

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 return at the entrance (into East Seven Mile Road and Moross Avenue), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications with all costs borne

by the abutting owner(s), their heir or assigns; and be it 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 Bates, K. Cockrel, Jr., S. Cockrel, Everett, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.
 Nays — None.

**Department of Public Works
 City Engineering Division**

June 2, 2004

Honorable City Council:
 Re: Petition No. 3130 — Hamilton Anderson Associates, requested for

encroachments and to outright vacate certain public right-of-ways in the area of Canfield, Trumbull and Lysander.

Petition No. 3130 of "Hamilton Anderson Associates" at 1435 Randolph, Suite 200, Detroit, Michigan 48226 on the behalf of Belmar Development Group, L.L.C. at 78 Watson, Suite 100 Detroit, Michigan 48201, requests to install and maintain encroachments of a irrigation system (with pop up nozzles, electric valves, and a PVC mainline) all in the area of Trumbull Avenue, 80 feet wide, Lysander Avenue, 70 feet wide, and Canfield Avenue, 50 feet wide; also request to outright vacate the south 10.50 feet by 130.00 feet portion of Lysander Avenue, 70 feet wide, between Trumbull Avenue, 80 feet wide, and Commonwealth Avenue, 80 feet wide, for the construction of the Bonnie Bridge Villas Town Homes.

The request was approved by the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility clearance and review) and report. This is our report:

All public right-of-way work, including maintenance, must be subject to city permits, inspection, and specifications. "Hamilton Anderson Associates (and/or their assigns, Belmar Development Group, L.L.C.)" must obtain permits from City Engineering Division — DPW for any public right-of-way work together with building permits.

The Detroit Water and Sewerage Department (DWSD) reports involvement but on objections to the requested outright vacation of the south 10.50 feet by 130.00 feet portion of Lysander Avenue, 70 feet wide, and the encroachment of a irrigation system. Provided that minimum clearances are maintained and DWSD provisions are followed.

The Public Lighting Department (PLD) reports involvement with street lighting on Trumbull Avenue, and PLD requires a minimum horizontal clearance of three feet and six inches and a vertical clearance of one foot must be maintained from PLD facilities.

All other City Departments and privately owned utility companies have reported no objections. Provisions protecting utility installations are part of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer
City Engineering Division — DPW

By Council Member S. Cockrel:

Whereas, Petition No. 3130 of "Hamilton Anderson Associates" at 1435 Randolph, Suite 200, Detroit, Michigan

48226 on the behalf of Belmar Development Group, L.L.C. at 78 Watson, Suite 100, Detroit, Michigan 48201, requests to install and maintain encroachments of a irrigation system (with pop up nozzles, electric valves, and a PVC mainline) all in the area of Trumbull Avenue, 80 feet wide, Lysander Avenue, 70 feet wide, and Canfield Avenue, 50 feet wide; also request to outright vacate the south 10.50 feet by 130.00 feet portion of Lysander Avenue, 70 feet wide, between Trumbull Avenue, 80 feet wide, and Commonwealth Avenue, 80 feet wide, for the construction of the Bonnie Bridge Villas Town Homes, and be it further

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Hamilton Anderson Associates and/or their assign Belmar Development Group, L.L.C." to install and maintain encroachments of a irrigation system (with pop-up nozzles, electric valves, and a PVC mainline) all encroachments lying within Canfield and Trumbull Avenue(s) (within 5.00 feet from property line), adjacent to the following described property:

Lying within Canfield Avenue, 50 feet wide, between Trumbull Avenue, 80 feet wide, and Commonwealth Avenue, 80 feet wide, adjacent to Lot 7, Block 13, and lying within Trumbull Avenue, 80 feet wide, between Canfield Avenue, 50 feet wide, and Lysander Avenue, 70 feet wide, adjacent to Lots 7 through 11, both inclusive, Block 13, all in the "Avery and Murphy's Subdivision of Outlots 8 and 9 of Lognon Farm and Outlots 100, 101, 104, 105 and the Northerly 358.64 feet of Outlot 106 and the Westerly 71 feet of Outlot 97 of Woodbridge Farm City of Detroit, Wayne County Michigan" as recorded in Liber 9 Page 42, Plats, Wayne County Records;

Encroachment(s) to consist of a irrigation system with pop-up nozzles, electric valves, and a PVC mainline associated with the construction of the Bonnie Bridge Villas Town Homes; the irrigation system with pop-up nozzles, electric valves, and a PVC mainline are to encroach within 5.00 feet of the property line in said public right-of-ways, said encroachments having been shown on plans prepared by Hamilton Anderson Associates — 1435 Randolph Avenue, Suite 200 — Detroit, Michigan 48226 — Phone: 313-964-0270; Title: Bonnie Bridge Villa, sheet title: Site Irrigation, abutting the above described property; and be it further

Provided, That 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. Free and easy access shall mean that no

structures or storage of materials will be allowed upon the area of encroachment to hinder the movement of maintenance equipment.

