

November 22

3985

2004

Respectfully submitted,  
JAMES A. JACKSON  
Director

Approved:  
PAMELA SCALES  
Deputy Budget Director  
SEAN WERDLOW  
Finance Director

By Council Member Collins:

Resolved, That, in accordance with the above communication the Finance Director is hereby authorized to increase the amount of Contract Purchase Order #2617752 from \$98,250 to \$135,430 for milling and resurfacing on Hwy. M-5 (Grand River) from W. City Limit to River Rouge Hwy. and bridge replacement over the River Rouge etc. and honor vouchers when presented in accordance with this resolution.

Adopted as follows:

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

Nays — None.

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**Department of Public Works  
City Engineering Division**

November 10, 2004

Honorable City Council:

Re: Petition No. 4244 — Detroit Public Schools, requesting to vacate a portion of a public alley, dedicate land for a new public alley and to install and maintain encroachments, in the area of Selden and Cass Avenues, in order to facilitate the construction of the new Fine, Performing, Communication Media Arts (FPCMA) High School.

Petition No. 4244 of the "Detroit Public Schools" (DPS), requests that a northerly portion of the north-south, public alley, 15 feet wide, first east of Cass Avenue, 80 feet wide, south of Selden Avenue, 60 feet wide, be vacated (outright), that the City accept the dedication of a new east-west public alley, between said Cass Avenue and said north-south public alley, and to install and maintain encroachments of a concrete seat wall, concrete steps and pedestrian lighting within the easterly right-of-way of said Cass Avenue, south of Selden Avenue. Also, the attached resolution will vacate (outright) the east-west public alley, 10 feet wide, lying between Lots 13 and 23.

The proposed right-of-way changes are required to complete the construction of the new Fine, Performing, Communication Media Arts (FPCMA) High School, located on the south side of Selden Avenue, between Cass Avenue, and Woodward Avenue.

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

The Detroit Water and Sewerage Department (DWSD) report an existing sewer in the north-south portion of alley to be vacated (outright). However, the DWSD has no objection to the outright vacation of the alley, provided the DWSD existing 15'x20" sewer is relocated and easements are provided.

The Public Lighting department (PLD) has no objection to the proposed vacation, dedication, and encroachments. The PLD has overhead fed streetlights in the alley to be vacated. PLD will remove one lighting unit (fixture & bracket arm) at no cost to the petitioner.

If necessary, satisfactory arrangements must be made with DTE Energy for the removal and/or rerouting of its facilities located in the alley to be vacated.

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 requested encroachments, shall be borne by the petitioner. Also, should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations.

All other involved city departments and privately owned utility companies have reported no objections to the requested outright vacation, encroachments and dedication or that satisfactory arrangements have been made. Provisions protecting utility installations (if necessary) 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 Collins:

Resolved, All that part of the north-south public alley, 15 feet wide, lying westerly of and abutting the west line of the northerly 112.18 feet (C&M) of Lot 19 and lying easterly of and abutting the east line of Lots 20, 21 and the northerly 23.00 feet (R) of Lot 22 of "Campbell's Subdivision of the south half of Park Lot 63" as recorded in Liber 1, Page 215, Plats, Detroit, Eugene Robinson, May 19, 1868, Wayne County Records, in the block bounded by Cass Avenue, 80 feet wide, Woodward Avenue, 120 feet wide, Parsons Avenue, 60 feet wide and Selden Avenue, 60 feet wide;

Be and the same is hereby vacated (outright) as public alley right-of-way to become part and parcel of the abutting property, subject to the following provisions;

Provided, The Detroit Water Sewerage Department's (DWSD) existing water mains and lateral sewer is relocated, and further

Provided, That the petitioner shall

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design and construct a proposed water main and lateral sewer and make the connections to the existing water main and public sewers as required by the DWSD prior to construction of the proposed buildings; and further

Provided, That the plans for the water main and 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 water main and the lateral sewers and to issue permits for the construction of the 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 water main and lateral sewer construction, including inspection, survey and engineering shall be borne by the petitioner; and further

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

Provided, That the petitioner shall grant to the City a satisfactory easement or right-of-way for the water main and lateral sewers; and further

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

Provided, That upon satisfactory completion of the water main and lateral sewer construction it shall be City property and become part of the City system; and further

