

project in the total amount of \$595,000 for this work which includes anticipated revenue of \$204,000 for federal-aid reimbursement for CEI services to be performed by city forces and transfer to it \$391,000 for the City's share from Appropriation No. 4189 — Major Street Fund, Traffic Control Roadways-Federal Aid.

2. Establish an anticipated revenue of \$204,000 for federal-aid reimbursement for CEI services for the project work to be performed by city forces.

Respectfully submitted,
 CLYDE D. DOWELL
 Street Administrator

Approved:

J. EDWARD HANNAN
 Budget Director

EARL C. CABELL
 Deputy Finance Director

By Council Member Cockrel:

Resolved, That in accordance with the above communication, the Finance Director is hereby authorized to establish an Appropriation No. 4974 for bituminous resurfacing of Van Dyke in the amount of \$595,000 which includes \$204,000 for federal-aid reimbursement and transfer to it \$391,000 from Appropriation No. 4189, Major Street Fund-Traffic Control Roadways, Federal-Aid.

Be It Further Resolved, That, the Finance Director be and is hereby authorized to establish an anticipated revenue for Appropriation No. 4974 in the amount of \$204,000; and

Be It Further Resolved, That the Finance Director be and is hereby authorized to honor MDOT vouchers in an amount of \$304,000 when presented for payment; and

Be It Further Resolved, That, State Agreement No. 95-2248 is hereby approved and Clyde D. Dowell, Street Administrator, is hereby authorized to execute it on behalf of the City of Detroit.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 9.

Nays — None.

**Department of Public Works
 City Engineering Division**

December 1, 1995

Honorable City Council:

Re: Petition No. 1618. Henry Ford Health Systems West Annex Addition — Henry Ford Hospital Complex Street and Utility Easement to Vacation Byron between Pallister and W. Grand Blvd.; also an easterly part of the converted east-west public alley in the block bounded by Poe, Byron, Bethune and W. Grand Blvd.

Petition No. 1618 of "Henry Ford Health Systems" (HSHS) requests the vacation

of Byron Avenue, 60 feet wide, between Pallister Avenue and West Grand Boulevard; also the vacation of an easterly part of the east-west public utility easement [18 feet wide; said east-west public alley having been previously vacated and converted into a private easement for public utilities by City Council on February 25, 1987 — J.C.C. pages 433-35;] in the block bounded by Poe, Byron and Bethune Avenues, and West Grand Boulevard.

The petition was referred to the City Engineering Division-DPW by the Planning and Development Department for investigation (utility clearances) and report. This is our report:

The Traffic Engineering Division-DPW has approved the public street closing.

Satisfactory arrangements have been made with the Detroit Edison Company (DE Co.) and Michigan Consolidated Gas Company (MCG Co.) regarding the relocation and/or adjustments of their facilities. The resolution contains provisions to protect the remaining utility services of DE Co. and MCG Co.

The Fire Department has approved a plan for fire equipment access into the proposed development site. The Fire Department and HFHS have agreed to a hydrant adjustment plan.

HFHS must pay all expenses to reroute the existing 8-inches diameter water main in Byron and construct new connections to the DWSD water main network. HFHS must provide DWSD an easement for the water mains before the start of construction. The new rerouted water main must be engineered and constructed by HFHS at no cost to the city. The plans and construction must be reviewed and approved by DWSD; subject to DWSD specifications, permits and inspection.

HFHS must provide DWSD an easement [minimum 20 feet wide; center line over the public sewer crossing points at both the westerly and easterly lines of said Byron Avenue] for the existing 5.00 feet cylinder public sewer across Byron.

All other involved city departments and privately owned utility companies have reported no objections to the outright vacation and/or conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

The city is owner in fee of part of Byron Avenue [60 feet wide; said strip of land having been deeded to the City of Detroit for public street purposes and accepted by City Council on March 28, 1911 — J.C.C. page 403; (NOTE: The public street name of all that part of "Brock Avenue" was changed to "Byron Avenue" by City Council on January 26, 1915.)] Therefore, the Finance Director must execute a quitclaim deed to transfer that part of the vacated public street right-of-way.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division-DPW

By Council Member Everett:

