249 Woodward Avenue, 1261 Woodward Avenue, 1275 Woodward Avenue and 1281 Woodward Avenue; and 1425-1433 Woodward Avenue and 1437-1447 Woodward Avenue. These properties that are owned by KWAI, L.L.C., are currently going through extensive historical rehabilitation, in preparation for the Merchants Row Project.

The existing encroachments that the petitioner request to maintain are briefly described as follows:

1241 Woodward Avenue

- Existing below-grade vault-areaway.
- Existing above-grade enclosed stairway at the rear of the building.
- Existing below-grade vault-areaway.

1247 Woodward Avenue

Existing below-grade vault-areaway.

1249 Woodward Avenue

- Existing below grade vault-areaway.
- Existing footing at the rear of the building.
- Existing above-grade enclosed stairway at the rear of the building.

1261 Woodward Avenue

- Existing below grade vault areaway.
- Existing foundation wall and building footings.

1425-1433 Woodward Avenue

Existing below-grade vault/areaways.

1437-1447 Woodward Avenue

Existing below-grade vault/areaway.

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

The Traffic Engineering Division — DPW reports no objections with the requested underground encroachments provided that a minimum of 10 feet clear margin is accommodated between the curb and the proposed encroachment (at grade), and provided that any alteration to sidewalk is constructed in accordance with City of Detroit standards and approved by the City Engineering Division — DPW.

The Public Lighting Department requires a minimum horizontal clearance of 3-feet 6-inches and a vertical clearance of 1'-0" must be maintained from their facilities.

The Detroit Water and Sewerage Department (DWSD) has no objection to the proposed encroachments. However, whenever DWSD facilities are involved minimum clearances must be maintained and DWSD provisions for encroachments must be followed.

SBC/Ameritech reports that the petitioner must maintain access to its man-holes and conduit, in order to perform maintenance.

The Petitioner or its assigns must obtain permits from the City Engineering Division — DPW for any street openings, backfill, surface restoration, barricade, or occupancy of city rights-of-way to install and/or maintain the encroachments. The Petitioner will be required to make use of "MISS DIG" facilities before the placement of any encroachment(s).

The installation of areaways or vaults must be approved by the City Engineering Division — DPW and built to City of Detroit specifications, prior to any work commencing.

City Engineering Division — DPW also requires the Petitioner to submit certified "as built" drawings, a map and survey, showing the exact location of the completed encroachments.

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

I am recommending adoption of the attached resolution.

Respectfully submitted,
WILLIAM TALLEY
Head Engineer

City Engineering Division — DPW
By Council Member Watson:

Resolved., The City Engineering Division — DPW is hereby authorized and directed to issue permits to "KWAI, L.L.C.", in care of William Hall, Project Manager, Development Division, Schostak Brothers & Company, Inc., 25800 Northwestern Highway, Suite 750, Southfield, Michigan 48075-6106 to maintain the existing encroachments within the westerly right-of-way line of Woodward Avenue, 120 feet wide, and the north-south public alley(s), 20 feet wide, first west of Woodward Avenue, all between Clifford Avenue and State Street, in order to facilitate the Merchants Row Project.

The existing encroachments that the petitioner request to maintain are more specifically described as follows:

1241 Woodward Avenue

- Existing below-grade vault-areaway extending approximately 3.7 feet into the

rear 20-foot wide alley with a length of approximately 40 feet along the rear of the building.

2. Existing above-grade enclosed stairway at the rear of the building extending approximately 2.8 feet into the rear alley with a length of approximately 11.2 feet extending from the rear north lot line; located approximately 12 feet-15 feet above grade.

3. Existing below-grade vault-areaway extending approximately 17.2 feet into the right-of-way sidewalk area along the entire front of the building (to the north lot line of the adjacent building at 1247 Woodward).

Adjacent to: The South 40 feet of Lot 36, Plan of Section 8, in the territory of Michigan confirmed unanimately by the "GOVERNOR AND JUDGES" in the 27th day of April 1807 and ordered to be recorded and to be signed by the Governor and attested by the Secretary of the Board, as recorded in Liber 34, Page 543 of Deeds, Wayne County Records, **1247 Woodward Avenue**

Existing below-grade vault-areaway extending approximately 17.2 feet into the right-of-way sidewalk area along the entire front of the building (to the south lot line of the adjacent building at 1241 Woodward).

