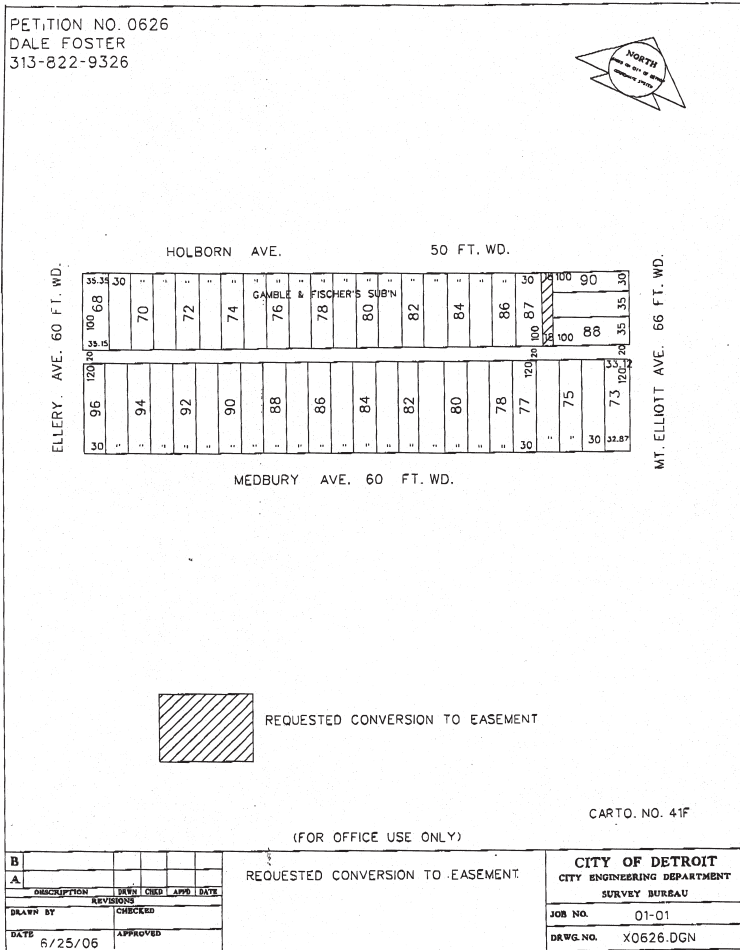


removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications with all costs borne by the abutting owner(s), their heir or assigns; and further

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, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9.  
Nays — None.

**Department of Public Works  
City Engineering Division**  
July 12, 2006

Honorable City Council:  
Re: Petition No. 248 — DTE Energy — Detroit Edison for permit to construct elevated walkway connecting MGM's shared parking deck to Detroit Edison's service building in the area of Third Avenue and Fisher Service Drive.

Petition No. 248 of "DTE Energy — Detroit Edison" whose address is 2000 Second Avenue, Detroit, Michigan 48226 request permission to construct and maintain two overhead pedestrian bridges, 18.00 feet wide, encroaching into Third Avenue, 60 feet wide, between Plum Avenue, 50 feet wide and West Elizabeth Avenue, 60 feet wide; Also West Elizabeth Avenue, 60 feet wide between Third Avenue, 60 feet wide, and Second Avenue, 60 feet wide, to provide safety to DTE's employees.

DTE Energy plans to build a pedestrian bridge over Third Avenue, 60 feet wide, between Plum Avenue, 50 feet wide and West Elizabeth Avenue, 60 feet wide to

connect DTE's service building to MGM's parking deck. DTE, also plans to build a second pedestrian bridge over West Elizabeth Avenue, 60 feet wide, Third Avenue, 60 feet wide, and Second Avenue, 60 feet wide, to connect two DTE's offices.

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

The Detroit Water and Sewerage Department (DWSD) reports the sewer and water mains have to remain in service in said described area, however, DWSD have no objections to the proposed encroachment for a pedestrian Bridge and foundations provided that there will be a minimum 16 feet clearance between the ground surface and the bridge and the bridge foundations have no adverse impact on DWSD's facilities. Also, drawings for the pedestrian Bridge and foundations have to be submitted to DWSD for review and approval and the work is subject to inspection by DWSD. If any of DWSD's facilities located in the street break or are damaged as a result of the Petitioner's action, then the Petitioner will be liable for all costs to repair or replace DWSD's facilities.

