

which is granted expressly on the condition that all said encroachments shall be removed at the expense of the permittee at any time when so directed by City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division — DPW at the sole cost and expense of "MGM Grand Detroit, LLC", and further

Provided, That said permits issued by the City Engineering Division — DPW and/or the Buildings and Safety Engineering Department are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinance(s), or resolution(s), or City policies (governing the placement of encroachments in public rights-of-way) are amended to provide for the levying thereafter, of a fee, charge or rental, to be hereafter determined upon, for the occupancy of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said charter, or code(s), or ordinance(s), or resolution(s), or policies; also said permittee does hereby bind itself there unto, and to accept said permits on the conditions hereby imposed, and in the event said permittee shall contest the validity of said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; and further

Provided, The encroachments in 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 expressed stated herein; and further

Provided, The installation and maintenance of any encroachments referred to herein shall be construed as acceptance of this resolution by the permittee; and further

Provided, That the encroachment(s), permit(s) shall not be assigned or transferred without the written approval of the City Council; 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-Talabi, and President Hill — 9.

Nays — None.

**Department of Public Works
City Engineering Division**

July 30, 1999

Honorable City Council:

Re: Petition No. 1113 — Aarmax,

requesting vacation of the commercial alley in the area of Seven Mile Road and Evergreen.

Petition No. 1113 of "Aarmax Commercial Realty Group, Inc.", requests the vacation (outright) of the east-west, public alley, 20 feet wide, in the block bounded by Vaughan, Evergreen, Clarita, and West Seven Mile Road.

The requested vacation was approved by the Planning and Development Department. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

Aarmax Commercial Realty Group, Inc., requests to vacate said alley in order to facilitate the construction of a new Rite Aid Store.

The Public Lighting Department (PLD), Detroit Edison Company, and Ameritech has reached satisfactory agreements with the petitioner regarding their facilities.

Provisions protecting the Detroit Water and Sewerage Department's interests in the public sewer are incorporated into the vacating resolution.

All other city departments and privately-owned utility companies have reported no objections to the vacation of the public rights-of-way.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
SUNDAY JAIYESIMI

City Engineer

By Council Member S. Cockrel:

Resolved, All of the east-west public alley, 20 feet wide, in the block bounded by Vaughan Avenue, 50 feet wide, Evergreen Road, 96 feet wide, Clarita Avenue, 50 feet wide, and West Seven Mile Road, 96 feet wide lying southerly of and abutting the south line of lot(s) 18-26, both inclusive; also lying northerly of and abutting the north line of lot(s) 17 and 27; Also, all that part of the north platted utility easement, 6 feet wide through lot(s) 27-31, inclusive; and lots 13-17, inclusive, as platted in "Fortune Heights Subdivision" of part of N. E. 1/4 of N. E. 1/4 of Sec. 10, T. 1S., R. 10 E., Redford Twp., Wayne County, Michigan as recorded in Liber 50, Page 91, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley platted utility easement to become a part and parcel of the abutting property; subject to the following provisions:

Providing, That the petitioner as part of outright vacation of the E/W 20 feet wide public alley bounded by Clarita, Evergreen, Vaughan and West Seven Mile, as well as the N/S easement south of subject E/W alley through lot(s) 13-17 and lot(s) 27-31, inclusive, shall relocate the existing sewers located therein; and further

Provided, That the Detroit Water and

Sewerage Department (DWSD) be and is hereby authorized to review the drawings for the relocation of the sewer lines and to issue a permit for construction; and further

Provided, That the plans for the relocation of the sewers shall be prepared by a registered engineer; and further

Provided, That the entire work is to be performed in accordance with plans and specifications approved by the DWSD and be constructed subject to the inspection and approval of the DWSD; and further

Provided, That the entire cost of the sewer construction including inspection, survey and engineering shall be borne by the petitioner; and further

Provided, That the petitioner shall deposit with the DWSD, in advance of engineering, inspection and survey, such amounts as that Department deems necessary to cover the cost of these services; and further

Provided, That the petitioner shall grant the City of Detroit a satisfactory easement, if required, for the sewer lines before start of construction; and further

Provided, That the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City of Detroit; and further

Provided, That upon satisfactory completion of the sewer line construction, the sewer line shall be City of Detroit property and become part of the City System; and further

Provided, That the existing sewers located in the E/W alley and N/S easement which are being vacated are to be abandoned as City sewers to become the responsibility of the petitioner; and further

Provided, A certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

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

Nays — None.

**Department of Public Works
City Engineering Division**

July 30, 1999

Honorable City Council:

Re: City of Detroit Downtown Development Authority ("DDA"). Land Assemblage Program. Four public street right-of-way easements — space to install an underground wall retention "anchor system" in the block, bounded by Woodward, Farmer, Gratiot and Grand River

City Council previously approved Petition No. 1237 to allow for the redevelopment of the site bounded by Woodward Avenue, Farmer Street, Gratiot and Grand

River Avenues (May 5, 1999 - J.C.C. pages pending).

The site redevelopment plan includes a publicly financed, constructed, owned and operated underground parking garage. The design plan constructs the garage in the basement space left by the demolished building—using the existing basement walls by installing a permanent anchor system extending into public street rights-of-way. The "DDA" requests City Council approval to create four public street right-of-way easements—being delimited space to install an underground "anchor system".

City Engineering Division — DPW is responsible to obtain utility clearances. This is our report:

The People Mover Guideway caissons remain below grade within Farmer Street. The anchor system has to be aligned to prevent damages to the existing People Mover Guideway caissons.

The "Woodward Mall canopy" caissons remain below grade within Woodward Avenue. The anchor system must be aligned to prevent damages to the existing "Mall canopy" caissons.

It is the determination of the Department of Public Works, City Engineering Division after consultation with the City of Detroit Law Department, that the aforementioned redevelopment plan utilizing an underground anchor system is a public economic development project. Therefore, all private or public utility facilities and structures, excluding Woodward Mall and People Mover Guideway caissons, conflicting with the anchor system within the proposed four easements must relocate their facilities and structures at no cost to the development project; subject to these restrictions.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI,
City Engineer

By Council Member S. Cockrel:

Whereas, City Council previously approved Petition No. 1237 to allow for the redevelopment of the site bounded by Woodward Avenue, Farmer Street, Gratiot and Grand River Avenues (May 5, 1999 - J.C.C. pages pending); and

Whereas, The site redevelopment plan includes a publicly financed, constructed, owned and operated underground parking garage. The design plan constructs the garage in the basement space left by the demolished building—using the existing basement walls by installing a permanent anchor system extending into public street rights-of-way. The "DDA" requests City Council approval to create four public street right-of-way easements—being delimited space to install an underground "anchor system"; and

Whereas, Department of Public Works,