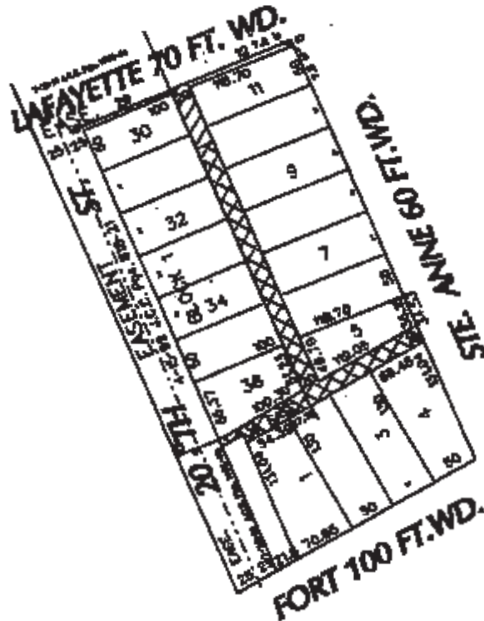


PETITION NO. 3128
 DETROIT INTERNATIONAL BRIDGE CO.
 P.O. BOX 32666
 C/O KENNETH CARTER
 PHONE NO. 313.867.9815



REQUESTING CONVERSION TO EASEMENT
 OUT-RIGHT ACQUISITION

CITY OF DETROIT
 CITY ENGINEERING DIVISION
 W. LAFAYETTE & CARROLL ST.

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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FOR OFFICE USE ONLY
 REVIEWED OUT-RIGHT ACQUISITION OF AN
 EASEMENT AND THE CITY OF DETROIT
 ENGINEERING DIVISION
 IN THE CITY OF DETROIT, MICHIGAN
 LAFAYETTE

CITY OF DETROIT
 CITY ENGINEERING DIVISION
 REPORT NUMBER
 01-01
 3128.DCN

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 8.

Nays — None.

Department of Public Works City Engineering Division

June 15, 2002

Honorable City Council:

Re: Petition No. 3622 — Detroit International Bridge Company requesting various changes to public rights-of-way within the area of the Ambassador Bridge.

Petition No. 3622 of the "Detroit International Bridge Company" (DIBC) P.O. Box 32666, Detroit, Michigan, 48232, request to review the temporary closure of a portion of Twenty-Second Street, 50 feet

wide at its intersection with Howard Street, 50 feet wide. Also, the DIBC request to install and maintain Toll Booth and Diesel Fuel Station encroachments into Twenty-Second St., 50 feet wide, between W. Lafayette and Howard and Twenty-First Street, 60 feet wide, between Porter and Howard. DIBC also requests the conversion of a portion Twenty-Second St., 50 feet wide, north of W. Lafayette and Twenty-Fourth St., 60 feet wide, between Savoy Ave. and the Fisher Freeway South Service Drive, into a private easement for public 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.

The Public Lighting Department (PLD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three feet between PLD facilities and the encroachments. The Detroit Water and Sewerage Department (DWSD) has no objections to the requested changes in public rights-of-way, provided the petitioner complies with the requirements of the attached resolution.

Ameritech/SBC has reported underground facilities in the area of the requested right-of-way changes. Ameritech/SBC requires that the petitioner ("DIBC") conform to the conditions of the attached resolution.

MichCon reports facilities within the area of the requested encroachments. MichCon has an existing 2" plastic (10 PSIG) gas main in dead 4" cast iron main; this main services both buildings that share an address of 3060 Howard. Please use caution to maintain this main. Call MISS DIG.

Detroit Edison reports that the "DIBC" is aware of the 24kV Trunk Lines and Distribution Feeder Cable/Conduit located in 22nd St., between W. Lafayette and Howard. "DIBC" is also aware of the manholes located in the right-of-way and that nothing can be built over or obstruct the manhole in any way.

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

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

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineering

City Engineering Division — DPW

By Council Member S. Cockrel:

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Detroit International Bridge Company" (DIBC) P.O. Box 32666, Detroit, Michigan 48232 to renew the temporary closing of a part of Twenty-Second Street, 50 feet wide, (previously adopted by City Council; Aug. 6, 1993; J.C.C. Pgs. 1659-62) Lying southerly of and abutting the north line of Howard Street, 50 feet wide; also lying northerly of and abutting the south line extended easterly of Lot 15 of the "Plat of the Subdivision of the Easterly part of Private Claim 20 (Brevoort Farm)", City of Detroit, Michigan as recorded in Liber 48, Page 569, Deeds, Wayne County Records; on a temporary basis (for a period of five (5) years) to expire on July 1, 2007;