The Public Lighting Department reports having a conduit bank running North-South feeding underground streetlights on Third Avenue in the area request for encroachment. Any structure proposed to be built shall maintain 4-1/2 feet vertical clearance and ten (10) feet horizontal clearance from an PLD conduit, lines, and installations. The contractors will be liable for any damages to any PLD underground facilities.

DTE Energy — Gas Division reports having a 4-inch plastic gas main approximately 4 feet west of the right-of-way and the West Elizabeth Bridge east of Third has no active gas main in that right-of-way.

AT&T/SBC Telecommunication reports having underground facilities running East-West on Elizabeth. AT&T must maintain 9 feet to our facilities. Petitioner and/or Contractor must avoid foundation work from damaging underground facilities.

All other City departments and privately owned utility companies reported no objections or that satisfactory arrangements have been made.

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

By Council Member Watson:

Whereas, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "DTE Energy — Detroit Edison and/or Walbridge Aldinger" to construct and maintain two

overhead pedestrian bridges, 18.00 feet wide, encroaching into Third Avenue, 60 feet wide, between Plum Avenue, 50 feet wide and West Elizabeth Avenue, 60 feet wide; Also West Elizabeth Avenue, 60 feet wide between Third Avenue, 60 feet wide, and Second Avenue, 60 feet wide, described as follows:

Lying Easterly of and abutting the East line of parts of Lots 1 and 2, Block 67, in the "Plat of Subdivision of Blocks 52, 61, 67, and part of Blocks 57, 64, 69 and 71 of the Cass Farm" recorded October 14, 1863, Detroit, Wayne County, Michigan as recorded in Liber 1, Page 128, Plats, Wayne County Records; And lying Westerly of and abutting the West line of parts of Lots 13 and 14, Block 66, in the "Cass Western Addition to the City of Detroit" between the Chicago and Grand River Roads by Lewis Cass 1851 recorded June 27, 1851 as recorded Liber 42, Page 138, 139, 140 and 141, Deeds, Wayne County Records; being more particularly described as:

Commencing at the intersection of the Southerly line of Plumb Street, 50 feet wide with the Easterly line of Third Avenue, 60 feet wide; thence S00°01'18"E along the Easterly line of said Third Avenue, 72.61 feet to a point on the Easterly line of said Third Avenue, also being the Point Of Beginning; thence continuing S00°01'18"E along the Easterly line of said Third Avenue, 18.00 feet; thence N89°55'46"E 60.00 feet to a point on the Westerly line of said Third Avenue; thence N00°01'18"W along the Westerly line of said Third Avenue, 18.00 feet; thence S89°55'46"E, 60.00 feet to the Point Of Beginning.

Lying Northerly of and abutting the North line of Lot 13, Block 63, in the "Subdivision of Blocks 55 and 63 Cass Farm" recorded September 23, 1859 as recorded in Liber 1 Page 75, Plats, Wayne County Records; and lying Southerly of and abutting the South line of Lot 18, Block 66, in the "Cass Western Addition to the City of Detroit" between the Chicago and Grand River Roads by Lewis Cass 1851 recorded June 27, 1851 as recorded Liber 42, Page 138, 139, 140 and 141, Deeds, Wayne County Records; being more particularly described as:

Commencing at the intersection of the Southerly line of Elizabeth Avenue, 50 feet wide, with the Easterly line of Third Avenue, 60 feet wide; thence S89°55'46"E along the Southerly line of said Elizabeth Avenue, 50.83 feet to the Point Of Beginning; thence N00°00'35"E, 50.00 feet to a point on the Northerly line of said Elizabeth Avenue; thence S89°55'46"E along the Northerly line of said Elizabeth Avenue, 18.00 feet; thence S00°00'35"W, 50.00 feet to the Southerly line of said Elizabeth Avenue; thence N89°55'46"W along the Southerly line of

said Elizabeth Avenue, 18.00 feet to the Point Of Beginning.

