

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 followed, we may proceed with demolition without further hearings. And, pursuant to the Property Maintenance Code we will issue a Blight Violation Notice.

Any request exceeding (3) deferrals must be made by petition to City Council through the office of the City Clerk.

Respectfully submitted,
DAVID BELL
 Director

By Council Member Janee Ayers:

Resolved, That resolutions adopted April 24, 2018 (Jcc pg. ____), April 24, 2018 (Jcc pg. ____), July 22, 2014 (Jcc pg. 1539), October 6, 2015 (Jcc pgs. 1696-1703), September 8, 2015 (Jcc pg. 1483), October 2, 2012 (Jcc pg. 1866), and May 8, 2018 (Jcc pg. ____) 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 18491 Kentfield, 19601 Schoolcraft, 14299 Fordham, 4260 Tyler, 12212 Kilbourne, 12011 Plainview, and 5401 Allendale for a period of six (6) months, in accordance with the seven (7) foregoing communications.

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 9.

Nays — None.

**Department of Public Works
 City Engineering Division**

July 10, 2018

Honorable City Council:

Re: Petition No. 151 — Eastside Community Network request to place a concrete curb inlet and trench drain in the right-of-way in front of 5503, 5511 and 5517 Newport Street.

Petition No. 151 — Eastside Community Network request for encroachment with concrete curb inlet, trench drain, cobble spillway, concrete curbs and concrete sidewalks on the westerly side of Newport Avenue, 60 feet wide, between Southampton Avenue, 60 feet wide, and Chandler Park Drive, 150 feet wide.

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

The request is being made in conjunction with a grant from the Kresge Foundation

in the Chandler Park neighborhood to serve as a community park with outdoor learning lab and storm-water management system.

The request was approved by the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW (TED). TED approves provided that certain conditions are met. The TED conditions are a part of the resolution. The Planning and Development Department approves provided the construction and maintenance of the encroachments meet certain conditions; the conditions are a part of the resolution.

Detroit Water and Sewerage Department (DWSD) reports being involved, but they have no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution.

All other involved City Departments, including the Public Lighting Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting all utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully Submitted,
RICHARD DOHERTY, P.E.
 City Engineer

City Engineering Division — DPW

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Eastside Community Network or their assigns to install and maintain encroachments with concrete curb inlet, trench drain, cobble spillway, concrete curbs and concrete sidewalks on the westerly side of Newport Avenue, 60 feet wide, between Southampton Avenue, 60 feet wide, and Chandler Park Drive, 150 feet wide, and more particularly described as: Land in the City of Detroit, Wayne County, Michigan, being part of Newport Avenue, 60 feet wide, adjoining the north 29 feet of Lot 48 and extending 19.2 feet into Newport Avenue, all in "Werner's Park Subdivision of West 1/2 of Back Concession of P.C. 321, Detroit, Wayne Co. Mich." as recorded in Liber 43, Page 1 of Plats, Wayne County Records.

Provided, That if there is any 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, That access is maintained to all fire department connections, and be it further

Provided, That the petitioner shall be responsible for to secure the trench drain in the sidewalk area by installing a cover that complies with the requirements of the Americans with Disability Act; and the petitioner shall be responsible to ensure

that the encroachment be installed at a proper grade, and that the drains are always kept clean and do not backup, overflow and/or cause any standing water or icing over the sidewalk, and further

Provided, That 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 times, 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 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, Eastside Community Network or their 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 detail 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 their rules and regulations; and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Eastside Community Network or their 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 Eastside Community Network or their assigns. Should damages to utilities occur Eastside Community Network or their assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; 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 Eastside Community Network or their assigns shall file with the Department of Public Works — City Engineering Division 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 of Eastside Community Network or their assigns of the terms thereof. Further, Eastside Community Network or their assigns shall agree to pay all claims, damages or expenses that may arise out of the use, repair and maintenance of the proposed encroachments; and further

Provided, That the petitioner shall file a maintenance agreement with the Department of Public Works — City Engineering Division in a form approved by the Law Department. The agreement will provide for the financial responsibility, indemnification, insurance, and maintenance obligations of the petitioner; and be it further

Provided, That construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and Eastside Community Network 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 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 Ayers, Castaneda-Lopez, Leland, McCalister, Jr., Spivey, Tate and President Jones — 7.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 13) Per motions before adjournment.