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.

Provided, The petitioner, "Hamilton Anderson Associates and/or their assign Belmar Development Group, L.L.C.", shall make application to the Buildings and Safety Engineering Department for a building permit. The irrigation system (with pop-up nozzles, electric valves, and PVC mainline) 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 irrigation system encroachment(s); and further

Provided, That such use of the public right-of-ways 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 to establish, maintain, inspect, and service any utilities within or over said public street; and further

Provided, All costs for the construction, maintenance, permits and use of the irrigation system encroachment(s) within the said public right-of-ways 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 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-ways, by the acceptance of this permission, the irrigation system encroachment(s) 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 irrigation system encroachment(s) 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, 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 right-of-ways 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 hereunto, and 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

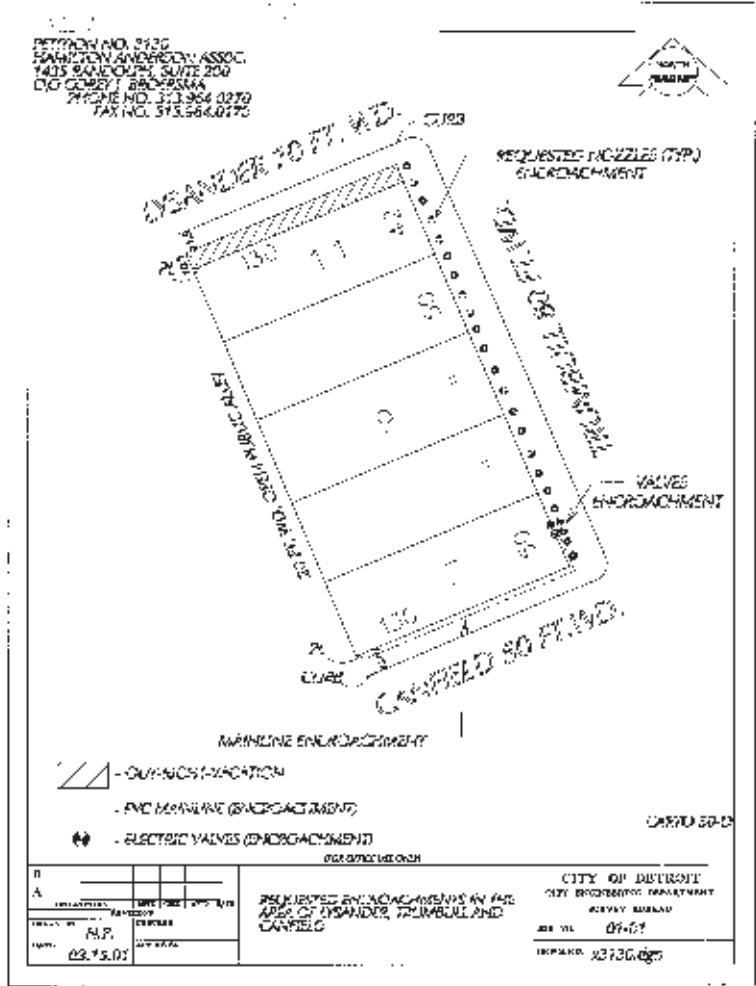
Provided, This resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, The installation and maintenance of encroachments [that is, the irrigation system with pop-up nozzles, electric valves, and a PVC mainline to be place in Trumbull Avenue, 80 feet wide and Canfield Avenue, 50 feet wide; adjoining the above described properties; said irrigation system encroachments require the filing of an indemnity agree-

ment and the securing of the necessary permit(s)) referred to herein shall be construed as acceptance of this resolution by "Hamilton Anderson Associates and/or their assign Belmar Development Group, L.L.C."; and further

Provided, That the irrigation system encroachment(s) permit shall not be assigned or transferred without the written approval of the City Council; and further

Resolved, All that part of the Southerly



10.50 feet of Lysander Avenue, 70 feet wide, between the West right-of-way line of Trumbull Avenue, 80 feet wide, and the East right-of-way line of the North-South public alley, 20 feet wide, said alley being West of Trumbull Avenue, 80 feet wide, and East of Commonwealth Avenue, 80 feet wide, and lying North of and abutting the North line of Lot 11, Block 13, in "Avery and Murphy's Subdivision of Outlots 8 and 9 of Lognon Farm and Outlots 100, 101, 104, 105 and the Northerly 358.64 feet of Outlot 106 and the Westerly 71 feet of Outlot 97 of

Woodbridge Farm City of Detroit, Wayne County Michigan" as recorded in Liber 9 Page 42, Plats, Wayne County Records; Be and the same is hereby vacated (outright) as a public street to become part and parcel of the adjoining property; Provided, That all work necessary to relocate or to abandon any of these facilities is to be done by the petitioner at no cost to the utilities. Please use caution and call "MISS DIG". Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with Wayne County

Register of Deeds;

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Everett, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.