Encroachment to consist of two overhead pedestrian bridges that will link DTE's service building to MGM's parking deck and two DTE's Office Buildings crossing over Third Avenue, 60 feet wide and West Elizabeth Avenue, 60 feet wide, between the above described parcels;

Whereas, Approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the street, and at all time, DWSD, its agents or employees, shall have the right to enter upon the street to maintain, repair, alter, service, inspect, or install its facilities. All costs incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection by DWSD shall be borne by the petitioner. All costs associated with gaining access to DWSD's facilities, which could normally be expected had the petitioner not encroached into the street, shall be borne by DWSD; and be it further

Provided, that all construction performed under this petition shall not be commenced until after (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 be it further

Provided, that 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 be it further

Provided, That if DWSD facilities located within the streets shall break or be damaged as a result of any action on the part of the petitioner, then such event the petitioner agrees to be liable for all costs incident to the repair, replacement or relocation of such broken or damaged DWSD facilities; and be it further

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

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

Provided, "DTE Energy — Detroit Edison" or its assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes nec-

essary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance or encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division — DPE 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), and the Traffic Engineering Division — DPW (if necessary); and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by "DTE Energy — Detroit Edison" 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 "DTE Energy — Detroit Edison" or its assigns. Should damages to utilities occur "DTE Energy — Detroit Edison" 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, "DTE Energy — Detroit Edison" (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 "DTE Energy — Detroit Edison" shall file with the Finance Department and/or City Engineering Division — DPW an indemnity 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 "DTE Energy — Detroit Edison" of the terms thereof. Further, "DTE Energy — Detroit Edison" 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 "DTE Energy — Detroit Edison" and the encroachment shall be subject to proper

zoning or regulated use (Board of Zoning Appeals Grant); and further

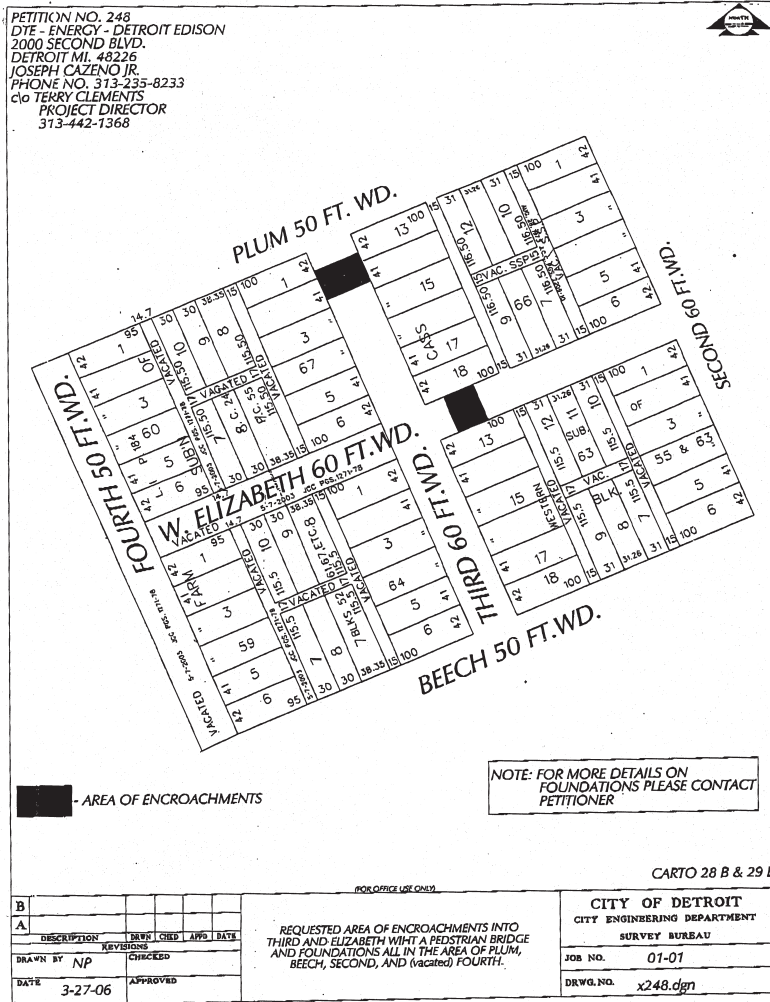
Provided, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division — DPW; and further

Provided, That this resolution is revo-

cable at the will, whim or caprice of the City Council, and "DTE Energy — Detroit Edison" acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment permits 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 and indemnity agreement with the Wayne County Register of Deeds.