Adjacent to: The North 20 feet of Lot 36, Plan of Section 8, in the territory of Michigan confirmed unanimately by the "GOVERNOR AND JUDGES" in the 27th day of April 1807 and ordered to be recorded and to be signed by the Governor and attested by the Secretary of the Board, as recorded in Liber 34, Page 543 of Deeds, Wayne County Records, **1249 Woodward Avenue**

1. Existing below grade vault-areaway extending approximately 15.0-15.5 feet into the right-of-way sidewalk area along the entire front of the building (to the north lot line of the adjacent building at 1261 Woodward) (permitted by Common Council May 1-15, 1923.)

2. Existing footing at the rear of the building extending over the building lot line approximately 5 feet 10 inches at the south end and 6 feet 4 inches at the north end. (Permitted by Common Council May 1-15, 1923.)

3. Existing above-grade enclosed stairway at the rear of the building, extending approximately 3 feet into the rear alley with a length of approximately 10.6 feet extending from the north lot line; located approximately 12 feet-15 feet above grade.

Adjacent to: Lot 35, Plan of Section 8, in the territory of Michigan confirmed unanimately by the "GOVERNOR AND JUDGES" in the 27th day of April 1807 and ordered to be recorded and to be signed by the Governor and attested by the Secretary of the Board, as recorded in

Liber 34, Page 543 of Deeds, Wayne County Records,

1261 Woodward Avenue

1. Existing below grade vault areaway extending approximately 15.0-15.5 feet into the right-of-way sidewalk area along the entire front of the building (to the south lot line of the adjacent building at 1241 Woodward. Permitted by Common Council May 1-15, 1923.)

2. Existing foundation wall and building footings encroachment extending up to approximately four feet into the rear alley right-of-way (below alley grade) extending along the entire rear of the building. (Permitted by Common Council March 25, 1941.)

Adjacent to: Lot 34, Plan of Section 8, in the territory of Michigan confirmed unanimately by the "GOVERNOR AND JUDGES" in the 27th day of April 1807 and ordered to be recorded and to be signed by the Governor and attested by the Secretary of the Board, as recorded in Liber 34, Page 543 of Deeds, Wayne County Records,

1425-1433 Woodward Avenue

Existing below-grade vault/areaways extending approximately 16.2 feet and 16.3 feet into the right-of-way sidewalk area along the entire front of the building.

Adjacent to: Lot 30, Plan of Section 8, in the territory of Michigan confirmed unanimately by the "GOVERNOR AND JUDGES" in the 27th day of April 1807 and ordered to be recorded and to be signed by the Governor and attested by the Secretary of the Board, as recorded in Liber 34, Page 543 of Deeds, Wayne County Records,

1437-1447 Woodward Avenue

Existing below-grade vault/areaway extending approximately 15.5 feet into the Woodward Avenue sidewalk right-of-way area along the entire front of the building.

Adjacent to: Lot 29, Plan of Section 8, in the territory of Michigan confirmed unanimately by the "GOVERNOR AND JUDGES" in the 27th day of April 1807 and ordered to be recorded and to be signed by the Governor and attested by the Secretary of the Board, as recorded in Liber 34, Page 543 of Deeds, Wayne County Records,

Provided, That any structure(s) built shall have a minimum horizontal clearance of 3-feet 6-inches and a vertical clearance of 1'-0" maintained from the Public Lighting Department (PLD) facilities. Also, the PLD will require 24-hr access for heavy vehicles for maintenance of its installations; and further

Provided, That the Detroit Water and Sewerage Department (DWSD) forces shall have free and easy access to the water main and/or sewer facilities at all times to permit proper operation, maintenance and if required, alteration or repair of the water main and/or sewer facilities;

and further

Provided, 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, then 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; and further