Provided, That the petitioner shall file with the Finance Department an indemnity agreement in form approved by the Law

Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public street closing; and

Provided, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs; and

Provided, The property owned by the petitioner and adjoining the temporary public closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the street; and

Provided, No buildings or other structures of any nature whatsoever including, but not limited to, concrete slabs or drive-ways, retaining or partition walls (except necessary line fence), shall be constructed on or over the street. The petitioner shall observe the rules and regulations of the City Engineering Division — DPW. The City of Detroit retains all rights and interests in the temporarily closed public street. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public street. Further, the petitioner shall comply with all specific conditions imposed to insure unimpeded 24-hour-per-day access to the City and utility companies; and

Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division — DPW by the petitioner at the petitioner's expense; and

Provided, The petitioner's fence and gate installation shall provide 15 feet horizontal and 13 feet vertical clearance(s) for utility maintenance vehicles; and

Provided, This resolution does not permit the storage of materials, display of merchandise, or signs within the temporarily closed public street. Further, the placement of materials, merchandise, or signs on any adjacent berm area is prohibited. It is the intent of this provision to prohibit private advertising within public rights-of-way, but not signs conforming to the current Michigan Manual of Uniform Traffic Controls Devices; and

Provided, This resolution is revocable at the will, whim or caprices of the Detroit City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not

expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

Provided, This permit shall not be assigned or transferred without the written approval of the Detroit City Council; and be it further

Resolved, That part of Twenty-Second St., 50 feet wide, between W. Lafayette and Howard; Lying southerly of and abutting the north line of extended easterly of Lot 11 of the "Plat of the Subdivision of the Easterly part of Private Claim 20 (Brevoort Farm)", City of Detroit, Michigan as recorded in Liber 48, page 569, Deeds, Wayne County Records; also lying northerly of and abutting the north line of W. Lafayette Boulevard, 70 feet wide; and all that part of Twenty-Fourth Street, 60 feet wide, between Savoy Avenue, 80 feet wide, and the Fisher Freeway South Service Drive; Lying westerly of and abutting the west line of Lots 10-17, both inclusive, of the "Subdivision of Lots 32, 33, 34, 36 & 38 G.B. Porter Farm", City of Detroit, County of Wayne, Michigan, as recorded in Liber 1, Page 21, Plats, Wayne County Records; and lying easterly of and abutting the east line of Lot 20 of "Wm. W. Lovetts Subdivision of Lots 28, 29, 30 and 31 and that part of Lot 37 lying south of Lafayette Ave., Porter Farm P.C. 21", City of Detroit, County of Wayne, Michigan as recorded in Liber 28, Page 60, Plats, Wayne County Records; and lying easterly of and abutting the east line of a vacated 10.00 feet wide, public alley, Lots 37 & 31 (except that part taken for public right-of-way) of the "Plat of Part of the Late Governor Porter's Farm as Divided into Lots by J. Mullett Surveyor", July 6, 1835, recorded July 24, 1835 in Liber 13, page 78, Deeds, 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, concrete slabs or driveways, 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 alley return at the entrance (into W. Lafayette Avenue), 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 owners), their heir or assigns; and be it further

Provided, That the petitioner has the approval of the Michigan Department of Transportation (if necessary); 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; and be it further

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to The "Detroit International Bridge Company" (DIBC) P.O. Box 32666, Detroit, Michigan 48232 to install and maintain Toll Booth and Diesel Fuel Station encroachments within Twenty-First., 60 feet wide, (vacated and converted to easement; Dec. 9, 1987, J.C.C. Pgs. 2602-04); between Porter and Howard adjacent to property described as: Lying westerly of and abutting the west line of the northerly 2.27 feet of Lot 78, Lot 79, and the southerly 12.73 feet of Lot 82 (being a area 45.00 feet x 60.00 feet); and Lying westerly of and abutting the west line of the northerly 12.22 feet of Lot 86, Lot 87 and the southerly 2.78 feet of Lot 90 and being the full width of Twenty-First St., 60 feet wide, (being a area 45.00 feet x 60.00 feet) of the "Subdivision of Part of Private Claim 729, North of Fort Street" as recorded in Liber 1, Page 265, Plats, Wayne County Records; ALSO, Twenty-Second St., 50 feet wide, (vacated and converted to easement; Aug. 6, 1993; J.C.C. Pgs. 1659-63); between W. Lafayette and Howard, adjacent to property described as: Lying easterly of and abutting the east line of the Northerly 45.00 feet of the southerly 65.94 feet of Lot 12 (being a area 45 feet x 50.00 feet) "Plat of the Subdivision of the Easterly part of Private Claim 20 (Brevoort Farm)", City of Detroit, Michigan as recorded in Liber 48, page 569, Deeds, Wayne County Records;

