

Section 13(6) 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,  
STEPHANIE R. GREEN  
Street Administrator

Approved:  
PAMELA SCALES  
Deputy Finance Director  
J. EDWARD HANNAN  
Budget Director

By Council Member S. Cockrel:

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-Talabi, and President Hill — 9.

Nays — None.

**Department of Public Works**  
February 22, 2001

Honorable City Council:

Re: Grand River Avenue (Hwy. M-5) Milling and Resurfacing along Hwy M-5 from M-39 (Southfield Fwy) to Hwy I-96 (Jeffries Freeway) State Agreement #98-5243

On May 19, 1999 (JCC Page 1537) your Honorable Body approved Contract Purchase Order #2504662 with the Michigan Department of Transportation which provided for an estimated amount of \$3,737,570 for the City's share for the project described below:

PART A-Federal, State, and City-DPW Participation

Milling and resurfacing along Hwy. M-5 (Grand River Ave.) from Hwy M-39 (Southfield Fwy.) To Hwy. I-96 (Jeffries Freeway) including curb and gutter reconstruction: together with necessary related work: located within the corporate limits of the city.

PART B-Watermain Construction (100% DWSD)

The replacement of approximately 8120m of 150mm thru 400mm watermain and gutter reconstruction; together with necessary related work; located within the limits of the PART A portion of the project, including pavement removal and replacement with bituminous base in that section of the parking lane (2.75m wide) that is directly above the proposed watermain

trench; together with necessary related work; located within the corporate limits of the City.

Based on the bid price, project is anticipated to cost \$9,354,407. The estimated city share of revised cost of Part B would now be \$4,228,085 including Preliminary Engineering and Construction Engineering, an increase of \$607,715 from the originally estimated city share of \$3,620,370.

We therefore, recommend adoption of the attached resolution, which authorizes the Finance Director to increase the amount of Contract Purchase Order No. 2504662 from \$3,737,570 to \$4,345,285. The increase will come from Water Department Appropriation No. 00985, water bond fund series-19.

Respectively submitted,  
STEPHANIE R. GREEN  
Street Administrator  
KATHLEEN LEAVEY  
Interim Director

Approved:  
PAMELA SCALES  
Deputy Budget Director  
J. EDWARD HANNAN  
Finance Director

By Council Member S. Cockrel:

Resolved, That, in accordance with the above communication the Finance Director is hereby authorized to increase the amount of CPO #2504662 from \$3,727,570 to \$4,345,285 for milling, resurfacing, replacement of watermain and gutter reconstruction along M-5 (Grand River Avenue) from Hwy M-39 (Southfield Fwy.) to Hwy. I-96 (Jeffries Freeway) and related work and honor vouchers when presented in accordance with this resolution.

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**

March 27, 2001

Honorable City Council:

Re: Petition No. 3168 — Detroit Symphony Orchestra Hall requesting alley easement in the area of 3663 Woodward Ave.

Petition No. 3168 of "Detroit Symphony Orchestra Hall" request conversion to easement the remaining open public alleys in the block bounded by Parson Street, 60 feet wide, Davenport Street, 60 feet wide, Cass Avenue, 80 feet wide, and Woodward Avenue, 120 feet wide into a private easement for utilities.

The request was approved by the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW. The petition was referred to the City Engineering

Division — DPW for investigation (utility review) and report. This is our report.

If the petitioner at any time plans to discontinue use of the pave alley return entrances (into Parson and Davenport Streets), the petitioner shall pay all incidental removal cost.

All other city departments and private utility companies have reported no objection to the conversion of public rights-of-way into private easement for 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 Tinsley-Talabi:

Resolved, All that part of the North-South alley, 20 feet wide, lying Westerly of and abutting the West line of Lot 12, also, lying Northerly of and abutting the North line of the Westerly 49.85 feet of Lot 12 and the Public alley vacated on January 10, 2001 in "Subdivision of Park Lot 66 By R.P. Toms and Henry Russell Trustees of the Estate of Sarah Davenport, Eug. Robinson Sur.", as recorded in Liber 5, Page 44 Plats of Wayne County Records, also, lying Westerly of and abutting the West line of Lot 17 in "Bagg's Subdivision of Park Lot 65", as recorded in Liber 1, Page 192 of Plats, Wayne County Records, also, lying Easterly of and abutting the East line of Lots 18 to 21, both inclusive, also, lying Southerly of and abutting the South line of the Easterly 49.85 feet of Lot 21 in "Bagg's Subdivision of Park Lot 65", as recorded in Liber 1, Page 192 of Plats, Wayne County Records, also, lying Easterly of and abutting the East line of Lots 15 to 13, both inclusive, in "Subdivision of Park Lot 66 By R.P. Toms and Henry Russell Trustees of the Estate of Sarah Davenport, Eug. Robinson Sur.", as recorded in Liber 5, Page 44 Plats of 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 task, 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,

