

**Finance Department  
Purchasing Division**

April 22, 2010

Honorable City Council:

The Purchasing Division of the Finance Department recommends a Contract with the following firms or persons:

**2819384** — 100% City Funding — To provide Light Arrestors — RFQ. #33323 — Hercules & Hercules, 19055 W. Davison, Detroit, MI 48223 — Contract period: May 1, 2010 through April 30, 2011 — (3) Items — Unit prices range from: \$28.00/each to \$32.20/each — Lowest acceptable bid — Estimated cost: \$45,870.00/with two (2) one (1) year renewal options. **Public Lighting.**

Respectfully submitted,  
CHRISTINA LADSON

Interim Director

Finance Dept./Purchasing Division

By Council Member Brown:

Resolved, That Contract No. 2819384 referred to in the foregoing communication dated April 27, 2010, be hereby and is approved.

Adopted as follows:

Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Tate, and Watson — 8.

Nays — Council President Pugh — 1.

\*WAIVER OF RECONSIDERATION (No. 11) per motions before adjournment.

**Police Department**

April 30, 2010

Honorable City Council:

Re: Request permission to accept a Donation from the Ben Roethlisberger Foundation through the "Business United with Officers & Youths (B.O.U.Y.)"

In August of 2009, the Detroit Police Department's (DPD) Canine unit applied for funding from the Ben Roethlisberger Foundation to purchase a police canine. As a condition to apply, a 501(c)(3) organization had to sponsor the application and formally accept the funding, should it be awarded. The "Business United with Officers and Youths (B.U.O.Y.)" served as the sponsor for DPD's application and, subsequently, received funding (\$5,000.00) from the Ben Roethlisberger Foundation to purchase a police canine. B.U.O.Y. has now purchased the dog, which will be exclusively utilized by the Canine unit, and wishes to formally donate the dog to the DPD. There is no cost to the DPD for this donation.

The Board of Police Commissioners has already approved this request. Therefore, I now request approval from your Honorable Body to accept the donation and adopt the enclosed resolution.

If you have any questions or concerns regarding this matter, please feel free to

contact me at 596-1800, Monday through Friday, 9:00 a.m. to 5:00 p.m.

Respectfully submitted,

WARREN C. EVANS

Chief of Police

Approved:

PAMELA SCALES

Budget Director

FLOYD STANLEY

Deputy Finance Director

By Council Member Brown:

Resolved, That the Detroit Police Department be and is hereby authorized to accept a donated police canine from the "Ben Roethlisberger Foundation through the "Business United With Officers & Youths (BUOY), and be it further

Resolved, That the Finance Director be and is hereby authorized to establish the necessary cost centers, appropriations transfer funds, and honor payroll and vouchers when presented, as necessary, for the operation of the program as outlined in the foregoing communication.

Adopted as follows:

Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 9.

Nays — None.

\*WAIVER OF RECONSIDERATION (No. 12) per motions before adjournment.

**Department of Public Works  
City Engineering Division**

April 30, 2010

Honorable City Council:

Re: Petition No. 3932 — James H. Cole Home for Funerals Inc. request to allow parking lot screen wall at 16100 Schaefer Hwy. to encroach a maximum of three feet into closed north/south alley.

Petition No. 3932 of "James H. Cole Home for Funerals Inc", whose address is 2024 West Grand Boulevard, Detroit, Michigan 48208, request permission to maintain and install a brick screen wall and non-brick screen at certain locations into the 16 and 18 feet wide public alley, vacated and converted into an easement on November 20, 2009 in the area North of Puritan Avenue, 66 feet wide, and between Schaefer Highway, 86 feet wide, and Hartwell Avenue, 60 feet wide. This request is needed to comply with Planning and Development Department requirements and to ensure the space needed for day-to-day funeral operations.

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

Necessary permits will have to be obtained from City Engineering Division — DPW Permit Bureau for any street or alley construction, backfill, or occupancy of the City rights-of-way to install non-standard materials.

The Public Lighting Department (PLD) reports having an overhead lighting circuit running in the alley going east-west north of Puritan. PLD requires 24-hour vehicle access to this site/facility to perform circuit maintenance.

The Detroit Water and Sewerage Department (DWSD) reports the wall between lot no. 27 and 28 be removable provided that the attached provision for encroachment is strictly followed. In particular, the provision stipulates that DWSD has the right to enter the alleys at anytime to maintain, repair, alter, service, inspect or install its facilities and that all cost incident to these DWSD activities shall be borne by the petitioner.

All other city departments and privately-owned utility companies have requested that the petitioner make use of the "MISS DIG" facilities before any construction, backfill, or occupancy of the City rights-of-way to install non-standard materials in the public (street or alley) rights-of-way. Should damages to the utilities occur, the petitioner shall be liable for all claims and damages related to the encroachment installation.

An appropriate resolution, granting the encroachments, is attached for consideration by your Honorable Body.