Provided, That satisfactory arrangements have been made with the Detroit Edison Company, Comcast Cablevision, the Ameritech Company, the Public Lighting Department and all other involved city departments and privately owned utility companies (if necessary); and further

Provided, That in order to vacate said public alley, the Public Lighting Department must remove one lighting unit (fixture & bracket arm) at no cost to the petitioner; and be it further

Resolved, City Council is requested to declare the city's 'intent' to accept the deed and new public alley outlet, being described as follows:

Land in the City of Detroit, Wayne County, Michigan, described as being the south 22.00 feet of Lot 22 of "Campbell's Subdivision of the south half of Park Lot 63" as recorded in Liber 1, Page 215, Plats, Detroit, Eugene Robinson, May 19, 1868, Wayne County Records, being more particularly described as follows:

Beginning at the southeast corner of

Lot 22 of said "Campbell's Subdivision" as recorded in L. 1, P. 215, Plats, WCR, thence S.89°51'13"W., 156.83 feet along the south line of Lot 22, to the southwest-erly corner of Lot 22; thence N.06°51'56"E., 22.17 feet along the easterly line of Cass Avenue, (80 feet wide); thence N.89°51'13"E., 154.18 feet to the easterly line of Lot 22; thence S.00°00'05"W., 22.00 feet along the westerly line of a public alley (15.00 feet wide) to the point of beginning.

Provided, The petitioner "Detroit Public Schools" (DPS), build a new public alley at no expense to the City of Detroit. The alley shall be built by private contract within property to be owned or controlled by the petitioner under City Engineering Division — DPW inspection and permits. When the alley is completed to city specifications, the petitioner shall deed the property to the city, and further

Provided, That the Detroit City Council approves the request to declare the city's 'intent' to accept the executable warranty deed and alley for public purposes; and further

Provided, Said property complies with the requirements of Detroit codes and ordinances, also known as the 'Environmental Review Guidelines' and provided The Law Department concludes that the grantor possess the appropriate rights, title, and interest in properties to convey said land to the city for alley and other public purposes, and further

Provided, The dedication of the 22.00 feet wide east-west strip of land between Cass Avenue and the north-south alley, must be completed before closing the alleys to avoid the creation of a dead-end alley, and be it further

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Detroit Public Schools" (DPS) to install and maintain encroachments of a concrete seat wall, with steps encroaching approximately 2.79 feet, 2 (two) pedestrian lights 14 (fourteen) feet high encroaching approximately 1.92 feet and 4.98 feet, into the easterly right-of-way of said Cass Avenue, 80 feet wide, south of Selden Avenue, adjacent to property described as:

The westerly line of Lots 20 and 21 of "Campbell's Subdivision of the south half of Park Lot 63" as recorded in Liber 1, Page 215, Plats, Detroit, Eugene Robinson, May 19, 1868, Wayne County Records,

Provided, That any structure(s) built shall maintain a 42-inch horizontal clearance from any 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 any water mains 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 "DPS", 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

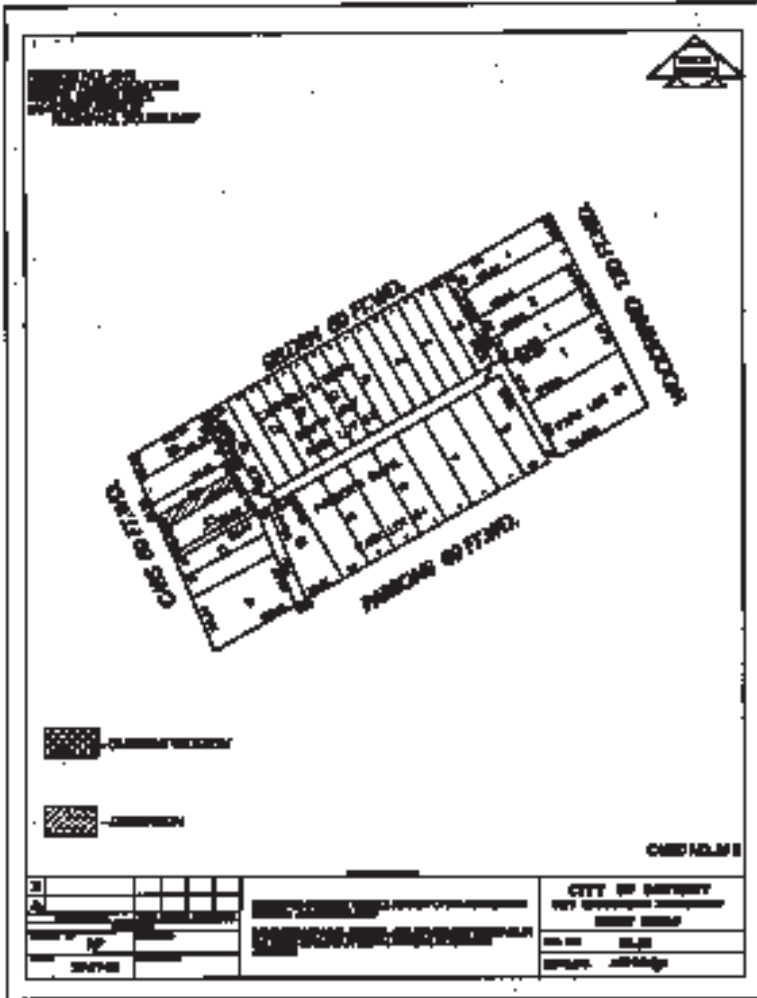
Provided, That the necessary permits shall be obtained from the City Engineering Division — DPW and the Buildings and Safety Engineering

