

ment Funding — To Provide a Water Save Source Warranty Replacement Program — Contractor: Itron, Inc. — Location: 111 N. Molter Road, Liberty Lake, Washington 99019 — Contract Period: August 1, 2020 through July 31, 2040 — Total Contract Amount: \$13,500,000.00.
Water and Sewerage.

Respectfully submitted,
 BOYSIE JACKSON
 Chief Procurement Officer
 Office of Contracting and Procurement
 By Council Member Benson:

Resolved, That Contract No. **6002757** referred to in the foregoing communication dated July 1, 2020, be hereby and is approved.

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

Nays — None.
 *WAIVER OF RECONSIDERATION (No. 18), per motions before adjournment.

**Department of Public Works
 City Engineering Division**

March 27, 2020

Honorable City Council:
 Re: Petition No. 1414 — U-Wash Development Company LLC request for encroachment of Billboard into Prest Avenue, right-of-way at 15325 West Eight Mile Road.

Petition No. 1414 by U-Wash Development Company LLC, request to encroach in the public right-of-way with a billboard and fence on the east side of Prest Avenue, 60 feet wide between West Eight Mile Road, 204 feet wide, and Norfolk Avenue, variable width.

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

The request is being made for an existing billboard and fence. Your Honorable Body previously approved a resolution for the installation of the billboard (J.C.C. page 2553 of December 12, 1961) The original petitioner, Great Lakes Bowling, is no longer in business and the U-Wash Development Company now wants to be responsible for the encroachment.

The request was approved by the Solid Waste Division — DPW, and City Engineering Division — DPW.

Detroit Water and Sewerage Department (DWSD) has not responded to the petition. The standard DWSD provisions for encroachments have been made a part of the resolution.

All other involved City Departments and 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
 By Council Member Benson:

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to U-Wash Development Company or their assigns to install and maintain encroachments consisting of a billboard and fence on the east side of Prest Avenue, 60 feet wide between West Light Mile Road, 204 feet wide, and Norfolk Avenue, variable width. Location of the encroachments described as follows: land in the City of Detroit, Wayne County, Michigan being part of Prest Avenue, 60 feet wide lying west of and adjoining the west line of Lot 65 "Division Heights Sub-division Northwest 1/4 of Section 6. T.1.S., R.11E. Greenfield Township, Wayne County, Michigan as recorded in Liber 50, Page 36 of Plats, Wayne County Records. The encroachments further described as follows:

1) A billboard lying westerly of and adjoining the westerly line of said Lot 65 beginning 34 feet north of the south line of Lot. 65 and ending 59 feet north of the south line of Lot 65: also lying between 3 feet west of the west line and 4.5 feet west of the west line of said Lot 65. Billboard is 25 feet in length and 1 foot wide.

2) A fence lying westerly of and adjoining the westerly line of said lot 65 beginning at the southwest corner of Lot 65 thence west at a right angle to the west line of Lot 65 a distance of 7 feet; thence north along a line 7 feet west of and parallel to the west line of Lot 65 a distance of 80.43 feet to the south line of Eight Mile Road, 204 feet wide; thence east 7 feet to the west line of Lot 65 and the point of ending at the northwest property corner of said Lot 65 excepting Eight Mile Road as widened.

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 by approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its lights 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, U-Wash Development Company LLC 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 U-Wash Development Company LLC or their assigns; and further

Provided, That all costs incurred by pri-

vately 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 U Wash Development Company LLC or their assigns. Should damages to utilities occur U-Wash Development Company LLC 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 U Wash Development Company LLC 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 U-Wash Development Company LLC or their assigns of the terms thereof. Further, U-Wash Development Company LLC 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 filing of said indemnity agreement and construction of the encroachments shall be construed as acceptance of this Resolution by the "permittee"; and further