Provided, That the "Detroit International Bridge Company" as part of the requested encroachments shall abandon the existing 6-inch water main in Twenty-Second St. between Lafayette and Howard and shall reline the existing 4'-6" x 6'-0" sewer in Twenty-First St.; and further

Provided, That the Detroit Water and Sewerage Department (DWSD) be and is hereby authorized to review the drawings for the sewer relining and water main abandonment and to issue a permit for construction; and further

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

Provided, That the entire cost of the sewer relining and water main abandonment, including inspection survey and engineering shall be borne by "Detroit International Bridge Company"; and further

Provided, that the "Detroit International Bridge Company" shall deposit with DWSD in advance of engineering, inspection and survey, such amounts as that Department deems necessary to cover the costs of these services; and further

Provided, That the existing sewers located in Twenty-Second St. between

Lafayette and Porter and in the alleys north of Lafayette, north of Howard and south of Porter all on the east side of Twenty-Second St. are to be abandoned as city sewers and to become the responsibility of the "Detroit International Bridge Company" its successors and assigns; and further

Provided, That by reason of the approval of the proposed encroachments into the streets requested in this resolution, DWSD does not waive any of it's rights to it's facilities located in the streets, and at all times DWSD, it's agents or employees, shall have the right to enter upon the streets to maintain, repair, alter, service, inspect or install it's facilities; and further

Provided, That all costs incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements approved by the resolution and all costs incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection by DWSD shall be borne by the "Detroit International Bridge Company" its successors and assigns; and further

Provided, That the construction to be done in conjunction with the encroachments approved by this resolution is subject to inspection and approval of DWSD and the cost of such inspection shall at the discretion of DWSD be borne by the its "Detroit International Bridge Company"; and further

Provided, That if DWSD's facilities located within the streets shall break or be damaged as the result of any action, including construction, on the part of the "Detroit International Bridge Company", its successors and assigns, then in such event the "Detroit International Bridge Company", it's successors and assigns, will be liable for all costs incident to the repair, replacement or relocation or such broken or damaged DWSD's facilities; and further

Provided, That the "Detroit International Bridge Company", it's successors and assigns, will hold DWSD harmless and defend it against all compensation claims resulting from the damage to DWSD's facilities; and further

Provided, That the "Detroit International Bridge Company", it's successors and assigns, shall hold DWSD harmless and defend it against all compensation claims resulting from the damage to DWSD's facilities; and further

Provided, That the "Detroit International Bridge Company", it's successors and assigns, shall hold DWSD harmless for any damage to the encroaching devices constructed or installed under this petition which may be caused by the failure of DWSD's facilities located in or adjacent to the area described for the proposed encroachments; and further

Provided, That at any time in the future the "Detroit International Bridge Company", its successors and assigns shall request the removal and/or relocation of DWSD's facilities located in the streets being encroached upon, the "Detroit International Bridge Company", its successors and assigns agrees to pay all costs for such removal and/or relocation; and further

Provided, "Detroit International Bridge Company" or its assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, whenever it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for construction of encroachments such work shall be according to detailed permit application drawings prior to any public right-of-way construction; and further

Provided, That the necessary permits shall be obtained from the City Engineering Division-DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; also in accord with plans submitted to and approved by the Traffic Engineering Division-DPW; and further

Provided, That all costs for the construction, maintenance, permits and use of the encroachments shall be borne by the "Detroit International Bridge Company" or its assigns; and further

Provided, That all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments, shall be borne by the "Detroit International Bridge Company" or its assigns. Should damages to utilities occur the "Detroit International Bridge Company" or its assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located within the public rights-of-way, by acceptance of this permission, the "Detroit International Bridge Company" (owners) for themselves, or their assigns, (by acceptance of permits for construction near underground utility lines, conduits, or mains) waives all claims for damages to the encroaching installations and agree to pay all costs incurred in their removal (or alteration), if removal (or alteration) becomes necessary; and further

