

The proposed use of the property is owner's use and occupancy. This is the first deferral request for this property.

Therefore, it is recommended that the demolition order be deferred for a period of three (3) months subject to the following conditions:

1. A permit for rehabilitation work shall be obtained within 30 days.

2. The building shall be maintained securely barricaded until rehabilitation is complete. Rehabilitation is to be complete within six (6) months, at which time the owner will obtain one of the following from this department:

- Certificate of Acceptance related to building permits
- Certificate of Approval as a result of a Housing Inspection
- Certificate of Inspection, required for all residential rental properties

3. The owner shall not occupy or allow occupancy of the structure without a certificate (as outlined above).

4. The yards shall be maintained clear of weeds, junk and debris at all times.

We recommend that utility disconnect actions cease to allow the progress of the rehabilitation.

At the end of the deferral period, the owner must contact this department to arrange an inspection to evidence that conditions of the deferral have been maintained and that there has been substantial progress toward rehabilitation. If the building becomes open to trespass or if conditions of the deferral are not maintained, we may proceed with demolition without further hearings. And, pursuant to the Property Maintenance Code we will issue a Blight Violation Notice.

A request for deferral exceeding four must be made by petition to City Council through the office of the City Clerk.

Respectfully submitted,
DAVID BELL
Building Official

By Council Member Benson:

Resolved, That resolutions adopted May 6, 2014 (J.C.C. pg. ____), July 20, 2010 (J.C.C. pgs. 1874-1875), October 22, 2013 (J.C.C. pgs. ____), October 19, 2010 (J.C.C. pgs. 2499-2500), May 6, 2014 (J.C.C. pg. ____), and March 27, 2014 (J.C.C. pg. 572) for the removal of dangerous structures at various locations, be and the same is hereby amended for the purpose of deferring the removal order for dangerous structures, only at 14930 Linwood, 4843 Berkshire, 1438-42 Canton, 16700 Greydale, 5734 Woodward, and 1401 Rivard for a period of three (3) months, in accordance with the six (6) foregoing communications.

Adopted as follows:

Yeas — Council Members Benson, Castaneda-Lopez, Jenkins, Leland, Sheffield, Spivey, Tate, and President Jones — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

March 31, 2014

Honorable City Council:

Re: Petition No. 2997 — Michael L. Priest & Associates request to construct a sewer in Arnold Avenue right-of-way (East of Ogden) South of Michigan Avenue, West of Lonyo.

Petition No. 2997 — Michael L. Priest & Associates, whose address is 40655 Koppernick Road, Canton, Michigan, 48187 request to install and maintain encroachment with an underground sewer pipe in Arnold Avenue, 50 feet wide, between Ogden Avenue and the north-south public alley first easterly of Ogden Avenue.

The reason for this request is construction of a new charter school at the site of the former DPS O. W. Holmes School located at 4833 Ogden between Trenton and Ogden south of Arnold Avenue. The existing location has been demolished and the plan is to construct a state of the art facility to provide education to 750 K-12 students.

The sewer line is needed due to the increase in impervious area proposed, and the new sewer line will spit the runoff into two different city sewer lines. The existing line east of the site was designed to support lots in the area that is now a park and so the sewer line has unused capacity.

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

Traffic Engineering Division — DPW (TED), reports there is no objection to the encroachment provided certain requirements are met. The specific requirements are included as provisions within the attached resolution.

City Engineering Division — DPW (CED), reports there is no objection to the encroachment provided certain requirements are met. The specific requirements are included as provisions within the attached resolution.

The Public Lighting Department (PLD) reports an overhead high voltage circuit and street lighting circuit running in the area of the request and provisions protecting these facilities are included in the resolution. The contractor and/or the petitioner will be liable for any damages to any PLD underground facilities.

The Detroit Water and Sewerage Department (DWSD) has approved the sewer pipe encroachment provided that the resolution contain the DWSD specific encroachment provisions. The DWSD encroachment provisions are included in the resolution.

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

I am recommending adoption of the attached resolution.

Respectfully submitted,
RICHARD DOHERTY

City Engineer

City Engineering Division—DPW

By Council Member Benson:

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Michael L. Priest & Associates to construct a sewer which will encroach into the Arnold Avenue right-of-way. The encroachment is being described as follows:

SEWER PIPE ENCROACHMENT

The encroachment being subsurface of Arnold Avenue, 50 feet wide, occupying the area below the existing surface of land in the City of Detroit, Wayne County, Michigan described as a strip of land 3 feet wide with a centerline more particularly described as follows: Commencing at the southeasterly corner of Lot 51 "Mercier's Springwells Subdivision of the N'y part of the W'y 630.50 feet of Lot A of the Sub. of the E. 1/2 of P.C. 41 Springwells Twp. (Now City of Detroit) Wayne County, Michigan" as recorded in Liber 37, Page 18 of Plats, Wayne County Records; thence S 31°19'14" E along the westerly line of Ogden Avenue 38 feet to the Point of Beginning; thence N 28°20'59" E 32.44 feet; thence N 58°40'19" E 130.00 feet; thence N 31°19'14" W 25.5 feet to the Point of Ending said point being a sewer manhole in the public alley in the rear of Lot 52 "Mercier's Springwells Subdivision of the N'y part of the W'y 630.50 feet of Lot A of the Sub. of the E. 1/2 of P.C. 41 Springwells Twp. (Now City of Detroit) Wayne County, Michigan" as recorded in Liber 37, Page 18 of Plats, Wayne County Records.

