

tion and the foregoing communication. That Appropriation Number 0648 for Fiscal Year 1996-97 has been previously increased by your Honorable Body in the amount of \$689,583, and its use to provide matching funds for the above grant has been previously authorized, and be it further,

Resolved, That investment earnings on these funds retroactive to the date of receipt of Federal Funds and for the remaining term of the grant shall be used to increase the grant program and be utilized exclusively for the enhancement of the program.

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

July 15, 1997

Honorable City Council:

The Department of Public Works-City Engineering Division is submitting the following listed cancellations for approval of your Honorable Body:

Issue Number	Name	Amount to Be Cancelled
F83933	Ameritech	7,800.05
F83996	Ameritech	10,329.50
F86496	Ameritech	7,854.80
F89413	Ameritech	14,808.05
F89427	Ameritech	9,106.75
F89440	Ameritech	6,807.25
F89514	Ameritech	13,928.40
G27665	Ameritech	4,300.00
G27676	Ameritech	22,268.00
G27677	Ameritech	13,448.00
G27678	Ameritech	8,704.00
G27679	Ameritech	15,116.00
G27774	Ameritech	16,052.00
G29680	Ameritech	1,600.00
G29712	Ameritech	6,300.00
G29731	Ameritech	3,660.00
G29790	Ameritech	13,992.00

Respectfully submitted,

CLYDE D. DOWELL

Director

Approved:

JON MESSNER

Deputy Budget Director

ROGER SHORT

Deputy Finance Director

By Council Member Ravitz:

Resolved, That in accordance with the above communication, the Finance Director is hereby authorized to cancel Accounts Receivable issued to Ameritech.

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**

July 25, 1997

Honorable City Council:

Re: Petition No. 2708 Recreation Department Grand Circus Park Renovations Street to Easement two parts of Woodward, south of Adams. Recreation Department has received drawings entitled: "Grand Circus Park—Renovation/Phase 1." The plans include a proposal to relocate "Pingree" and "Maybury" statues; also to place two new "South Entrance" monuments on both sides of Woodward Avenue (variable width) as encroachments within public sidewalk space.

However, it is advisable to maintain a separation of city department resources in Grand Circus Park (under the jurisdiction of Recreation Department) and Woodward Avenue (under the jurisdiction of the Department of Public Works). One way to achieve the separation of city department resources is to convert two parts of Woodward Avenue into a private easement for public utilities. Therefore, Petition No. 2708 of the "Recreation Department" requests the conversion of two parts of Woodward Avenue (variable width), south of Adams Avenue into a private easement for public utilities.

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

Woodward Avenue (variable width) abutting Grand Circus Park is under the jurisdiction of the City of Detroit.

To determine the nature and extent of four proposed monuments extending into Woodward Avenue, City Engineering Division — DPW (CED) examined drawings prepared by "The Albert Kahn & Schervish Vogel Collaborative, inc." [Harmonie Centre, 277 Gratiot Avenue, Detroit, MI 48226-2217; phone: 313-963-3100; fax: 313-965-2377; Job No. 8001]. CED sent the following drawings to city departments and privately owned utilities for their review and approval:

- GD-1 General Development Plan
- SD-8 Pingree & Maybury Monument Plazas
- S-1 Project Survey (drawing)
- SD-9 South Entrance Monuments
- SD-10a Pingree Monument (Lighting Plan, Elevations and Details)
- SD-16 Sections and Details (Pingree & Maybury Monument Plans)
- SD-10b Maybury Monument (Lighting Plan, Elevations and Specifications)

All city departments and privately owned utility companies reported no objections to the four proposed monuments. "Care and caution" must be used in excavations near buried utilities. Provisions to protect utilities are part of the vacating resolution. Also, Traffic

Engineering Division — DPW approved the reduced public (street right-of-way) sidewalk space on both sides of Woodward Avenue (variable width) abutting Grand Circus Park.

I am recommending adoption of the attached resolution.

Respectfully submitted,
 SUNDAY JAIYESIMI,
 City Engineer
 City Engineering Division—DPW

By Council Member Scott:

Whereas, Recreation Department has received drawings entitled: "Grand Circus Park Renovation/Phase 1." The plans include a proposal to relocate "Pingree" and "Maybury" statues; also to place two new "South Entrance" monuments on both sides of Woodward Avenue (variable width) as encroachments within public sidewalk space; and

Whereas, It is advisable to maintain a separation of city department resources in Grand Circus Park (under the jurisdiction of Recreation Department) and Woodward Avenue (under the jurisdiction of the Department of Public Works). One way to achieve the separation of city department resources is to convert two parts of Woodward Avenue into a private easement for public utilities. Therefore, Petition No. 2708 of the "Recreation Department" requests the conversion of two parts of Woodward Avenue (variable width), south of Adams Avenue into a private easement for public utilities; and

Whereas, Woodward Avenue (variable width) abutting Grand Circus Park is under the jurisdiction of the City of Detroit; and