Nays — None.

From The Clerk

June 9, 2004

This is to report for the record that the balance of the proceedings of May 26, 2004 was presented to His Honor, the Mayor, on June 2, 2004 and same was approved on June 9, 2004.

Also, That the balance of the proceedings of June 2, 2004 was presented to His Honor, the Mayor on June 8, 2004, and same was approved on June 9, 2004.

Also, My office was served with the following papers issued out of State of Michigan Department of Consumer and Industry Services Michigan Tax Tribunal which were forward to the Finance Department Assessment Division:

London Group Holding, LLC Petitioner(s) v City of Detroit, Wayne County Respondents, MTT Docket No. 0304-189.

Also, My office was served with the following papers issued out of the United States District Court Eastern District of Michigan Southern Division which were forwarded to the City of Detroit Law Department:

Charles Shelton, Petitioner(s) v City of Detroit Department of Transportation, Wayne County Respondent(s) Case No. 04-71963.

Also, My office was served with the following papers issued out of State of Michigan Tribunal which were forwarded to the Finance Department Assessment Division:

CSFB 1998-P1 Woodward Office, LLC, Petitioner(s) v City of Detroit, Wayne County Respondent(s), proof of Service MTT Docket No. 004105;

CSFB 1998-P1 Griswold Office, LLC, Petitioner(s) v City of Detroit, Wayne County Respondent(s), proof of Service MTT Docket No. 002014;

International Transmission Company, Petitioner(s) v City of Detroit, Wayne County Respondent(s) Proof of Service Tax Parcel No. Wd 24 Item 18998888.00;

International Transmission Company, Petitioner(s) v City of Detroit, Wayne County Respondent(s) Proof of Service Tax Parcel No. Wd 24 Item 01998888.00;

International Transmission Company, Petitioner(s) v City of Detroit, Wayne County Respondent(s) Proof of Service Tax Parcel No. Wd 24 Item 06998888.00;

International Transmission Company, Petitioner(s) v City of Detroit, Wayne County Respondent(s) Proof of Service Tax Parcel No. Wd 24 Item 04998888.00.

Also, My office was served with the following papers issued out of State of Michigan Department of Consumer and

Industry Services Michigan Tax Tribunal which were forwarded to the Finance Department Assessment Division:

Gem Garage, LLC, Petitioner(s) v City of Detroit, Wayne County Respondent(s), Proof of Service MTT Docket No. 0300494.

Also, My office was served with the following papers issued out of State of Michigan Department of Labor and Economic Growth Michigan Tax Tribunal which were forwarded to the Finance Department Assessment Division:

River Terrace Associates, a Michigan limited partnership, petitioner(s) v City of Detroit, Wayne County Respondent(s), Proof of Service MTT Docket No. 17-000019.

Also, That my office was served with the following papers issued out of Wayne Circuit Court, and same were referred to the Law Department:

Pelzer Valerie, Petitioner(s) v City of Detroit, Todd Eby, Ronald Valdez, Rodney Jackson, Gary Diaz, Jennifer Biggers, James Pierce, and William Rice, Wayne County Respondents, Case No. 04-416106.

Placed on file.

From The Clerk

June 9, 2004

Honorable City Council:

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

2686—Sarcidsois Awareness Foundation, for hearing to present information and statistical data.

2688—Benson Johnson, for hearing regarding city-wide office supply contract awarded to Office Depot, while his, minority-owned Detroit-based company was not given the opportunity to bid.

2705—Urban Solutions Incorporated, for additional funding to help reduce the occurrence of HIV/AIDS in our community.

BUILDINGS AND SAFETY ENGINEERING DEPARTMENT

2701—Brightmoor Environmental Committee, for demolition of property located at 15101 Lamphere.

BUILDINGS AND SAFETY ENGINEERING/CIVIC CENTER/ DETROIT-WINDSOR TUNNEL/FIRE/ HEALTH/POLICE/PUBLIC WORKS/ TRANSPORTATION DEPARTMENTS

2690—Detroit Free Press/Flagstar Bank, for 27th Annual Marathon, October 24, 2004, starting at Comerica Park and ending at Ford Field.