

being able to have continuous direct access via vacated Adams to and from the parking lot located to the east of Ford Field. The Tigers' organization has requested assurances that the pedestrian "mall" presented in the plans for Ford Field would be open before and after all Tigers' games to allow Tiger fans to walk directly to and from the parking lot.

CPC staff has been informed that a letter has been sent from the Lions' organization to Denise Illitch stating the Lions' intention to retain pedestrian access through the area between the existing Hudson's warehouse and the new Ford Field construction, although this is at the Lions' discretion. Vacated Adams is intended to be a very friendly, highly interactive space. Pedestrian traffic will be encouraged to support the various restaurants and other commercial tenants anticipated in this area.

With this information and the previous action of the Planning Commission on January 6, 2000, CPC staff recommends approval of the vacation of Adams Street as proposed, and the approval of the resolution relative to amendment of the project boundaries. This vacation is consistent both with the plans presented to your Honorable Body by the Lions and the request before your Honorable Body by the Downtown Development Authority (DDA) to amend the Tigers/Lions Stadium Complex project boundaries.

Respectfully submitted,
MARSHA S. BRUHN
Director
GREGORY MOOTS
Staff

**Department of Public Works
City Engineering Division**

January 17, 2000

Honorable City Council:

Re: Petition No. 2152 — "DLI Properties, L.L.C.", requesting outright vacation of streets, alleys and utility easements in the area bounded by Adams, Brush, Beaubien and Beacon.

Petition No. 2152 of "DLI Properties, L.L.C.", requests for the outright vacation of Adams Street, 50 feet wide, between Brush Street, 50 feet wide, and St. Antoine Street, 50 & 59.83 feet wide, except for a Detroit Edison manhole no. 7988 and lines extending west of this manhole; also Beaubien Street, 40 feet wide, from the south line of Adams Street south to a point 15.00 feet north of the north line of Beacon Street, 50 feet wide; also, the remaining portion of the north-south public alley, 20 feet wide, first west of St. Antoine Street between Beacon and Adams Street, in order to facilitate construction of "Ford Field" the New Detroit Lions football stadium.

The petition was referred to the City Engineering Division — DPW for investi-

gation (utility review) and report. This is our report.

The Traffic Engineering Division — DPW has approved this public street closing.

The Detroit/Wayne County Stadium Authority is the owner of certain property abutting the requested changes in public rights-of-way, and as the owner, has no objection and has consented to Petition No. 2152.

ComCast Cablevision of Detroit has reported it will be necessary to remove and/or reroute services in the requested rights-of-way to be outright vacated, at an estimated costs of \$88,606.48, to be paid before vacation can take place.

The Public Lighting Department (PLD) is relocating its underground facilities located out of Adams St., between Brush and St. Antoine Streets. The relocation work also includes underground facilities located in Beaubien St. between Adams St. and a line 15.00 feet north of Beacon St. Relocation costs to petitioner will be forwarded through the Downtown Development Authority and its consultant.

Detroit Edison has reported that its underground facilities in the area are scheduled to be relocated.

Ameritech (MBT) has facilities underground in Adams St. between Brush St. and St. Antoine St. Costs of rerouting facilities are \$76,218.65, to be paid before vacation can take place. Reroute will take approximately 6-8 weeks once payment issues are settled.

The Detroit Water and Sewerage Department (DWSD) has reviewed the subject petition and based on their review, DWSD finds that they have, 48", 24" and 8" water mains in Adams St., a 10" water main and 3'-8" x 5'-6" and 3'-0" sewer(s) in Beaubien St.; 15" x 20" sewer in the north-south public alley north of Beacon St. and west of St. Antoine St.

DWSD has no objections to the outright vacations proposed in petition no. 2152 provided that the DWSD retains temporary easements and unobstructed access to maintain water and sewer facilities in streets and alleys until the petitioner completes the following:

1. The petitioner shall relocate the existing 48" water main in Adams per plans approved by DWSD and under DWSD permit and inspection at petitioner's expense.
2. The petitioner shall provide all the required permanent easements for the relocated 48" water main as required by DWSD.
3. Cut and cap existing 8" and 24" water mains in Adams and 10" water main in Beaubien as per plans approved by DWSD and under DWSD permit and inspection at petitioner's expense.
4. Bulkhead existing 3'-8" x 5'-6" and 3'-0" sewers in Beaubien and build manholes

on both of the sewers as per plans approved by DWSD.