Department. The encroachments shall be constructed and maintained under the 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 "DPS", or its assigns; and further

Provided, That all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocated their existing utility facilities located in close proximity to the encroachments, shall be borne by the "DPS" or its assigns. Should damages to utilities occur the "DPS" 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 repair or replace the utilities located or to be located within the public rights-of-way, by acceptance of this permission, the "DPS" (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 "Detroit Public Schools" 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 "Detroit Public Schools" of the terms thereof. Further, The "Detroit Public Schools" shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; 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, The request to install and maintain encroachments, included within this resolution is revocable at the will, whim or caprice of the City Council, and The "Detroit Public Schools" 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 encroachments 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 the "Detroit Public Schools"; 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 Bates, K. Cockrel, Jr., S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.

Nays — None.

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**Department of Public Works  
City Engineering Division**

October 5, 2004

Honorable City Council:

Re: Petition No. 2848 — Frank Askar, et al, requesting for conversion of alley to easement in the area of Harper, Cadieux and Harvard Streets.

Petition No. 2848 of "Frank Askar, et al", request conversion of the East-West public alley, 20 feet wide, in the block bounded by Edsel Ford Freeway (I-94), Harper Avenue, 86 feet wide, Harvard Avenue, 55 feet wide, and Cadieux Avenue, 86 feet wide into a private easement for utilities.

The request was approved by the Michigan Department of Transportation (MDOT), Planning and Development Department, Solid Waste Division — DPW, and the Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

If the petitioner at any time plans to discontinue use of the paved alley entrance (into Cadieux and Harvard Avenues), the petitioner shall pay all incidental removal cost.

All other city departments and private utility companies have reported no objections to the conversion of the public rights-of-way into private easement for utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
WILLIAM TALLEY  
Head Engineer  
City Engineering Division — DPW

By Council Member Tinsley-Talabi:

Resolved, All that part of the East-West public alley, 20 feet wide, lying Southerly of and abutting the South line of Edsel Ford Freeway (I-94) right-of-way and lying Northerly of abutting the North line of Lots 247 through 257, both inclusive, all in the "Yorkshire Woods Subdivision No. 1" of parcel 2 of the plat of commissioners on partition of the Estate of Joseph Young deceased, of part of Lot 7 of subdivision of Back Concession of P.C. 258, Lots 1, 2, 3, and 4 of Subdivision of the S.E. 1/2 of additional donation to P.C. 584 and 261 Part of the N.W. 1/2 of additional donation to P.C. 584 and 261 Lot 6 and N.W. 1/2 of Lot 4 Subdivision Back Concession of P.C. 262 and 272 as recorded in Liber 1559 Page 328, Deeds, City of Detroit and Gratiot Township, Wayne County, Michigan as recorded in Liber 45 Page 68, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a private easement for public utilities of the full width of the alley, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said alley and by their heirs, executors, administrators and assigns, forever to wit:

First, Said owners hereby grant to and for the use of the public easement or right-of-way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public alley in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth.

Second, Said utility easement or right-of-way in and over said vacated alley herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or