Respectfully submitted,  
MANILAL PATEL

Interim City Engineer

City Engineering Division — DPW

By Council Member Brown:

Whereas, Petition No. 3932 of "James H. Cole Home for Funerals Inc" whose address is 2024 West Grand Boulevard, Detroit, Michigan 48208 request to maintain encroachments into the East-West public alley, 18 feet wide, and the North-South public alley, 16 feet wide with a six (6) feet tall brick screen wall and six (6) feet tall non-brick (vinyl) screen wall at certain locations in the area North of Puritan Avenue, 66 feet wide, between Hartwell avenue 60 feet wide, and Schaefer Highway, 86 feet wide. This request is needed to comply with Planning and Development Department requirements and to ensure the space needed for day-to-day funeral operations.

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "James H. Cole Home for Funerals Inc." to install and maintain encroachments into the East-West and North-South public alleys, with a six (6) feet tall brick screen wall and six (6) feet tall non-brick (vinyl) screen at certain locations all encroachments lying within the East-West public alley, 18 feet wide and the North-South public alley 16 feet wide, attached is a site plan drawing detailing the location of the six (6) feet tall brick screen wall and six (6) feet tall non-brick (vinyl) screen at certain locations; adjacent to the following described property:

Lying within the East-West, 18 feet wide, and North-South, 16 feet wide, public alleys in the area North of Puritan Avenue, 66 feet wide, and between Schaefer Highway, 86 feet wide, and Hartwell Avenue, 60 feet wide, adjacent to Lots 28 through 38, both inclusive, and Lots 14 and 15 all in the "Monnier-Puritan Subdivision" of part of the South 1/2 of the Northwest 1/4 of Section 17, T.1S., R.11E., Greenfield Township, Wayne County, Michigan as recorded in Liber 42, Page 6, Plats, Wayne County Records;

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 alleys, and at all time, DWSD, its agents or employees, shall have the right to enter upon the alley 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 and inspection by DWSD shall be borne by the petitioner. All cost associated with gaining access to DWSD's facilities, which could normally be expected had the petitioner not encroached into the alleys shall be borne by DWSD, and further

Provided, All construction performed under this petition shall not be commenced until after five (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 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 alleys shall break or be damaged as the 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 alleys being encroached upon the petitioner agrees to pay all costs for such removal and/or relocation; and be it further

Provided, That construction of the six

feet screen wall between lots 27 and 28 in the east-west alley is not approved/allowed, and further

Provided, That no structure can be built over PLD installations, as per PLD requirements, any structure proposed to built shall maintain a minimum of 10 feet horizontal clearance for the overhead PLD lines and installations. The contractor will liable for any and all damages to any PLD underground or overhead facilities; and further

Provided, The petitioner, "James H. Cole Home for Funerals Inc and/or their assign" shall make application to the Buildings and Safety Engineering Department for a building permit (if necessary). The brick wall project (a six feet tall brick screen wall and non-brick (vinyl) screen wall) encroachments shall be installed and maintained in accord with plans submitted to and approved by Buildings and Safety Engineering Department and/or City Engineering Division. All cost for plan review, inspection, and building permits shall be paid by the petitioner; and further

Provided, That the petitioner shall file with the Finance Department and/or City Engineering Division — DPW an indemnity agreement in form approved by the Law Department. The agreement shall save, defend 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 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 proposed encroachments; and further

Provided, That such use of the public rights-of-way shall be under the rules and regulations of the City Engineering Division 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 alley; and further

Provided all costs for the construction, maintenance, permits, and use of the brick wall project 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 brick wall project 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 brick wall project encroachment(s) shall be removed at any time when so directed by the City Council, and the public/easement 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 thereunto, 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 six (6) feet tall brick wall and non-brick (vinyl) wall project in the area North of Puritan Avenue, 66 feet wide, and between Schaefer Highway, 86 feet wide, and Hartwell Avenue, 60 feet wide; said brick wall project encroachments require the filing of an indemnity agreement and the

securing of the necessary permit(s)] referred to herein shall be construed as acceptance of this resolution by "James H. Cole Home for Funerals Inc and/or their assigns"; and further

Provided, That the six (6) feet tall brick wall and non-brick (vinyl) wall project

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 and indemnity agreement with the Wayne County Register of Deeds.