5. Bulkhead 15" x 20" sewer in alley north of Beacon.

6. Construct manhole on 15" x 20" sewer in the alley north of Beacon and abandon the sewers as per plans approved by DWSD.

7. The existing water mains and sewers in the streets and alleys proposed to be vacated outright, shall be abandoned as city water mains and sewers to become the responsibility of the petitioner.

8. All work necessary to relocate the water mains, construct manholes and abandon the water mains and sewers is to be done by the petitioner at no costs to DWSD. In addition, all the work is to be done under DWSD's permit and inspection and accordance with plans reviewed and approved by DWSD.

All other city departments and privately owned utility companies have reported no objections to the reported changes in public rights-of-way, or that satisfactory arrangements have been made. Provisions protecting DWSD installations are a part of this resolution.

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

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

By Council Member S. Cockrel:

Whereas, The Detroit Water and Sewerage Department (DWSD) retains temporary easements and unobstructed access to maintain water and sewer facilities in the streets and alleys until DWSD provisions have been met; and be it further

Whereas, Satisfactory arrangements are to be made with ComCast Cablevision of Detroit, the Public Lighting Department and Ameritech, for costs to relocate or reroute their facilities in order for this outright vacation to take place; and be it further

Whereas, The Detroit/Wayne County Stadium Authority is the owner of certain property in the project area and has no objection to the proposed redevelopment; and be it further

Resolved, All that part of Adams Street, 60 feet wide, between Brush and St. Antoine Streets, lying southerly of and abutting the south line of lot(s) 39 & 40 and lying northerly of and abutting the north line of lot(s) 45 & 46 of "Houghton's Section of the Brush Farm" as recorded in liber 7, page 174, City records, Wayne County Records; Also, that part of Adams Street, 60 feet wide, lying southerly of and abutting the south line of lot(s) 17-20, both inclusive, and vacated Beaubien Street, 40 feet wide, of the "Plat of the Subdivision of Outlot 172 on the Lambert Beaubien Farm" as recorded in liber 31,

page 94, deeds, Wayne County Records; Also, that part of Adams Street, 60 feet wide, lying southerly of and abutting the south line of lot(s) 30-33, both inclusive, of the "Subdivision of Outlot 173 Lambert Beaubien Farm" as recorded in liber 35, page 201, deeds, Wayne County Records; Also, that part of Adams Street, 60 feet wide, lying southerly of and abutting the south line of lot(s) 35-38, both inclusive, the vacated public alley, 20 feet wide, of the "Plat of Crane and Wesson's Section of the Antoine Beaubien Farm" as recorded in liber 35, page 200 1/2, deeds, Wayne County Records; Also, All that part of Beaubien Street, 40 feet wide, between Beacon and Adams Streets, described as: Lying westerly of and abutting the west line of lot(s) 22-26, both inclusive, the north 25.00 feet of lot 21 and the vacated alley, 20 feet wide, as platted in the "Subdivision of Outlot 173 Lambert Beaubien Farm" as recorded in liber 35, page 201, deeds, Wayne County Records; also lying easterly of and abutting the east line of lot(s) 12 & 13 and the north 9.22 feet of lot 11 of the "Plat of the Subdivision of Outlot 172 on the Lambert Beaubien Farm" as recorded in liber 31, page 94, deeds, Wayne County Records; Also, the remaining north-south, public alley, 20 feet wide, first west of St. Antoine Street north of Beacon Street; lying easterly of and abutting the east line of lot 25 of the "Plat of Crane and Wesson's Section of the Antoine Beaubien Farm" as recorded in liber 35, page 200 1/2, deeds, Wayne County Records;

Be and the same are hereby vacated as public rights-of-way to become part and parcel of the abutting property; subject to the following provisions

