

Honorable Body approved City Contract No. 074415 with the Michigan Department of Transportation which provided for an estimated amount of \$130,600 for the City's share for the project described below:

PART A — BHI 82023; JOB #38582

Deck replacement for structure S26 of 82023 which carries the EB Highway I-94 ramp to SB Highway M-10 and which includes all necessary maintaining traffic and approach work; together with necessary related work; located within the corporate limits of the City.

PART B — BHI 82023; JOB #38583

Deck replacement for structure S30 of 82023 which carries Third Avenue over Hwy. I-94 and which includes all necessary maintaining traffic and approach work; together with necessary related work; located within the corporate limits of the City.

PART C — BHI 82023; JOB #38584

Deck replacement for structure S27 of 82251 which carries Hwy. I-94 over Hwy. I-75 and which includes all necessary maintaining traffic and approach work; together with necessary related work; located within the corporate limits of the City.

Now an audit of the project has been done which resulted in an increase of City's Share by \$3,944.39 to a final amount of \$134,544.39. The overrun has resulted from an increase in Construction cost.

We therefore recommend adoption of the attached resolution, which authorizes the Finance Director to increase the amount of CPO #2501941 (FICS Contract #74415) from \$130,600 to \$134,544.39. The increase will come from Appropriation #4189, Major Street Fund — Traffic Control Improvement — State.

Respectfully submitted,
 ULYSSES BURDELL
 Deputy Director

Approved:

PAMELA SCALES
 Deputy Budget Director
 SEAN WERDLOW
 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 #2501941 (FICS Contract No. 074415) from \$130,600 to \$134,544.39 for Deck Replacement for structure carries over Hwy. M-10, I-94 and I-75 and honor vouchers when presented in accordance with this resolution.

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Tinsley-Talabi, and President Mahaffey — 6.

Nays — None.

**Department of Public Works
 City Engineering Division**

February 10, 2003

Honorable City Council:

Re: Petition No. 3554 — The Ferchill Group, for partial alley vacation and Right-of-way encroachments in the area of Gratiot, Brush, and Randolph for construction of a Hilton Garden Inn in Harmonie Park, Phase One.

Petition No. 3554 of "The Ferchill Group" through Hamilton Anderson Associates at 1435 Randolph, Ste. 200, Detroit, Michigan 48226, requests the outright vacation, of a portion of a public alley and a portion of Randolph Avenue (dedicated as public right-of-way, Aug. 1, 1991; J.C.C. Pg. 1806), the conversion to easement of a portion of the Randolph Avenue right-of-way (dedicated as public right-of-way, Aug. 1, 1991; J.C.C. Pg. 1806) all in the block bounded by Randolph Avenue, variable width, Brush Street, 50 feet wide, Gratiot Avenue, variable width, and Madison Avenue, 90 feet wide, in order to, re-develop the site to construct a Hilton Garden Inn. Phase One will be requesting that your Honorable City Council adopt the attached resolution for the outright vacation(s) and conversion to easement of certain public rights-of-way, in order to create a buildable parcel of land. The Second Phase will be addressing certain Landscaping encroachments.

The Traffic Engineering Division — DPW has no objection to the outright vacation of Randolph Avenue and the conversion to easement of the public alley as shown in Petition No. 3554. Planning and Development Department approved the request. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

The Detroit Water and Sewerage Department (DWSD) has reviewed the request for changes in the public rights-of-way in the area of Gratiot, Brush, Madison and Randolph. DWSD has existing sewer within the public alley, however the proposed changes do not appear to affect the sewer.

The Public Lighting Department (PLD) has no objection to the proposed changes in the public rights-of-way. However, the PLD has underground Fed Street lighting circuits in Brush, Randolph and Gratiot. The PLD requires a minimum horizontal clearance of 3'-6" and a vertical clearance of 1'-0" to be maintained from PLD facilities. All underground facilities must be protected from damage and "MISS DIG" must be contacted as required.

The Detroit Edison Company reports facilities in the area and is currently working with the Petitioner to finalize plans and associated costs. The Petitioner will be liable to pay all removal/relocation costs.

Satisfactory arrangements have been made with SBC to place conduit and provide access to this development for new service.