Resolved, All that part of Byron Avenue, 60 feet wide, lying southerly of and abutting the south line of Pallister Avenue (70 feet wide); also lying westerly of and abutting the west line of Lots 7 thru 12, Block 7; also lying westerly of and abutting the west line of the northern 10.00 feet of vacated Bethune Avenue [60 feet wide; having been previously vacated and converted into a private easement for public utilities by City Council on September 13, 1978 — J.C.C. pages 2374-76]; also lying easterly of and abutting the east line of the northern 10.00 feet of vacated Bethune Avenue [60 feet wide; having been previously vacated and converted into a private easement for public utilities by City Council on February 25, 1987 — J.C.C. pages 433-35]; Also lying easterly of and abutting the east line of Lots 1 thru 6, Block 8, of "Irving Place Subdivision of Quarter Section 55 of Ten Thousand Acre Tract in Town 1 South, Range 11 East, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; also lying easterly of and abutting the east line of the southern 50.00 feet of vacated Bethune Avenue [60 feet wide; having been previously vacated and converted into a private easement for public utilities by City Council on February 25, 1987 — J.C.C. pages 433-35]; also lying easterly of and abutting the east line of Lots 1 thru 8 of "Lothrop and Duffield Boulevard Park Subdivision of part of Quarter Section 55, Ten Thousand Acre Tract, lying North of West Grand Boulevard," City of Detroit, Wayne County, Michigan as recorded in Liber 28, Page 1, Plats, Wayne County Records; also being the northerly 332.28 feet of the westerly 60.00 feet of a strip of land in 'Section 55, Ten Thousand Acre Tract', lying southerly of and abutting the south line of said "Irving Place Subdivision," City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; between Pallister Avenue and West Grand Boulevard, said strip being in continuance and extension of so-called Brock Avenue as opened; (NOTE: the public street name of all that part of "Brock Avenue" was changed to "Byron Avenue" by City Council on January 26, 1915.); also

All that part of Byron Avenue, 60 feet wide, lying northerly of and abutting the north line of West Grand Boulevard (150 feet wide); also lying easterly of and abutting the east line of Lot 22 of "Lothrop and Duffield Boulevard Park Subdivision of

part of Quarter Section 55, Ten Thousand Acre Tract, lying North of West Grand Boulevard," City of Detroit, Wayne County, Michigan as recorded in Liber 28, Page 1, Plats, Wayne County Records; also being the southerly 150.00 feet of the westerly 60.00 feet of a strip of land in 'Section 55, Ten Thousand Acre Tract', lying southerly of and abutting the south line of said "Irving Place Subdivision," City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; between Pallister Avenue and West Grand Boulevard, said strip being in continuance and extension of so-called Brock Avenue as opened; (NOTE: The public street name of all that part of "Brock Avenue" was changed to "Byron Avenue" by City Council on January 26, 1915.);

Be and the same are hereby vacated as parts of a public street and are hereby converted into a private easement for public utilities of the full width of the street, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said street and by their heirs, executors, administrators and assigns, forever to wit:

First, Said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public street herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public street in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

Second, Said utility easement or right-of-way in and over said vacated street herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition,

Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, (except necessary line fence; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering Department, if necessary) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division-DPW,

Fourth, That if the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and further

Provided, That if it becomes necessary to remove the paved street and alley return(s) at their entrance(s) (into Pallister Avenue and/or West Grand Boulevard), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division-DPW specifications with all costs borne by the abutting owner(s), their heirs or assigns; and be it further

Resolved, All that part of the public utility easement; being part of the vacated east-west public alley [18 feet wide; in the block bounded by Poe, Byron and Bethune Avenues, and West Grand Boulevard; having been previously vacated and converted into a private easement for public utilities by City Council on February 25, 1987 — J.C.C. pages 433-35] lying southerly of and abutting the south line of Lot 21; also lying northerly of and abutting the north line of the eastern 25.00 feet of Lot 24, Lots 22 and 23 of "Lothrop and Duffield Boulevard Park Subdivision of part of Quarter Section 55, Ten Thousand Acre Tract, lying North of West Grand Boulevard," City of Detroit, Wayne County, Michigan as recorded in Liber 28, Page 1, Plats, Wayne County Records;

Be and the same is hereby vacated (outright) as part of a private easement for public utilities to become part and parcel of the abutting property; and be it further

