

accordance with the Offer to Purchase, the Planning and Development Department Director be authorized to issue a Quit Claim Deed for the described property to purchaser upon payment of the purchase price.

Recommended:

JOSEPH J. VASSALLO

Deputy Director

Adopted as follows:

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

Nays — None.

By Council Member Cockrel:

Re: Sale of Property — vacant lot — (N) Grand Blvd., between LaSalle & 14th Street a/k/a 2405 W. Grand Blvd.

Whereas, The Planning and Development Department has received and recommends acceptance of an Offer to Purchase in the amount of \$1,600.00 cash, plus a deed recording fee in the amount of \$11.00 cash, from Alan Weiner, for the purchase of property described on the tax rolls as:

Lot 391; LaSalle Gardens being Subdivision of Lots 13 to 32 (both inclusive) of the Subdivision of 1/4 Section 54, 10,000 Acre Tract, City of Detroit, Wayne County, Michigan. Rec'd L. 25, P. 100 Plats, W.C.R.

which is a vacant lot, measuring 40' x 204.75 feet and zoned R-5. The purchaser proposes to expand parking lot.

Now, Therefore, Be It Resolved, that, in accordance with the Offer to Purchase, the Planning and Development Department Director be authorized to issue a Quit Claim Deed for the described property to purchaser upon payment of the purchase price with the Deed to include an attachment clause.

Recommended:

JOSEPH J. VASSALLO

Deputy Director

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**

March 21, 1997

Honorable City Council:

Re: Petition No. 2452 Mohamad Rida (together with Marathon Oil Company) Alley to Easement easterly half of the east-west public alley in the block bounded by Livernois, Dragoon, Fort and the Fisher Freeway; also requesting permission to maintain an existing underground motor fuel piping system encroaching across the alley

Petition No. 2452 of "Mohamad Rida (together with Marathon Oil Company)" requests the conversion of the easterly half of the east-west public alley, 18 feet wide, in the block bounded by Livernois and Dragoon Avenues, W. Fort Street and the Fisher Freeway into a private easement for public utilities; also to maintain an existing underground motor fuel piping system encroaching across the (converted) public alley.

The petition was referred to the City Engineering Division - DPW [by the Planning and Development Department on February 18, 1997] for investigation (utility review) and report. This is our report:

The enforcement of fire safety regulations and building codes are the responsibility of the Fire Marshal and Buildings and Safety Engineering Department. However, the Fire Marshal and Buildings and Safety Engineering Department reported no objections to the maintenance of an existing underground motor fuel piping system.

The petitioner plans to use the paved alley return entrance (into Dragoon Avenue) and requests such remain in its present status. The abutting property owner(s) shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

Provisions protecting the facilities of the Ameritech/Michigan Bell Telephone Company, Detroit Edison Company, Public Lighting Department, and the Water and Sewerage Department are incorporated into the resolution.

All other city departments and privately-owned utility companies reported no objections to the conversion of public rights-of-way into a private easement for public utilities. Should damages to utilities occur Mohamad Rida and/or Marathon Oil Company shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI,

City Engineer

By Council Member Cockrel:

RESOLVED, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Mohamad Rida and/or Marathon Oil Company" to maintain all that part of an existing underground motor fuel piping system encroaching across the easterly portion of the east-west (converted public) alley, 18 feet wide, in the block bounded by Livernois and Dragoon Avenues, W. Fort Street and the Fisher Freeway, abutting property described (in part) as follows:

The western 142.00 feet of Lot 56 (except that part taken for the Fisher Freeway Service Drive), and Lots 57 thru 62 of "Daniel Scotten's Resubdivision of

March 26

Lots 122, 125, 126, 655 and 845 and of Alley of Daniel Scotten's Resubdivision of Private Claim 32 and the East part of Private Claim 268 lying between Fort Street and Dix Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 17, Page 41, Plats, Wayne County Records;

Encroachment to consist of part of an existing underground motor fuel piping system encroaching across the easterly portion of the east-west (converted public) alley, 18 feet wide, in said block, abutting the above described lots;

PROVIDED, The petitioner, Mohamad Rida and/or Marathon Oil Company, shall make application to the Buildings and Safety Engineering Department for a building permit. All costs for plan review, inspection, and permits shall be paid by Mohamad Rida and/or Marathon Oil Company; and further

PROVIDED, If the public sewer and/or overhead utility wires located (or to be located) in said (converted public) alley shall break, causing damage to any privately-owned construction, property or materials, the petitioner, "Mohamad Rida and/or Marathon Oil Company", or their assigns [by acceptance of permits for construction over or near the public sewer and/or overhead utility wires] waives all claims for damages to the encroaching installations and agree to pay the costs incurred in their removal, if removal becomes necessary; and further