**METCO**  
 SERVICES, INC.  
 12504 STEPHENS, WARREN, MI 48099  
 TEL. (586) 752-5770 • FAX (586) 752-5774  
 www.metcoservices.com

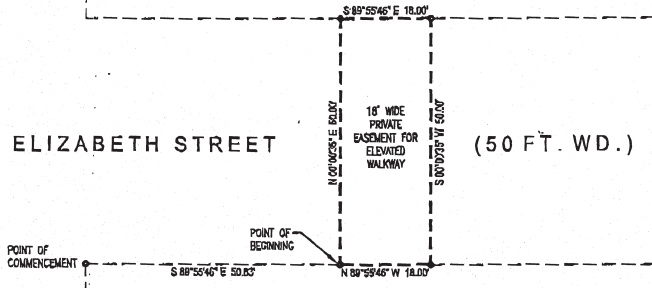


# EASEMENT DRAWING

THIRD AVENUE (60 FT. WD.)

ELIZABETH STREET

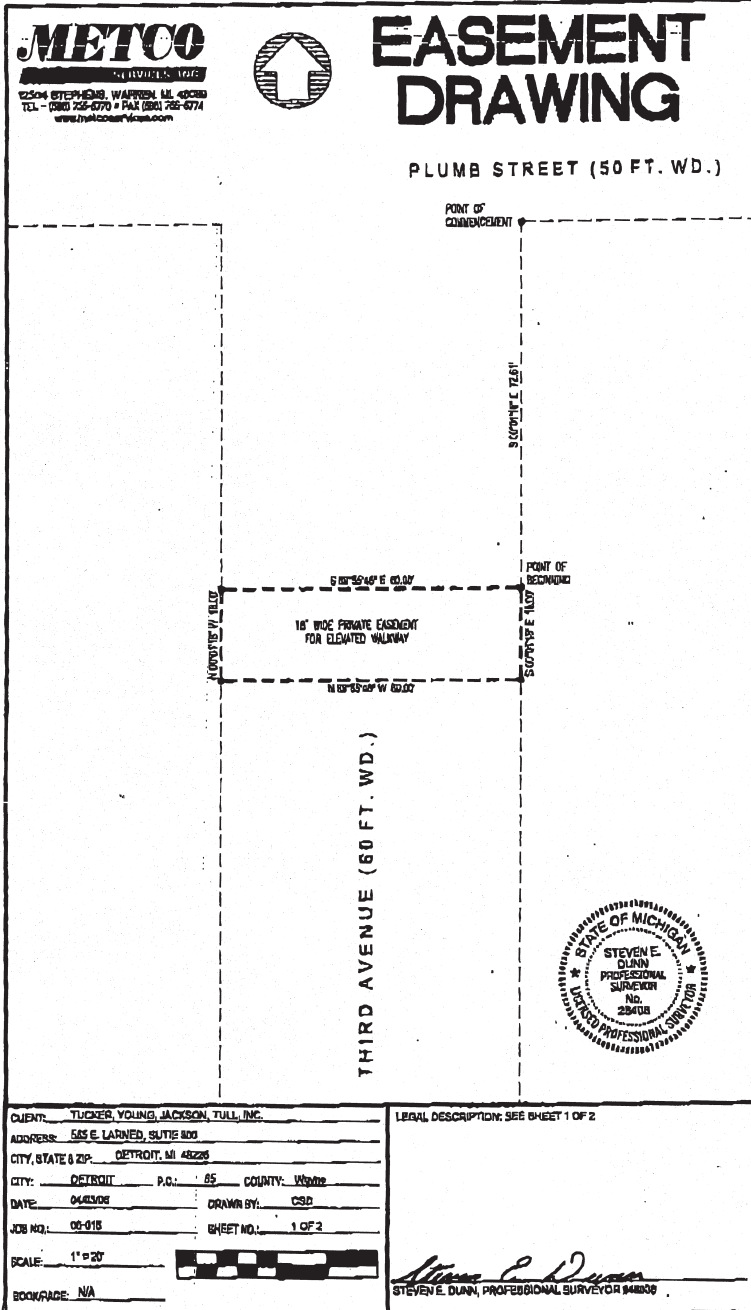
(50 FT. WD.)