All other involved city departments and privately owned utility companies reported no objection to the outright vacation(s) and private easement or that satisfactory arrangements have been made.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW

By Council Member Collins:

Resolved, All that part of the platted public alley (variable width) lying southerly of and abutting the south line of the westerly 22.52 feet of Lot 111, lying westerly of and abutting the west line of Lot 118, lying northerly of and abutting the north line of Lot 117 and lying easterly of and abutting the east line (extended southerly to a point on the north line of said Lot 117) of a north-south public alley, 20 feet wide, also being the westerly line of said Lot 111 extended south, all in the block bounded by Randolph Avenue, variable width, Brush Street, 50 feet wide, Gratiot Avenue, variable width, and Madison Avenue, 90 feet wide; Also, that part of Randolph Avenue (dedicated, Aug. 1, 1991; J.C.C. Pg. 1806) described as being the easterly 11.92 feet on the north line and the easterly 12.33 feet on the south line of Lot 115; as platted in "Houghton's Section of Brush Farms as Subdivided into Lots by J. Almy, June 1835", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 174, Deeds, City Records;

Be and the same hereby vacated as public rights-of-way to become a part and parcel of the abutting property; and be it further

Resolved, All that part of Randolph Avenue (dedicated, Aug. 1, 1991; J.C.C. Pg. 1806) described as being the easterly 32.10 feet of the westerly 38.08 feet on the north and being the easterly 32.10 feet of the westerly 37.67 feet on the south of Lot 115; as platted in "Houghton's Section of Brush Farms as Subdivided into Lots by J. Almy, June 1835", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 174, Deeds, City Records;

Be and the same is hereby vacated as a public street and is hereby converted into a private easement for public utilities, 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 street and by their heirs, executors, administrators and assigns, forever to wit:

First, Said owners hereby grant to and for the use of the public easement or right-of-way over said vacated public street 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 street in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purpose above set forth.

Second, Said utility easement or right-of-way in and over said vacated street 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.

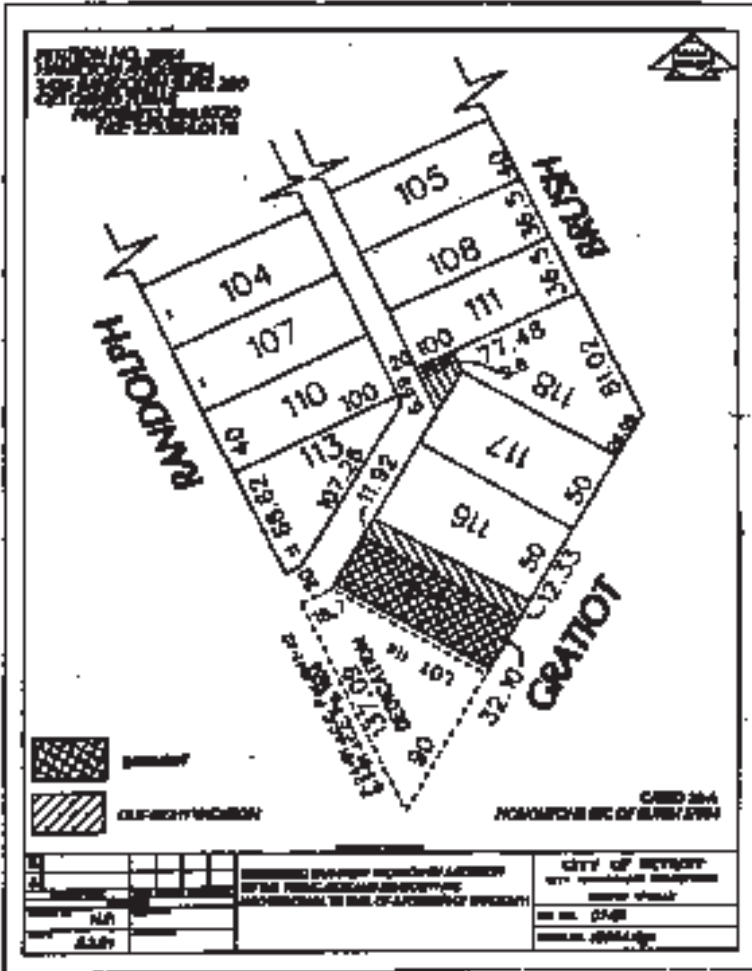
Fourth, That if the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

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, 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 further Provided, That the City Clerk shall with-

in 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, Collins, Tinsley-Talabi, and President Mahaffey — 6.
Nays — None.

**Finance Department
Purchasing Division**

February 12, 2003

Honorable City Council:

Re: 2523504 — Change Order No. 2 — 100% City Funding — DW-827 — To replace and repair the concrete pavement in roadways, driveways and sidewalks damaged as a result of emergency water main and sewer repairs on the eastside of the City — Giorgi Concrete LLC, 8775 Capital,

Oak Park, MI 48237 — May 26, 2000 thru May 26, 2004 — Contract Increase: \$817,761.05 — Not to exceed \$9,803,061.05. Water.

The Purchasing Division of the Finance Department recommends contract as outlined above.

The approval of your Honorable Body and a waiver of reconsideration is requested.

Respectfully submitted,
AUDREY P. JACKSON
Purchasing Division

By Council Member Collins:

Resolved, That Contract Number 2523504, referred to in the foregoing communication dated February 12, 2003,