Provided, The "KWAI, L.L.C.", in care of William Hall, Project Manager, Development Division, Schostak Brothers & Company, Inc., 25800 Northwestern Highway, Suite 750, Southfield, Michigan 48075-6106" or its assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments such work shall be according to detailed permit application drawings submitted to the City Engineering Division — DPW 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 "KWAI, L.L.C.", in care of William Hall, Project Manager, Development Division, Schostak Brothers & Company, Inc., 25800 Northwestern Highway, Suite 750, Southfield, Michigan 48075-6106 or its assigns; 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 "KWAI, L.L.C.", in care of William Hall, Project Manager, Development Division, Schostak Brothers & Company, Inc., 25800 Northwestern Highway, Suite 750, Southfield, Michigan 48075-6106 or its assigns. Should damages to utilities occur The "KWAI, L.L.C.", in care of William Hall, Project Manager, Development Division, Schostak Brothers & Company, Inc., 25800 Northwestern Highway, Suite 750, Southfield, Michigan 48075-6106 or its assigns 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 replace the utilities located or to be located within the public rights-of-way, by acceptance of this permission, "The KWAI, L.L.C.", (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

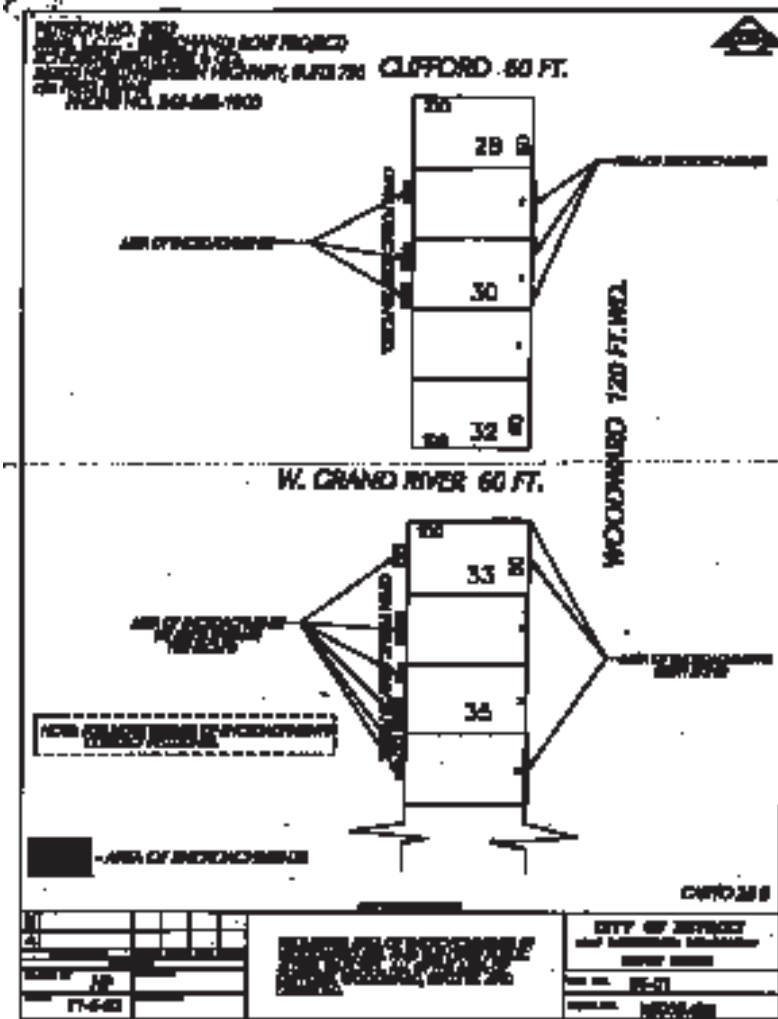
Provided, That the "KWAI, L.L.C.", in care of William Hall, Project Manager, Development Division, Schostak Brothers & Company, Inc., shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any 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 "KWAI, L.L.C.", in care of William Hall, Project Manager, Development Division, Schostak Brothers & Company, Inc., of the terms thereof. Further, The "KWAI, L.L.C.", in care of William Hall, Project Manager, Development Division, Schostak Brothers & Company, Inc., 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 "KWAI, L.L.C.", or its assigns and the