CLIENT: TUCKER, YOUNG, JACKSON, TULL, INC.  
 ADDRESS: 585 E. LARNED, SUITE 300  
 CITY, STATE & ZIP: DETROIT, MI, 48226  
 CITY: DETROIT P.C.: 55 COUNTY: Wayne  
 DATE: 03/27/06 DRAWN BY: CSD  
 JOB NO.: 06-015 SHEET NO.: 1 OF 2  
 SCALE: 1" = 20'  
 ROCK/PAGE: N/A

LEGAL DESCRIPTION: SEE SHEET 1 OF 2

*Steven E. Dunn*  
 STEVEN E. DUNN, PROFESSIONAL SURVEYOR #48038



Adopted as follows:  
 Yeas — Council Members S. Cockrel,  
 Collins, Conyers, Jones, Kenyatta,  
 Reeves, Tinsley-Talabi, Watson, and  
 President K. Cockrel, Jr. — 9.  
 Nays — None.

Department of Public Works  
 City Engineering Division  
 July 12, 2006  
 Honorable City Council:  
 Re: Petition No. 4443 — New Prospect  
 Missionary Baptist Church, for out-

right vacation of the west portion of the alley with ingress/egress easement for vehicular traffic in the area of Pembroke, Livernois, and Stoeple Avenues.

Petition No. 4443 of "New Prospect Missionary Baptist Church", whose address is 6330 Pembroke Avenue, Detroit, Michigan 48219, request for the outright vacation of the West portion of the East-West public alley, 16 feet wide, in the block bounded by Chippewa Avenue, 50 feet wide, Pembroke Avenue, 66 feet wide, Stoeple Avenue, 60 feet wide, and Livernois Avenue, 120 feet wide for the expansion of the New Prospect Missionary Baptist Church building. Also, requesting that the Honorable City Council accept an easement over the petitioner's land for the construction of an alley outlet for vehicular traffic.

The request was approved by the Planning and Development Department, 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 report. This is our report:

The Detroit Water and Sewerage Department (DWSD) reports there is an existing 18-inch DWSD sewer in that portion of the east-west public. DWSD have no objection to the outright vacation of the subject portion of alley, however, the petitioner shall be responsible for the total cost of the sewer relocation. The sewer construction is to be done under DWSD's permit and inspection in accordance with plans and specifications approved by DWSD.

The Public Lighting Department (PLD) reports having overhead facilities within the subject area and will relocate PLD's facilities at a cost of \$5000.00.

AT&T/SBC Telecommunication reports having overhead wire and equipment that must first be removed before work can be completed at a cost of \$11,000.00.

Comcast Cablevision reports a cost of \$517.06 for the removing and/or rerouting of such services in the project area.

All other involved city departments and privately owned utility companies reported no objection to the changes of the public right-of-way. Provisions protecting certain utility installations are part of the resolution (if necessary).

I am recommending adoption of the attached resolution.

Respectfully submitted,  
WILLIAM TALLEY  
Head Engineer

City Engineering Division — DPW  
By Council Member Watson:

Resolved, All that part of the East-West public alley, 16 feet wide, lying Northerly of and abutting the North line of Lots 42 through 44, both inclusive, and the West

22.00 feet of Lot 41 all in the "Zeigens Warwick Park Subdivision" of Southeast 1/4 of Northeast 1/4 of Section 4, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan as recorded in Liber 37 Page 47, Plats, Wayne County Records;

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

Provided, The Petitioner (Petition No. 4443) shall design and construct a proposed sewer, and make the connections to the existing public sewer as required by the Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed buildings; and be it further

Provided, That the plans for the proposed sewer shall be prepared by a registered Engineer; and be it further

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

Provided, That the entire cost of the proposed sewer construction, including inspection, survey and engineering shall be borne by the Petitioner; and be it 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 cost of these services; and be it further