PROVIDED, If the public sewer and/or overhead utility wires located (or to be located) in said (converted public) alley shall break or be damaged as a result of any action on the part of "Mohamad Rida and/or Marathon Oil Company" or their assigns (by way of illustration but not limitation, such as storage of excessive weights of materials, or any construction not in accordance with Provisions 1 and 2 above), then the petitioner, "Mohamad Rida and/or Marathon Oil Company", or assigns shall be liable for all costs incidental to the repair of the broken or damaged public sewer and/or overhead utility wires. "Mohamad Rida and/or Marathon Oil Company" and assigns shall be liable for all claims, damages, and/or expenses resulting from their action(s); and further

PROVIDED, "Mohamad Rida and/or Marathon Oil Company" (at the time of obtaining said permits) shall file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of said permits and the faithful or unfaithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of part of an existing underground motor fuel piping

system encroachment across and beneath a (converted public) alley; and further

PROVIDED, "Mohamad Rida and/or Marathon Oil Company" shall apply to and become a participating member of the "Miss Dig" organization; and further

PROVIDED, The (encroachment part of this) resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further

PROVIDED, The maintenance of part of an existing underground motor fuel piping system [encroaching within the (converted public) alley; said installation requires the filing of an indemnity agreement and/or the securing of the necessary permit(s)] referred to herein shall be construed as acceptance of this resolution by the permittee, "Mohamad Rida and/or Marathon Oil Company"; and further

PROVIDED, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and be it further

RESOLVED, All that part of the east-west public alley, 18 feet wide, in the block bounded by Livernois and Dagoon Avenues, W. Fort Street and the Fisher Freeway lying southerly of and abutting the south line of the western 142.00 feet of Lot 56; also lying northerly of and abutting the north line of western 24.00 feet of Lot 57, the eastern 3.00 feet of Lot 62, and Lots 58 thru 61 of "Daniel Scotten's Resubdivision of Lots 122, 125, 126, 655 and 845 and of Alley of Daniel Scotten's Resubdivision of Private Claim 32 and the East part of Private Claim 268 lying between Fort Street and Dix Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 17, Page 41, Plats, Wayne County Records;

Be and the same is hereby vacated as (part of a) public alley and is hereby converted into a private easement for public utilities of the full width of the alley, 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 alley 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 alley 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 alley 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 alley 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; also except the part of an existing underground motor fuel piping system as referenced above in the encroachment portion of this resolution, including related construction that may be required by the Water and Sewerage Department, Public Lighting Department (PLD), Detroit Edison Company (DE Co.) and/or Ameritech/Michigan Bell Telephone Company (A/MBT Co.) designed to prevent damage to the public sewer and/or overhead utility wires] 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 alley 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 neces-

sary to remove the paved alley return at the entrance (into Dragoon Avenue), 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 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 Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.

**Finance Department
Purchasing Division**

March 25, 1997

Honorable City Council:

The Purchasing Division of the Finance Department recommends Contracts with the following firms or persons.

71506—Change Order No. 03 — Increase contract amount to provide legal services to Cable Commission and the Corporation Counsel's office in the matter of the development and evaluation of a Request for Proposal for a fiber optic network and provide other legal and technical services as requested. June 21, 1993 until completion of the project. Varnum, Riddering, Schmidt, 333 Bridge, N.W., Grand Rapids, MI. Increase of \$90,000.00 Not to exceed \$233,000.00. LAW

75028—Change Order No. 01 — Increase contract amount for legal services: Real estate transaction training. August 26, 1996 until satisfactory completion of the services. Clark Hill, P.L.C., 1001 Woodward, Suite 1600, Detroit, MI. Increase of \$50,000.00 Not to exceed \$100,000.00. Law

75333—Federal Funding — Provide Fiscal Management Services for the financial reimbursement of the costs of Substance Abuse Research Consultation Project. October 1, 1996 through September 30, 1997- Southeastern Michigan Health Association, 222 Fisher Bldg., 3011 W. Grand Blvd., Detroit, MI. Not to exceed \$80,089.00 with an advance payment of \$10,111.00. Health

75610—Provide Professional Services for City Council's Historic Designation Advisory Board. Upon City Council Approval to expire one year thereafter. Mark English Associates, Inc., 20122 Livernois Avenue, Detroit, MI. Not to exceed \$13,500.00. City Council

75653—100% Federal Funding — Project Director for Healthy Start Initiative — October 1, 1996 through September 30, 1997 - \$71.28/hr. John B. Waller, Jr.,