Provided, The "Detroit International Bridge Company" shall agree to pay all claims, damages or expenses that may

arise out of the maintenance of the proposed encroachments; and further

Provided, The petitioner shall file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims which may arise therefrom. Also, the petitioner shall be required by the Law Department in conjunction with the Finance Department — Risk Management Division to present proof of financial capability (bonds and insurance; the City of Detroit shall be named as coinsured therein) to pay all claims, damages or expenses that may arise as a result of the installation, maintenance or use of encroachments within public street rights-of-way. To protect the city in the event of petitioner default, a surety bond in a penal sum sufficient to pay the City of Detroit's cost to remove or alter the encroachment (if such removal or alteration becomes necessary) shall be maintained by the "Detroit International Bridge Company" Also, the "Detroit International Bridge Company" shall maintain said surety bond in perpetuity. The petitioner shall be unable to obtain a release from said surety bond as long as the encroachment exists within said public rights-of-way. The City Engineering Division — Street Design Bureau in conjunction with the Traffic Engineering Division — DPW shall be responsible for determining the amount of said surety bond, and then to transmit the information to the Finance Department; and further

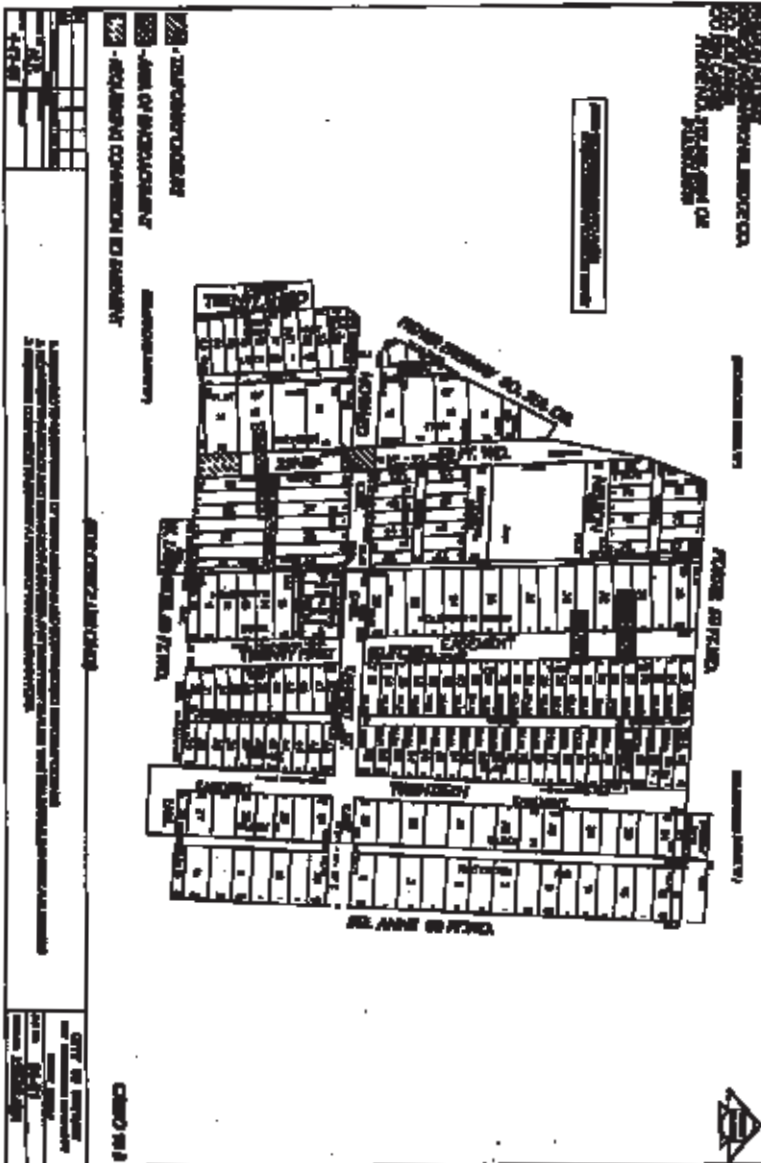
Provided, That property owned by the "Detroit International Bridge Company" and the encroachments shall be subject to proper zoning or regulated use (Board of Zoning Appeals Grant); and further

Provided, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division-DPW; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and the "Detroit International Bridge Company" acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment permit 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 Bates, K. Cockrel, Jr., S. Cockrel, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 8.

Nays — None.

**Finance Department
Purchasing Division**

June 20, 2002

Honorable City Council:

The Purchasing Division of the Finance Department recommends Contracts with the following firms or persons.

2508211—To extend claim adjusting services for the City of Detroit, Civic Center, \$500,000.00 self-insured retention for extended six (6) month periods beginning May 15, 2002 through November 15, 2002 or until a new contract has been established. Frontier Adjusters of Detroit/Southfield, 17200 W. Ten Mile Road, Suite #205, Southfield, MI 48075. Amount: \$20,000.00. Civic Center.

2579552—To provide emergency jani-