Whereas, The Traffic Engineering Division — DPW is responsible for the review of safe pedestrian public sidewalk space within public street rights-of-way. Traffic Engineering (in a report received by City Engineering Division — DPW on June 3, 1997; signed by Ashok M. Patel for Dennis Zawaski, Assistant Director) states: "Involved; have no objections to the proposed conversion to easement of portions of Woodward Ave. R.O.W. between Adams and Park provided as detailed in the attached drawing no. 2708." The City Engineering Division - DPW prepared the vacating resolution below primarily on the basis of the quoted Traffic Engineering reply. Traffic Engineering Division — DPW shall assume full responsibility for their evaluation of the reduced public (street right-of-way) sidewalk space, including proposed encroachments, on both sides of Woodward Avenue (variable width) abutting Grand Circus Park. Traffic Engineering Division — DPW shall assume full responsibility for indicating that the remaining sidewalk space is safe

and convenient for public travel; therefore be it

Resolved, All of a westerly part of Woodward Avenue (variable width) between W. Adams and Park Avenues, lying easterly of and abutting the western half of Grand Circus Park being more particularly described as follows: Beginning at the southwestern corner of W. Adams Avenue (60 feet wide) and Woodward Avenue (variable width); thence N.59°36'30"E., 30.44 feet, along the south line extended easterly of said W. Adams Avenue; thence S.28°40'19"E., 360.01 feet; thence S.67°51'47"W., 19.84 feet; thence N.30°23'29"W., 357.00 feet, along the westerly line of said Woodward Avenue to the point of beginning, containing about 8,983 square feet or 0.2062 acre more or less; (said western half of Grand Circus Park being unplatted land in the City of Detroit, Wayne County, Michigan lying within "Plan of Section Numbered Eight of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges," as recorded in Liber 34, Page 543, Deeds, Wayne County Records; also lying within "Plan of Section Numbered Ten of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges," as recorded in Liber 34, Page 553, Deeds, Wayne County Records; also lying "Plan of Section Numbered Twelve of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges," as recorded in Liber 34, Page 555, Deeds, Wayne County Records); also

All of an easterly part of Woodward Avenue (variable width) between E. Adams and Witherell Avenues, lying westerly of and abutting the eastern half of Grand Circus Park being more particularly described as follows: Beginning at the southeastern corner of E. Adams Avenue (60 feet wide) and Woodward Avenue (variable width); thence S.60°37'51"W., 4.62 feet, along the south line extended westerly of said E. Adams Avenue; thence S.24°06'44"E., 361.22 feet; thence N.52°06'09"E., 17.93 feet; thence N.26°10'01"W., 357.60 feet, along the easterly line of said Woodward Avenue to the point of beginning, containing about 3,970 square feet or 0.0853 acre more or less; (said eastern half of Grand Circus Park being unplatted land in the City of Detroit, Wayne County, Michigan lying within "Plan of Section Numbered Seven of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges," as recorded in Liber 34, Page 544, Deeds, Wayne County Records; also lying within "Plan of Section Numbered Nine of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges," as recorded in Liber 34, Page 552, Deeds, Wayne County Records); also

lying "Plan of Section Numbered Eleven of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges," as recorded in Liber 34, Page 554, Deeds, Wayne County Records);

Be and the same are hereby vacated as two parts of a public street and are hereby converted into a private easement for public utilities of the full width (of the above described two parts) of the street, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the Recreation Department (city jurisdiction holder under Detroit Code Section 40 of the public park land commonly known as "Grand Circus Park") abutting on said street and by their administrators and assigns, forever to wit:

FIRST, said Recreation Department (city jurisdiction holder under Detroit Code Section 40 of the public park land commonly known as "Grand Circus Park") hereby grants to and for the use of the public an easement or right-of-way over said vacated two parts of 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 two parts of 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 resolution, shall be restored to a satisfactory condition,

THIRD, said Recreation Department (city jurisdiction holder under Detroit Code Section 40 of the public park land commonly known as "Grand Circus Park") and their administrators and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls,

(except the appurtenances previously approved and/or associated with Grand Circus Park — Renovation/Phase 1 development plans, drawings prepared by "The Albert Kahn & Schervish Vogel Collaborative, Inc." [Harmonie Centre, 277 Gratiot Avenue, Detroit, MI 48226-2217; phone: 313-963-3100; fax: 313-965-2377; Job No. 8001j; dated about September 1996] 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 Recreation Department (city jurisdiction holder under Detroit Code Section 40 of the public park land commonly known as "Grand Circus Park") abutting on said two parts of vacated public street shall request the removal and/or relocation of any existing bus shelter(s), Public Lighting Department light poles, or other utilities in said easement, such Recreation Department (city jurisdiction holders under Detroit Code 40 of the park land), shall make arrangements to offset the costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners; However, prior to the processing of bills, the Recreation Department shall consult with the Law Department to determine which utility removal and/or relocation costs incidental to this public park renovation project are obligatory under current Michigan court rulings;

FIFTH, that if any utility located within said two parts of vacated public street property shall break or be damaged as a result of any action on the part of said Recreation Department (city jurisdiction holder under Detroit Code Section 40 of the public park land commonly known as "Grand Circus Park") or assigns (by way of illustration but not limitation) such as construction not in accordance with Section 3, mentioned above, then in such event said Recreation Department (city jurisdiction holders under Detroit Code 40 of the park land) or assigns shall make arrangements to offset the costs incidental to the repair of such broken or damaged utility, unless such charges are waived by the utility owners; However, prior to the processing of bills, the Recreation Department shall consult with the Law Department to determine which utility costs incidental to this public park renovation project are obligatory under current Michigan court rulings; 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.