Provided, That the petitioner as a part of the outright vacation of Adams Street shall relocate the existing 48" water main in Adams, construct manholes on Beaubien sewers and abandon 48", 24" and 8" water mains in Adams, 10" water main in Beaubien and 15" x 20" sewer in Adams, 3'-8" x 5'-6" and 3'-0" sewers in Beaubien and 15" x 20" sewer in the north-south alley north of Beacon and west of St. Antoine as per plans approved by the Detroit Water and Sewerage Department (DWSD); and be it further

Provided, That the DWSD be and is hereby authorized to review the drawings for the relocation of the water main, construction of manholes and abandonment of water mains and sewers due to requested outright vacation of the public streets and alley in petition no. 2152; and be it further

Provided, That the plans for the relocation of the water main, manhole construction and abandonment of water mains and sewers shall be prepared by a registered engineer; and be it further

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Provided, That the entire costs of construction of 48" water main, manhole construction and abandonment of water mains and sewers including inspection, survey and engineering shall be borne by the petitioner; be it further

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

Provided, That the petitioner shall grant the City of Detroit satisfactory easements as needed before start of construction; and be it further

Provided, That upon satisfactory completion of the water main construction, the water main shall be City of Detroit property and become part of the City system; and be it further

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

Provided, That the existing sewers and water mains located in the rights-of-way which are being vacated outright are to be abandoned as City water mains and sewers to become the responsibility of the petitioner; and be it further

Provided, That DWSD will retain temporary easements in Adams, Beaubien and the north-south alley north of Beacon until the 48" water main and sewer manholes have been constructed; and be it 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, Hood, Scott, Tinsley-Talabi, and President Hill — 7.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 5) per Motions before Adjournment.

Council Member Mahaffey entered and took her seat.

City Council

Division of Research & Analysis

January 18, 2000

Honorable City Council:

Re: Draft Language for A Resolution of Legislative Rationale and Findings in Support of the Fare Reductions/Elimination Initiative (FREI) Amendments to Chapter 58, Article IV of the Detroit City Code.

The attached resolution is submitted for consideration and possible adoption pending comment or further direction.

Respectfully submitted,
KATHIE D. DONES-CARSON

Director

Resolution Of Legislative Rationale And Findings In Support Of The Fare Reduction/Elimination Initiative As Amendments To Chapter 58, Article IV Of The Detroit City Code, Setting Bus Fare Rates For The City Of Detroit's Department Of Transportation

By Council Member Hood:

Whereas, Article VII, Section 23 of the 1963 Michigan Constitution provides that cities and villages may "acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewerage disposal and transportation to the municipality and the inhabitants thereof"; and

Whereas, As a matter of general law, the Home Rule Cities Act, P.A. 1909, No. 279 references "transportation" alternately as one of the public utilities and a public service facilities that may be purchased, owned, operated or maintained by each city, as provided for by charter; and

Whereas, In accordance with the Detroit City Charters of 1918, 1974 and 1997 as amended, The City of Detroit has owned and operated a public transportation system, both within and without its corporate limits for more than seventy (70) years, offering bus, trolley and rail services to the public, through various modes of transportation; the provision of which has been recognized as a public utility subject to the power of the City Council to fix rates of fares and charges that may be received in the operation of such public utilities; and

Whereas, The 1997 Charter of the City of Detroit at Section 9-508(1) governs public utilities as defined by general law, and prescribes the manner of setting rates for same; specifically the 1997 Charter of the City of Detroit, at Section 9-508(2) requires that the rates of city utility services be fixed by ordinance; and

Whereas, The adoption of ordinances is exclusively a legislative function of the Detroit City Council; and

Whereas, There is nothing contained in or prescribed by the 1997 Charter of the City of Detroit that prohibits the Detroit City Council from exercising its legislative discretion, in the adoption of an ordinance to fix rates of fare, and other utility rates; thus includes adopting or amendment of ordinances either with or without a recommendation from, or in opposition to a recommendation from any affected department or the Mayor;

Whereas, The Detroit City Council as the public utility rate-making authority and legislative body of the City has the right to repeal any ordinance it has adopted, including the repeal of any previously authorized fares, rates, service fees admission fees; such action may be on its own initiative and at its discretion; and

Whereas, The Detroit City Council as