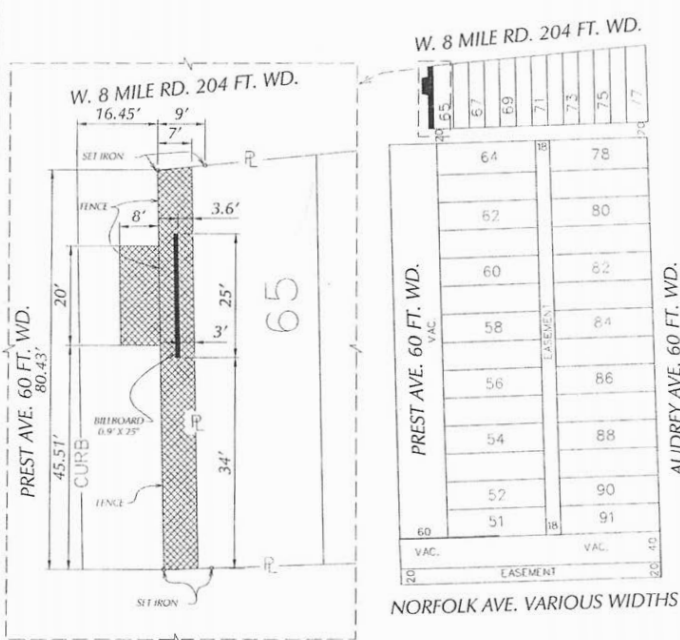
Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by U-Wash Development Company, or their assigns; and further

Provided, This resolution or part thereof is revocable at the will, whim or caprice of the City Council, and U-Wash Development Company LLC 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.

PETITION NO. 1414
 U-WASH DEVELOPMENT COMPANY LLC
 15325 W. 8 MILE RD.
 DETROIT, MICHIGAN 48239
 C/O RICHARD D. LINNELL
 PHONE NO. 248 977-4182

W. 8 MILE RD. 204 FT. WD.
 PREST AVE. 60 FT. WD.
 AUDREY AVE. 60 FT. WD.
 NORFOLK AVE. VARIOUS WIDTHS

65

16.45' 9' 7' 3.6' 8' 20' 45.51' 25' 34' 3' 25' 60' 62' 64' 58' 56' 54' 52' 51' 78' 80' 82' 84' 86' 88' 90' 91' 10' 20'

SET IRON FENCE CURB BILBOARD (0.9' X 25') SET IRON

- REQUEST ENCROACHMENT (WITH FENCING AND SIGNAGE)

(FOR OFFICE USE ONLY)

CARTO 87 C

B					
A					
DESCRIPTION	DATE	BY	APP	BATH	
REVISIONS					
DRAWN BY	SA.	CHECKED	KSM	APPROVED	
DATE	01-24-20				

REQUEST ENCROACHMENT INTO PREST AVE. AT 15325 W EIGHT MILE.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01
 DRWG. NO. X 1414

Not Adopted as follows:
 Yeas — Council Member Castaneda-Lopez — 1.
 Nays — Council Members Ayers, Benson, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 8.
 FAILED.
 *WAIVER OF RECONSIDERATION (No. 19), per motions before adjournment.

RESOLUTION DECLARING GUN VIOLENCE A PUBLIC HEALTH CRISIS
 By ALL COUNCIL MEMBERS:

WHEREAS, The City of Detroit has been in an on-going battle against gun violence for a long time. Unfortunately, poverty caused by limited employment

opportunities after industries began outsourcing, insufficient investment in educational and mental health programs has left the City in a vulnerable condition. For decades, Detroit has been considered one of the most dangerous cities in the U.S.; and
 WHEREAS, Violent crime has been trending downward throughout the U.S and in Detroit for years. According to the most recent complete data by the Center for Disease Control in 2018, 37% of the 39,615 people killed in the U.S. by firearms were homicide victims. Despite, Michigan being ranked 26th in the highest number of gun-related deaths in the country, gun violence remains a persistent problem in the City of Detroit; and