**Department of Public Works
City Engineering Division**

July 23, 2018

Honorable City Council:

Re: Petition No. 1761 Detroit Real Estate LLC, request to vacate various streets, alleys and rights-of-way in order to support a large 313,000 square foot project.

Petition No. 1761 of Detroit Real Estate LLC request to outright vacate Newhall Street, variable width, from Mt Elliott, 66 feet wide eastward to a dead end near New York Central Railroad, also the north-south alley, 20 feet wide, and the east-west alley, 20 feet wide, in the block of Newhall Street, Georgia Avenue, 60 feet wide, Mt Elliott Avenue, and New York Central Railroad.

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

The request is being made to facilitate a warehouse renovation for Arcelormittal who will operate a new manufacturing facility serving automakers and creating new job opportunities.

Detroit Water and Sewerage Department (DWSD) has no objection to the vacation provided certain provisions are met. The DWSD provisions are a part of the attached resolution. Detroit Fire Department (DFD) has conditions that are made a part of the resolution.

DTE — Electric has already received payment for relocation of their facilities. AT&T will also relocate their facilities at project cost. Provisions for both DTE and AT&T are a part of the resolution.

All other involved City departments and privately owned utility companies have reported no objections to the vacations. Provisions for relocation of the utilities and for City services are a part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully Submitted,
RICHARD DOHERTY, P.E.

City Engineer

City Engineering Division — DPW
By Council Member Benson:

Resolved, That all of Newhall Street, variable width, from Mt Elliott, 66 feet wide

eastward to a dead end near New York Central Railroad, also the north-south alley, 20 feet wide, and the east-west alley, 20 feet wide, in the block of Newhall Street, Georgia Avenue, 60 feet wide, Mt Elliott Avenue, and New York Central Railroad, all being land in the City of Detroit, Wayne County Michigan; and described as follows:

1) Newhall Street, variable width, lying south of and adjoining the south line of Lots 23 through 37, both inclusive and the alley between said Lots 36 and 37; also lying north of and adjoining the north line of Lots 4 through 18, both inclusive, also lying north of and adjoining that part of Newhall Street and the "U" shaped alley previously vacated on April 9, 1935, all in the "Howe's Subdivision of part of the E 1/2 of the SW 1/4 of Section 21, T.1S, R.12E. and the S. part of Out Lot G of the J. Dunn Farm, Wayne County, Michigan" as recorded in Liber 13, page 24 of Plats, Wayne County Records; EXCEPTING therefrom the west 20.00 feet of the north 40.00 feet of Newhall Street lying south of and adjoining the west 20.00 feet on the south line of said Lot 37 of the aforementioned subdivision; said exception to be used as a part of Mt. Elliott Avenue.

2) North-south alley, 20 feet wide, lying east of and adjoining the east line of Lots 37 through 44, both inclusive; also lying west of and adjoining the west line of Lots 36 and 45 and the alley between said Lots, all in the "Howe's Subdivision of part of the E 1/2 of the SW 1/4 of Section 21, T.1S, R.12E. and the S. part of Out Lot G of the J. Dunn Farm, Wayne County, Michigan" as recorded in Liber 13, page 24 of Plats, Wayne County Records.

3) East-west alley, 20 feet wide, lying north of and adjoining the north line of Lots 24 through 36, both inclusive; and lying south of and adjoining the south line of Lots 45 through 57, both inclusive, all in the "Howe's Subdivision of part of the E 1/2 of the SW 1/4 of Section 21, T.1S, R.12E. and the S. part of Out Lot G of the J. Dunn Farm, Wayne County, Michigan" as recorded in Liber 13, page 24 of 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, That petitioner/property owner make satisfactory arrangements with any and all utility companies for cost and arrangements for the removing and/or relocating of the utility companies and city departments services or granting of easements if necessary, and further

Provided, That the petitioner/property owner make satisfactory arrangements with DTE Energy — Electric division for the removal and relocation of their facilities in the area of the vacations, and further

Provided, That the petitioner/property