Provided, That if there is any addition and/or cost for the removing and/or rerouting of any utility facilities, it shall be done at the expense of the petitioner and/or property owner; and be it further

Provided, By approval of this petition, the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the right-of-way, and at all time, DWSD, its agents or employees, shall have the right to enter upon the right-of-way 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 caused by the encroachment 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 right-of-

way, 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 right-of-way shall break or be damaged as the result of any action on the part of the petitioner, then in such even 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 right-of-way being encroached upon the petitioner agrees to pay all costs for such removal and/or relocation; and be it further

Provided, That the contractor call MISS DIG 72 hours prior to starting any underground construction where they plan the underground encroachment; and be it further

Provided, That any structure proposed to be built shall maintain 10 feet of horizontal clearance from overhead PLD lines and installations also any structure proposed to be built shall maintain a minimum of 3-foot horizontal clearance and 12-foot vertical clearance from the PLD conduit bank and manholes. The contractor and/or the petitioner will be liable for any damages to any PLD underground facilities. PLD requires unrestricted 24-hour heavy vehicle access to the encroachment area to maintain their facilities; and be it further

Provided, That Michael L. Priest & Associates or its assigns shall apply to DWSD for permits 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 detail permit application drawings submitted to the City Engineering Division — DPW prior to any public right-of-way construction; and be it further

Provided, That the necessary permits

shall be obtained from the City Engineering Division — DPW and the Buildings, Safety Engineering and Environmental Department.

Provided, 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 be it further

Provided, The grade shall be restored back to the original condition after the installation of the sewer lines. The petitioner shall be responsible to obtain the necessary permits from the appropriate agencies before the start of excavation. The petitioner is also responsible to seek permission from Traffic Engineering Division — DPW to close lanes to traffic for the related construction work; and be it further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Michael L. Priest and Associates; and be it 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 Michael L. Priest & Associates or its assigns. Should damages to utilities occur Michael L. Priest & Associates or its assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and be it 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, Michael L. Priest & Associates 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 be it further

Provided, That Michael L. Priest & Associates 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 Michael L. Priest & Associates of the terms thereof. Further, Michael L. Priest & Associates shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and be it further

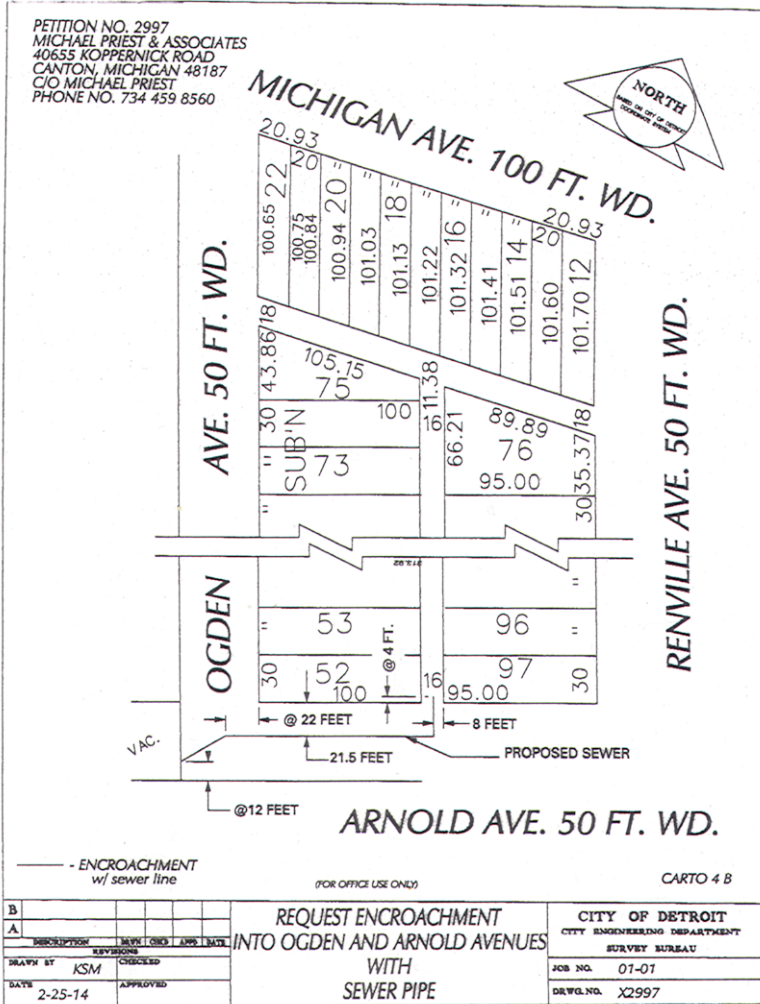
Provided, That no other rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall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

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and Michael L. Priest & Associates acquires no implied or other privileges hereunder not expressly stated herein; and be it further

Provided, That the petitioner shall apply to and become a participating member of "Miss Dig" to comply with Michigan Public Act 53 of 1974, "Protection of Underground Facilities (460.701 - 460.718)"; and be it 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.



Adopted as follows:
 Yeas — Council Members Benson, Castaneda-Lopez, Jenkins, Leland, Sheffield, Spivey, Tate, and President Jones — 8.
 Nays — None.

**Department of Public Works
 City Engineering Division**

March 27, 2014

Honorable City Council:

Re: Petition No. 964 — Bashar Basheer, to vacate alley and convert to public easement abutting property behind 125 W. 8 Mile, corner of Derby.

Petition No. 964 — Bashar Basheer, requests the conversion of the east 1/2 of the east-west alley, 16 feet wide, bounded by West Eight Mile Road, 204 feet wide, Winchester Avenue, 50 feet wide, Exeter

Avenue, 50 feet wide, and Derby Avenue, 80 feet wide, into an easement for utilities.

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

All City Departments and privately owned utility companies have reported no objections to the conversion of the public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the attached resolution.

Detroit Water and Sewerage Department (DWSD) have no objection to the conversion to easement. The specific DWSD provision for easements are included in the resolution.