Provided, That the Petitioner shall grant the City of Detroit a satisfactory easement for relocated sewer if required before start of construction; and be it further

Provided, That the Petitioner shall provide DWSD with as-built drawings of the proposed sewer; and be it further

Provided, That the Petitioner shall provide a one (1) year warranty for the sewer; and be it further

Provided, That upon satisfactory completion of the sewer construction, the sewer shall be City of Detroit property and become part of the City System; and be it further

Resolved, That the City of Detroit does hereby resolve to grant Petition No. 4443 for vacation of existing 18-inch sewer located at the Westerly portion of the East-West alley 16 feet wide North of Pembroke between Livernois and Stoeple; and be it further

Provided, That all cost for removing and/or relocating for The Public Lighting Department, Comcast Cablevision, and AT&T/SBC Telecommunication facilities

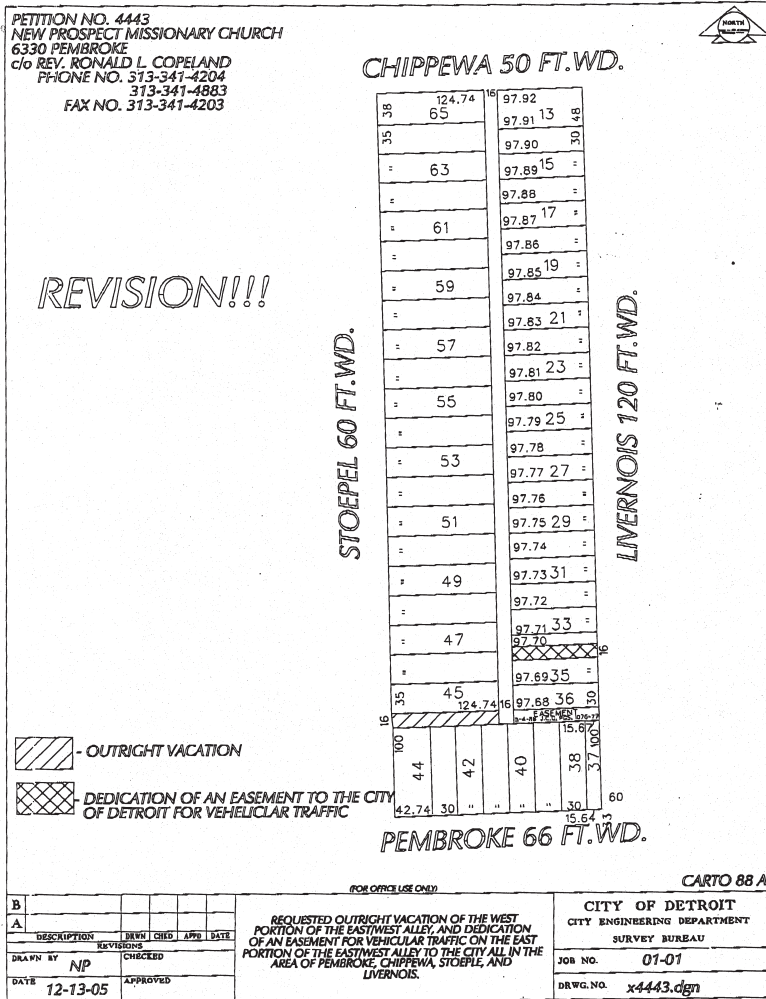
within the project area are part of the project expenses and/or New Prospect Missionary Baptist Church expenses;

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds

Resolved, That your Honorable Body authorize the acceptance of the following described easement, (attached herewith as Grant of Easement) over property owned by the petitioner, subject to the

approval of the Traffic Engineering Division — DPW and any other public or privately owned utility company, if necessary;

Land in the City of Detroit, Wayne County, Michigan, being the South 16.00 feet of Lot 33 in the "Zeigens Warwick Park Subdivision" of Southeast 1/4 of Northeast 1/4 of Section 4, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan as recorded in Liber 37 Page 47, Plats, Wayne County Records.



Adopted as follows:  
 Yeas — Council Members S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9.  
 Nays — None.