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encroachment shall be subject to proper zoning or regulated use (Board of Zoning Appeals Grant); and further

Provided, That no other 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 "KWAI, L.L.C.", acquires no implied or other privileges hereunder not expressly stated herein, however, there shall be no revocation or termination of the permit to allow the encroachment(s) without a resolution from the

Detroit City Council directing such revocation or termination before revoking such permit, the City Council may consider engineering reports and studies from City departments and owners of the YMCA; 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 S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, Watson, and President Pro Tem. K. Cockrel, Jr. — 7.

Nays — None.

Water and Sewerage Department

September 2, 2004

Honorable City Council:

Re: Petition No. 2979. Brewer Park Homes. Relocation of City Sewer System, Located at 4588 Lillibridge.

Attached is Petition No. 2979 from NRP Contractor LLC, requesting relocation of the City 12-inch sewer located in alley adjacent to Lots No. 27 and 28, 4588 Lillibridge

The Petitioner agrees to relocate the sewer in an easement in accordance with plans approved by DWSD.

We recommend that the petition be granted in accordance with the attached resolution.

After the City Council's action on this petition, please send a copy to DWSD addressed to:

Attention: Mr. Bharat Doshi, Head Engineer of Water Systems, Julian Madison Building, 1420 Washington Blvd., Suite 600.

Respectfully submitted,
VICTOR M. MERCADO
Director

Detroit Water & Sewerage Department Requirements and Provisions for Petition No. 2979

Provided That the Petitioner (Petition No. 2979) shall design and construct proposed lateral sewer and to make the connections to the existing public sewers as required by the Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed

Provided, That the plans for the lateral sewers shall be prepared by a registered engineer; and further

Provided, That DWSD be and is hereby authorized to review the drawings for the proposed lateral sewers and to issue permits for the construction of lateral sewers; and further

Provided, That the entire work is to be performed in accordance with plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD; and further

Provided, That the entire cost of the lateral sewer construction, including inspection, survey and engineering shall be borne by the petitioner; and further

Provided, That the petitioner shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as the Department deems necessary to cover the costs of these services; and further

Provided, That the petitioner shall grant to the City a satisfactory easement for the lateral sewers; and further

Provided, That the Board of Commissioners shall accept and execute the easement grant on behalf of the City;

and further

Provided, That upon satisfactory completion of the lateral sewer construction, the sewers shall be City property and become part of the City system.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, Watson, and President Pro Tem. K. Cockrel, Jr. — 7.

Nays — None.

Water and Sewerage Department

September 3, 2004

Honorable City Council:

Attached for your consideration and approval, is an official resolution to schedule the City Council Public Hearing on FY 2005/06 proposed water and sewerage rates on Thursday, February 10, 2005 at 6:00 p.m. in the 13th Floor Auditorium of the Coleman A. Young Municipal Center.

The recommended date facilitates meeting related approval and 120 days advance written notification to Suburban Wholesale customers of any rate adjustments.

A waiver of reconsideration is requested.

Thank you in advance for your consideration and assistance.

Respectfully submitted,
VICTOR M. MERCADO
Director

By Council Member Tinsley-Talabi:

Resolved, The Detroit Water and Sewerage Department requests that the City Council Public Hearing on proposed FY 2005/06 Water and Sewage Rates, and the FY 2003/04 Sewage Look Back Adjustment be scheduled on Thursday, February 10, 2005 at 6:00 p.m. in the City Council Auditorium.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, Watson, and President Pro Tem. K. Cockrel, Jr. — 7.

Nays — None.

From the Clerk

September 15, 2004

This is to inform your Honorable Body that I am in receipt of the following petitions since the last regular session and recommend their reference as follows:

Respectfully submitted,
JACKIE L. CURRIE
City Clerk

GENERAL ORDER

3042—Reginald D. Amos, Concerned Professional Firefighters of Detroit, for hearing regarding the imbalance in demographics within the current Firefighters recruiting class, hiring of non-residents, the irresponsibility and misunder-