

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 8.

**Department of Public Works
City Engineering Division**

May 12, 2021

Honorable City Council:

Re: Petition No. 1358 — Lola Charles, request to encroach into Heyden Avenue for the installation of a free library box on the berm of 17229 Heyden.

Petition No. 1358 — Lola Charles, request to encroach into Heyden Avenue,

50 feet wide, for the installation of a free library box on the berm of 17229 Heyden.

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

The request is being made to offer a free book library for the community.

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

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. DTE has reported involvement and provisions protecting DTE 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
By Council Member Benson:

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Lola Charles to install and maintain encroachment for a library box to be installed at the following location: the west side of Heyden Avenue, 50 feet wide, being between the sidewalk and curb, adjacent to the south 35 feet of lot 69 of "Grand River-Evergreen Park Sub-division" as recorded in liber 41, Page 16 of Plats, Wayne County Record

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 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 encroachment constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it 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 Lola Charles, 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 Lola Charles. Should damages to utilities occur Lola Charles 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 Lola Charles 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 Lola Charles of the terms thereof. Further, Lola Charles 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 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 Lola Charles; And Further

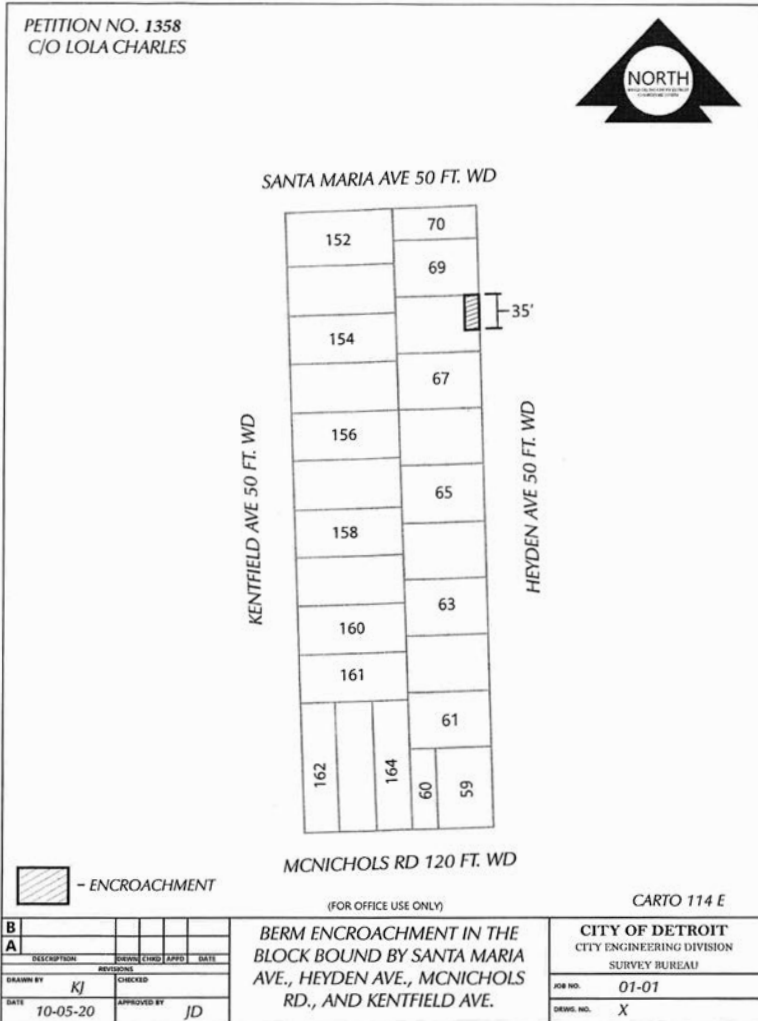
Provided, That construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; And Be It Further

Provided, This resolution or part thereof is revocable at the will, whim or caprice of the City Council, and Lola

Charles 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, Benson, Castaneda-Lopez, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 8.

Nays — None.

RESOLUTION TO CALL CLOSED SESSION

By Council Member McCalister, Jr.

RESOLVED, That a closed session of the Detroit City Council is called in accordance with Section 8(h) of the Open Meetings Act, 1976 PA 267, MCL 15.268(h), for the purposes of discussing a privileged and confidential memorandum titled **Angela Hodges, as Personal Representative for the Estate of Patrick Antonio Clemons-Hodges, Deceased vs. City of Detroit, et al.; Civil Action Case No. 20-01413-NH — Paramedic Julian Holts**, dated May 7, 2021. This memorandum is an attorney-client communication prepared by the Law Department and therefore is exempt from disclosure under Section 13(g) of the Freedom of Information Act, MCL 15.243(1)(g). Law Department attorneys, representatives from Detroit Fire Department, Julian Holts and counsel, representatives from the Detroit Fire Fighters Association, and attorneys from the Legislative Policy Division may be present. The closed session will be held on:

Tuesday, June 29, 2021 at 2:00 p.m.

Note: A 2/3 Roll Call vote of members elected and serving (6 votes) is required pursuant to MCL 15.267(1).

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, McCalister, Jr., Sheffield and President Jones — 6.

Nays — Council Members Spivey and Tate — 2.

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ers Association, and attorneys from the Legislative Policy Division may be present. The closed session will be held on:

Tuesday, June 29, 2021 at 2:30 p.m.

Note: A 2/3 Roll Call vote of members elected and serving (6 votes) is required pursuant to MCL 15.267(1).

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, McCalister, Jr., Sheffield and President Jones — 6.

Nays — Council Members Spivey and Tate — 2.

RESOLUTION SUPPORTING COMMUNITY REPARATIONS FOR BLACK DETROIT

By Council Member Sheffield, in the name of the Council:

WHEREAS, Detroit City Council acknowledges that Black People have been systematically, continually and unjustly enslaved, unjustly segregated, unjustly incarcerated, denied housing through racist practices in the public land use arena as well as private realty markets, including redlining, steering, blockbusting, denial of mortgages, and gentrification, displaced and inadequately housed by government housing policies including discriminatory VA/FHA practices, urban renewal (i.e. Black Bottom and Paradise Valley), and a variety of local and federal “affordable” housing programs; and

WHEREAS, Detroit City Council affirms mass outpouring of public opinion that in the wake of the police killings of George Floyd, Ahmaud Arbery, Breonna Taylor and others, recognizes that a worldwide paradigm shift in racial attitudes has occurred. This prefigures a historic national reckoning around structural racism and related forms of systemic injustices that have shaped American history. These momentous events should call forth new forms of reparations for the centuries of human enslavement and post-emancipation systemic discrimination and racism that constitute United States history; and

WHEREAS, Black People have been consistently and widely impoverished by discriminatory wages paid in every sector of the economy, regardless of credentials and experience, based on property, income and wealth advantages of white supremacy rewarding white Americans for being white, and punishing black Americans descended from enslaved ancestors and devalued by many forms of rampant structural and systemic violence against Blacks, such as police misconduct and abuses continuing in the present day, among other unjust racial policies; and

WHEREAS, Detroit City Council on its own behalf, and on behalf of the City of Detroit, the City with the largest black majority per capita in the nation, particularly acknowledges its own history of racially-motivated policies and practices,