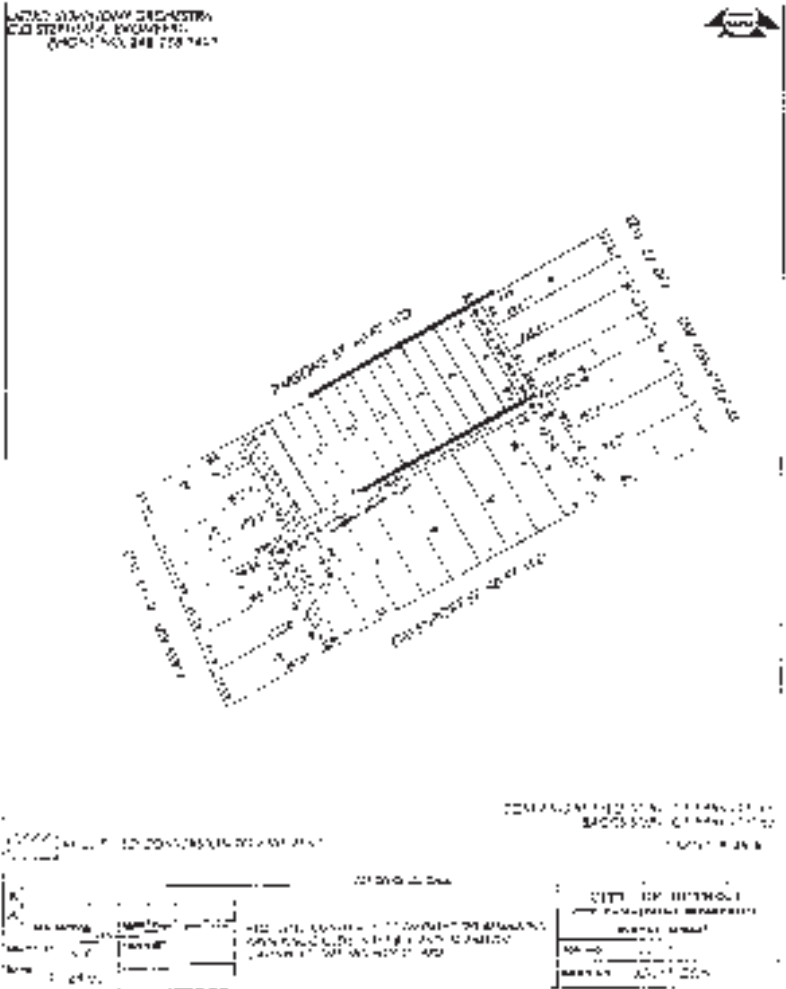
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls, shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering 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 return at the entrance (into Parson and Davenport Streets), 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 heir or assigns; 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, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.  
 Nays — None.

**Department of Public Works  
 City Engineering Division  
 March 26, 2001**

Honorable City Council:  
 Re: Petition No. 2400 — MWI Inc., requesting vacation of the alley in the area of Vernor Hwy., and Lansing.  
 Petition No. 2400 of "MWI Inc.," requests to outright vacate the westerly portion of the East-West 20 feet wide alley easement in the block bounded by McKinstry Avenue, 60 feet wide, Christiancy Avenue, 50 feet wide, Lansing Avenue, 60 feet wide and W. Vernor Highway, 66 feet wide.

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

The Detroit Water and Sewerage Department (DWSD) reports there is an existing 10-inch sewer located in the easement. However, DWSD have no objection to the proposed out-right vacation of the easement provided that the petitioner owns all the property adjacent to the easement. In addition, the sewer located in the easement will no longer be the responsibility of the DWSD and will become the property and responsibility of the petitioner.

Ameritech/Michigan Bell Telephone Company, Comcast Cable, Detroit Edison reported involvement with estimated costs of removing and rerouting