Resolved, All that part of Byron

Avenue, 60 feet wide, between Pallister Avenue and West Grand Boulevard lying easterly of and abutting the east line of the vacated east-west public alley [18 feet wide; in the block bounded by Poe, Byron and Bethune Avenues, and West Grand Boulevard; having been previously vacated and converted into a private easement for public utilities by City Council on February 25, 1987 — J.C.C. pages 433-35]; also lying easterly of and abutting the east line of Lots 9 thru 21 of "Lothrop and Duffield Boulevard Park Subdivision of part of Quarter Section 55, Ten Thousand Acre Tract, lying North of West Grand Boulevard," City of Detroit, Wayne County, Michigan as recorded in Liber 28, Page 1, Plats, Wayne County Records; also being the southerly 475.00 feet of the northerly 807.28 feet of the westerly 60.00 feet of a strip of land in 'Section 55, Ten Thousand Acre Tract', lying southerly of and abutting the south line of said "Irving Place Subdivision," City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; between Pallister Avenue and West Grand Boulevard, said strip being in continuance and extension of so-called Brock Avenue as opened; (NOTE: The public street name of all that part of "Brock Avenue" was changed to "Byron Avenue" by City Council on January 26, 1915.);

Be and the same is hereby vacated (outright) as part of a public (street) right-of-way to become part and parcel of the abutting property, subject to the following provisions, easements and building and use restrictions:

Provided, That a private utility easement for the Michigan Consolidated Gas Company is hereby reserved over the following part of Byron Avenue, 60 feet wide, between pallister Avenue and West Grand Boulevard lying easterly of and abutting the east line of Lots 9 thru 12 of "Lothrop and Duffield Boulevard Park Subdivision of part of Quarter Section 55, Ten Thousand Acre Tract, lying North of West Grand Boulevard," City of Detroit, Wayne County, Michigan as recorded in Liber 28, Page 1, Plats, Wayne County Records; also being the southerly 140.00 feet of the northerly 472.28 feet of the westerly 60.00 feet of a strip of land in 'Section 55, Ten Thousand Acre Tract', lying southerly of and abutting the south line of said "Irving Place Subdivision," City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; between Pallister Avenue and West Grand Boulevard, said strip being in continuance and extension of so-called Brock Avenue as opened; (NOTE: The public street name of all that part of "Brock Avenue" was changed to "Byron Avenue" by City Council on January 26, 1915.); and further

Provided, That a private utility ease-

ment for the Detroit Edison Company is hereby reserved over the following part of Byron Avenue, 60 feet wide, between Pallister Avenue and West Grand Boulevard lying easterly of and abutting the east line of Lots 13 and 14 of "Lothrop and Duffield Boulevard Park Subdivision of part of Quarter Section 55, Ten Thousand Acre Tract, lying North of West Grand Boulevard," City of Detroit, Wayne County, Michigan as recorded in Liber 28, Page 1, Plats, Wayne County Records; also being the southerly 72.00 feet of the northerly 544.28 feet of the westerly 60.00 feet of a strip of land in 'Section 55, Ten Thousand Acre Tract', lying southerly of and abutting the south line of said "Irving Place Subdivision," City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; between Pallister Avenue and West Grand Boulevard, said strip being in continuance and extension of so-called Brock Avenue as opened; (NOTE: The public street name of all that part of "Brock Avenue" was changed to "Byron Avenue" by City Council on January 26, 1915.);

First, Said owners hereby grant to and for the use of the Michigan Consolidated Gas Company and the Detroit Edison Company an easement or right-of-way over said vacated public street herein above described for the purposes of maintaining, installing, repairing, removing, or replacing underground utilities such as gas lines or mains, electric light conduits and/or electric power cable or things usually placed or installed by Michigan Consolidated Gas Company and the Detroit Edison Company underground in a public street in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth.

Second, Said utility easement or right-of-way in and over said vacated street herein above described shall be forever accessible to the maintenance and inspection forces of the Michigan Consolidated Gas Company and the Detroit Edison Company, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any electric light conduit and/or electric power cable, gas line or main, or light pole or any Michigan Consolidated Gas Company and Detroit Edison Company utility facility placed or installed in the underground utility easement or right-of-way. The Michigan Consolidated Gas Company and Detroit Edison Company shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned tasks, with the understanding

that the Michigan Consolidated Gas Company and Detroit Edison Company shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition,

Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, [except by written permission of the Michigan Consolidated Gas Company and the Detroit Edison Company; also necessary security installations, such as, by way of illustration, but not limitation: line fence, gates, and guard house structures shall be subject to the review and approval of the Michigan Consolidated Gas Company and the Detroit Edison Company] shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division-DPW.

Fourth, That if the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other Michigan Consolidated Gas Company and Detroit Edison Company utilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by Michigan Consolidated Gas Company and Detroit Edison Company, the utility owners.

Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged Michigan Consolidated Gas Company and Detroit Edison Company utilities; and further

Provided, That before any construction shall be permitted within the vacated (outright) parts of Byron Avenue and/or the vacated (outright) part of the private easement for public utilities, mentioned above, the Henry Ford Health System, a Michigan non-profit corporation, shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the petitioner shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval. All costs for plan review associated with the protection of sewers and/or other construction that may be required by DWSD [designed to prevent damages and maintain public sewer(s), water main(s), and

fire hydrant(s)], including but not limited to inspection and permits, shall be paid by the Henry Ford Health System and/or their contractors; and further

Provided, That the "Henry Ford Health System, a Michigan non-profit corporation, whose address is 1 Ford Place, Detroit, MI 48202" shall grant the Water and Sewerage Department through the Board of Water Commissioners (for and on behalf of the City of Detroit) a satisfactory easement for the rerouted 8-inches diameter water main(s) across property owned by the petitioner, and said Byron Avenue. After said easement has been reviewed and accepted by the Board of Water Commissioners (for and on behalf of the City of Detroit), then said grant of water main(s) easement shall be conveyed by a properly executed document, containing a legal description suitable for recording. Additionally, the Water and Sewerage Department shall record said executed document in the Wayne County Register of Deeds; and further

Provided, That upon satisfactory completion of the construction of said rerouted 8-inches diameter water main(s), the water main(s) shall become property of the City of Detroit and part of the DWSD water system network; and be it further

Provided, That the "Henry Ford Health System, a Michigan non-profit corporation, whose address is 1 Ford Place, Detroit, MI 48202" shall grant the Water and Sewerage Department through the Board of Water Commissioners (for and on behalf of the City of Detroit) a satisfactory easement [minimum 20 feet wide, center line over the public sewer crossing points at both the westerly and easterly lines of said Byron Avenue] for the existing 5.00 feet cylinder public sewer. After said easement has been reviewed and accepted by the Board of Water Commissioners (for and on behalf of the City of Detroit), then said grant of sewer easement shall be conveyed by a properly executed document, containing a legal description suitable for recording. Additionally, the Water and Sewerage Department shall record said executed document in the Wayne County Register of Deeds; and further

Provided, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds; and be it further

Resolved, The Finance Director is hereby authorized and directed to issue a quit-claim deed to transfer the following vacated public (street) right-of-way to the "Henry Ford Health System, a Michigan non-profit corporation, whose address is 1 Ford Place, Detroit, MI 48202" for the fair market value and/or other valuable considerations:

"Land in the City of Detroit, Wayne County, Michigan being Part of Quarter

Section 55, Ten Thousand Acre Tract, lying southerly of and abutting the south line of 'Irving Place Subdivision of Quarter Section 55 of Ten Thousand Acre Tract in Town 1 South, Range 11 East, Michigan,' City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; being described within the street opening resolution' as follows [said strip of land having been deeded to the City of Detroit for public street purposes and accepted by City Council on March 28, 1911 — J.C.C. page 403;]:

'A strip of land 60.00 feet in width adjoining said Brock Avenue and extending from the Southerly line of said "Irving Place Subdivision" to the said Northerly line of said Grand Boulevard, said strip being in continuance and extension of said Brock Avenue as at present opened.' (NOTE; The public street name of all that part of "Brock Avenue" was changed to "Byron Avenue" by City Council on January 26, 1915.); containing about 57,438 square feet or 1.3186 acres more or less; subject to easements and building and use restrictions of record."

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 9.

Nays — None.

Department of Public Works

October 31, 1995

Honorable City Council:

Re: Ford Freeway (I-94) Deck Overlay I-94 Over GTWRR. State Agreement #95-0343.

On May 24, 1995 (J.C.C. Page 1403) your Honorable Body approved City Contract No. 073121 with the Michigan Department of Transportation which provided for an estimated amount of \$17,825.00 for the City's share for the following project described as follows:

Emergency bituminous overlay of the deck and approaches for structure R01 of 82024 which carries Highway I-94 over the Grand Trunk Western Railroad and which includes all maintaining traffic work; together with necessary related work; located within the corporate limits of the City.

Based on the bid price and best available information from the Michigan Department of Transportation, the project is anticipated to cost \$260,000. The estimated City share of the revised cost would now be \$30,000, an increase of \$12,175 from the originally estimated City share of \$17,825.

We therefore recommend adoption of the attached resolution, which authorizes the Finance Director to increase the amount of City Contract No. 073121 from \$17,825 to \$30,000. The increase will come from appropriation No. 4189, Major