

**Department of Public Works  
City Engineering Division**

April 21, 1998

Honorable City Council:

Re: Petition No. 3500. Metry-Lawn Landscaping, et al. Alley to Easement east-west public alley in the block bounded by Nottingham, Somerset, Mack and Brunswick.

Petition No. 3500 of "Metry-Lawn Landscaping, et al" requests the conversion of the east-west public alley, 16 and 20 feet wide, in the block bounded by Nottingham, Somerset, Mack and Brunswick Avenues 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:

Solid Waste Division — DPW, and Traffic Engineering Division — DPW approved the public alley closing.

The petitioner(s) plan to use the paved alley return entrances (into Nottingham and Somerset Avenues) and requests such remain in their present status. The abutting owner(s) shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

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. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW  
By Council Member S. Cockrel:

Resolved, All of the east-west public alley, 16 and 20 feet wide, in the block bounded by Nottingham, Somerset, Mack and Brunswick Avenues lying southerly of and abutting the south line of Lot 3; also lying northerly of and abutting the north line of Lots 4 through 9 of "Meininger Subdivision being part of Private Claims 126 and 127," City of Detroit, Wayne County, Michigan as recorded in Liber 46, Page 47, Plats, Wayne County Records; also lying southerly of and abutting the south line of the eastern 103.50 feet of Lot 11; also lying northerly of and abutting the north line of Lots 6 through 10 of "Nottingham Subdivision of part of Private Claims 126 and 127 between Mack and Harper Avenues, Gratiot and Grosse Pointe Townships," City of Detroit, Wayne County, Michigan as recorded in Liber 38, Page 26, Plats, Wayne County Records.

Be and the same is hereby vacated as 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; 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 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 necessary to remove the paved alley return(s) at their entrance(s) (into Nottingham and/or Somerset Avenues), 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, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Williams, and President Hill — 9.

Nays — None.

**Department of Public Works**

March 31, 1998

Honorable City Council:

Re: 1997-98 ACT 51 Motor Vehicle Highway Funds.

Each year the City of Detroit receives a distribution of Motor Vehicle Highway funds from the State of Michigan in accordance with ACT 51, Public Acts of 1951, as amended.

Past experience has indicated that the level of expenditure required to maintain the Local Streets has been somewhat greater than the amount of funds received for this purpose.

Section 13(6)(a) of ACT 51, P.A. 1951 as amended, however, allows a city to use on the local street system up to 25 percent per annum of funds returned to the City for its major street system.

To take advantage of this allowable transfer of funds to more accurately reflect expenditures of the street system, we respectfully request that your Honorable Body adopt the attached resolution which authorizes the Finance Director to accomplish the transfer.

Respectfully submitted,  
CLYDE D. DOWELL  
Director

Approved:

J. EDWARD HANNAN  
Budget Director

ROGER SHORT  
Deputy Finance Director

By Council Member Tinsley-Williams:

Resolved, That, in accordance with the foregoing communication, the Finance Director is hereby authorized to transfer up to 25% of the Major Street Fund to the Local Street Fund.

Adopted as follows:

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

Nays — None.

**Recreation Department**

March 31, 1998

Honorable City Council:

Re: Proposed Application for Michigan Department of Environmental Quality Coastal Zone Management Grant Program 1998-99.

The Recreation Department proposes to submit one application for State funding under the Michigan Department of Environmental Quality (MDEQ) Coastal Zone Management (CZM) Program. It is as follows:

**Jefferson Avenue Riverfront Parks Signage Project**

The Recreation Department proposes to develop and install banners at the intersections on Jefferson Avenue that lead to the existing riverfront parks. The banners will bear a new riverfront parks theme logo and will help residents and visitors find our riverfront parks more easily. The level of assistance being sought from the MDEQ for this project is \$48,000, with a local match of \$52,000, for a total project cost estimated at \$100,000. Local match will be available in two accounts: use of existing architectural staff, \$10,000 from FY98/9 Appropriation 0133, Cost Center 0040, and \$42,000 from FY98/9 Appropriation 0905, Cost Center 0909 (Riverfront Parks).

If these grant applications are approved by your Honorable Body, and the State awards the grants, each project will be completed by October 1, 1999 as required by the Grantee.

The Michigan Department of Environmental Quality Coastal Zone Program application process requires a resolution from the local governing body authorizing the application, verifying the availability of the local match, and stating the City's willingness to accept the State funds if the grants are offered. (If successful with the grant applications, we will then approach your Honorable Body requesting approval to accept the grants.)

The Recreation Department respectfully requests that your Honorable Body grant approval to the Recreation Department to file the grant application. Approval of the attached resolution is needed by the end of April, 1998 in order to meet the application due date.

Respectfully submitted,  
ERNEST W. BURKEEN, JR.  
Director

Approved:

JON MESSNER  
Deputy Budget Director  
VALERIE L. JOHNSON  
Finance Director