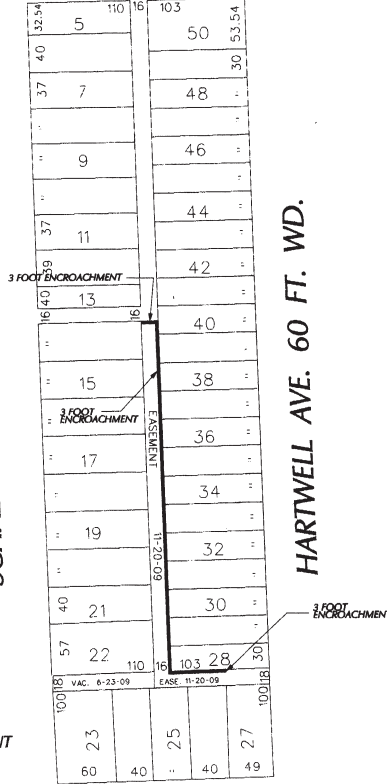
PETITION NO. 3932  
 JAMES H. COLE HOME FOR FUNERALS, INC.  
 2024 WEST GRAND BLVD.  
 DETROIT, MICHIGAN 48208  
 C/O KARLA COLE  
 PHONE NO. 313 873 0771

**FLORENCE 50 FT. WD.**



**SCHAEFER HWY. 86 FT. WD.**

**HARTWELL AVE. 60 FT. WD.**



**AREA OF ENCROACHMENT**

**PURITAN AVE. 66 FT. WD.**

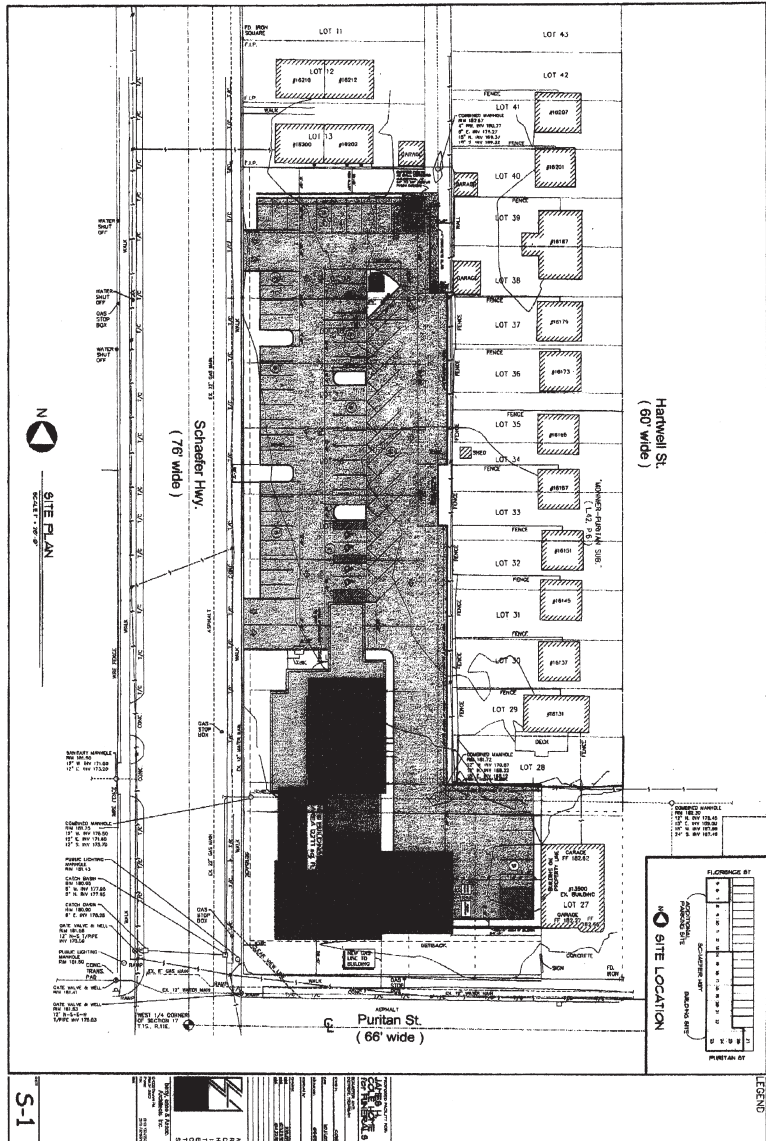
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DESCRIPTION				
REVISIONS				
DRAWN BY	KSM	CHECKED		DATE
DATE	01-20-10	APPROVED		

**REQUEST TO ENCROACH AS SHOWN  
 IN ALLEYS BOUND BY  
 SCHAEFER, PURITAN, HARTWELL  
 AND FLORENCE**

<b>CITY OF DETROIT</b>	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG NO.	X3932.dgn



Adopted as follows:  
 Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 9.

Nays — None.  
 \*WAIVER OF RECONSIDERATION (No. 13) per motions before adjournment.

**Water and Sewerage Department  
 Office of the Director**  
 April 9, 2010

Honorable City Council:  
 Re: Approval and Authorization to Purchase Real Estate for the Con-

struction of Ready Road Pumping Station and Reservoir (08-49).

The Detroit Water and Sewerage Department (DWSD) has negotiated and executed new model water contracts with all its water wholesale customers. Included in these proposed model contracts is the guarantee of flow and pressure commitments that will provide a higher level of service to customers.

To achieve this objective, DWSD requests your approval and authorization to purchase an 8.05-acre parcel in the Village of South Rockwood, Michigan for construction of the Ready Road Pumping