

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 "YMCA", the "Angelo lafrate Construction Company" or the "Barton Malow Company" acquires no implied or other privileges hereunder not expressly stated herein, however, there shall be no revocation or termination of the permit to allow the temporary retention system encroachment without a resolution from the Detroit City Council directing such revocation or termination before revoking such permit, the City Council may consider engineering reports and studies from City departments and owners of the YMCA; 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, Collins, Everett, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 9.

Nays — None.

**Department of Public Works  
City Engineering Division**

July 21, 2004

Honorable City Council:

Re: Petition No. 2087. Neighborhood Development Corporation Project

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No. 1 CityHomes Project — Alley Vacations and Easements containing the Phase Four Parcels in the area bounded by St. Clair, Meadowbrook, Lisette and E. Jefferson.

City Council adopted a Project Plan for the Neighborhood Development Corporation Project No. 1 on March 20, 1998. That Plan provides for public street and alley modifications. City Council adopted a resolution on April 25, 2001 approving the public right-of-way adjustments within the "Phase One Parcels." City Council adopted a resolution on August 1, 2001 approving the public right-of-way adjustments within the "Phase Two Parcels." City Council adopted a resolution on November 14, 2001 approving the public right-of-way adjustments within the "Phase Three Parcels." This part of Petition No. 2087 for the Neighborhood Development Corporation Project No. 1 requests public alley vacations and easements for the area bounded by St. Clair, Meadowbrook, Lisette and E. Jefferson Avenues. The attached resolution contains the public right-of-way adjustments required to construct within the "Phase Four Parcels."

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

Traffic Engineering Division — DPW approved the Project Plan street and alley closing(s).

The Project Plan calls for underground burial of public utility services. Ameritech Company, Detroit Edison Company and Comcast Cablevision reviewed the Project Plan. Necessary provisions protecting certain utility installations are part of the resolution.

The Water and Sewerage Department (DWSD) condition their approval of the Project Plan on ten stipulations (listed in the attached resolution) for Petition No. 2087. One existing easement crossing private property used for sewage transport and/or public street drainage into St. Clair must be vacated and extinguished.

All other involved city departments and privately owned utility companies reported no objections to the outright vacations. Provisions protecting certain utility installations are part of the resolution.

All dedicated public streets for the Project Plan named in the resolution adopted on August 1, 2001 were selected and approved by the Planning and Development Department.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
WILLIAM L. TALLEY  
Head Engineer  
City Engineering Division — DPW

By Council Member Watson:

Whereas, City Council adopted a

Project Plan for the Neighborhood Development Corporation Project No. 1 on March 20, 1998. That Plan provides for public street and alley modifications. City Council adopted a resolution on April 25, 2001 approving the public right-of-way adjustments within the "Phase One Parcels." City Council adopted a resolution on August 1, 2001 approving the public right-of-way adjustments within the "Phase Two Parcels." City Council adopted a resolution on November 14, 2001 approving the public right-of-way adjustments within the "Phase Three Parcels." This part of Petition No. 2087 for the Neighborhood Development Corporation Project No. 1 requests public alley vacations and easements for the area bounded by St. Clair, Meadowbrook, Lisette and E. Jefferson Avenues. The resolution below contains the public right-of-way adjustments required to construct within the "Phase Four Parcels"; and

Whereas, The Water and Sewerage Department (DWSD) condition their approval of the Project Plan on the following ten stipulations for Petition No. 2087:

- The Petitioner must acquire all lots adjacent to the requested vacations except for those parcels deemed to be exempt from the project; and
- The Petitioner, as part of the outright vacation of streets, alleys and easements shall alter, relocated and construct water mains and sewers located therein and adjacent to as required by the Detroit Water and Sewerage Department prior to the construction of the proposed project; and
- The Detroit Water and Sewerage Department is hereby authorized to review the drawings for the alteration, relocation or construction of water mains and to issue a permit for the construction; and
- The plans for the alteration, relocation or construction of water mains and sewers shall be prepared by a registered Engineer; and
- The entire work is to be performed in accordance with plans and specifications approved by the Detroit Water and Sewerage Department, and constructed subject to the inspection and approval of the Detroit Water and Sewerage Department; and
- The entire cost of the water main and sewer alteration, relocation and construction, including inspection, survey and engineering shall be borne by the Petitioner; and
- The Petitioner shall deposit with the Detroit Water and Sewerage Department, in advance of engineering, inspection and survey, such amounts as the Department deems necessary to cover the cost of these services; and
- The Petitioner shall grant to the City

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a satisfactory easement for the water mains and sewers before the start of construction; and

- The Board of Water Commissioners shall accept and execute the easement grant on behalf of the City; and

- Upon satisfactory completion of the water main and sewer alteration, relocation or construction, the water mains and sewers shall be City of Detroit property and become part of the City system; therefore be it

Resolved, All of the east-west public alley, 18 feet wide; and a northern part of the north-south public alley, 18 feet wide, south of E. Jefferson Avenue between Harding and Meadowbrook Avenues abutting the rear lines of part of Lot 51, part of Lot 67 and Lots 52 through 66 as platted in "BELLE ISLE PARK VIEW SUBDIVISION" part of West Half of Private Claim 387, South of Jefferson Avenue, Detroit, Wayne County, Michigan as recorded in Liber 26, Page 56 of Plats, Wayne County Records; within the bounds of a land parcel being more particularly described as follows:

Beginning at the northeasterly corner of Lot 63 as platted in said "BELLE ISLE PARK VIEW SUBDIVISION," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 56 of Plats, Wayne County Records; thence S27°13'77"E, along the westerly line of Meadowbrook Avenue (50 feet wide), 230.39 feet; thence S62°26'26"W, along a southerly line of a proposed commercial parcel, 214.22 feet; thence N27°33'04"W, along the easterly line of Harding Avenue (50 feet wide), 210.98 feet; thence N57°17'35"E, along the southerly line of E. Jefferson Avenue (120 feet wide), 216.30 feet to the point of beginning and containing about 47,390 square feet or 1.088 acres more or less; also

All of the east-west public alley, 18 feet wide; and a northern part of the north-south public alley, 18.70 feet wide and variable width, south of E. Jefferson Avenue between St. Clair and Harding Avenues abutting the rear lines of part of Lot 4, and Lots 1 through 3 as platted in Block 2 of "LINGEMANN AND BROSSY'S SUBDIVISION" of part of Out Lots 4,5,6 and 7 lying southerly of Jefferson Avenue, Subdivision of East Half of Private Claim 725," Grosse Pointe, Wayne County, Michigan as recorded in Liber 19, Page 76 of Plats, Wayne County Records; also abutting the rear lines of part of Lot 7, and Lots 1 through 6 as platted in "BELLE ISLE PARK VIEW SUBDIVISION" part of West Half of Private Claim 387, South of Jefferson Avenue, Detroit, Wayne County, Michigan as recorded in Liber 26, Page 56 of Plats, Wayne County Records; within the bounds of a land parcel being more par-

ticularly described as follows:

Beginning at the northeasterly corner of Lot 5 as platted in said "BELLE ISLE PARK VIEW SUBDIVISION," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 56 of Plats, Wayne County Records; thence S27°35'04"E, along the westerly line of Harding Avenue (50 feet wide), 206.48 feet; thence S62°26'26"W, along the southerly line of a proposed commercial parcel, 223.72 feet; thence N27°40'39"W, along the easterly line of St. Clair Avenue (50 feet wide), 186.29 feet; thence N57°17'35"E, along the southerly line of E. Jefferson Avenue (120 feet wide), 225.04 feet to the point of beginning and containing about 43,980 square feet or 1.010 acres more or less;

Be and the same are hereby vacated (outright) as part of public (alley) rights-of-way to become part and parcel of the abutting property; subject to the following provision:

Provided, The Petitioner shall comply with the ten stipulations of the Water and Sewerage Department listed above in the preamble of this resolution; and be it further

**SOUTHERLY PART OF NORTH-SOUTH PUBLIC ALLEY, 18 FEET WIDE, IN THE BLOCK BOUNDED BY HARDING, MEADOWBROOK, LISETTE AND E. JEFFERSON AVENUES**

**RESOLVED, West Part Alley** — All that part of the westerly 4.00 feet of the north-south public alley, 18 feet wide, in the block bounded by Harding, Meadowbrook, Lisette and Jefferson Avenues lying easterly of and abutting the east line of the south 26.04 feet of Lot 51, the north 23.96 feet of Lot 32, and Lots 33 through 50 of "BELLE ISLE PARK VIEW SUBDIVISION" part of West Half of Private Claim 387, South of Jefferson Avenue, Detroit, Wayne County, Michigan as recorded in Liber 26, Page 56 of Plats, Wayne County Records; also

**East Part Alley**

All that part of the easterly 4.00 feet of the north-south public alley, 18 feet wide, in the block bounded by Harding, Meadowbrook, Lisette and Jefferson Avenues lying westerly of and abutting the west line of the south 26.16 feet of Lot 67, the north 23.84 feet of Lot 86, and Lots 68 through 85 of "BELLE ISLE PARK VIEW SUBDIVISION" part of West Half of Private Claim 387, South of Jefferson Avenue, Detroit, Wayne County, Michigan as recorded in Liber 26, Page 56 of Plats, Wayne County Records; also

**SOUTHERLY PART OF NORTH-SOUTH PUBLIC ALLEY, 18.70 FEET WIDE AND VARIABLE WIDTH, IN THE BLOCK BOUNDED BY ST. CLAIR, HARDING, LISETTE AND JEFFERSON AVENUES**

**West Part Alley**

All that part of the westerly 9.70 feet (and variable width) of the north-south public alley (18.70 feet wide and variable width), except the easterly 5.00 feet therefrom, in the block bounded by St. Clair, Harding, Lisette and E. Jefferson Avenues lying easterly of and abutting the east line of the south 20.00 feet of Lot 4, and Lots 5 through 23 of Block 2 of "LINGEMANN AND BROSSY'S SUBDIVISION" of part of Out Lots 4,5,6 and 7 lying southerly of Jefferson Avenue, Subdivision of East Half of Private Claim 725," Grosse Pointe, Wayne County, Michigan as recorded in Liber 19, Page 76 of Plats, Wayne County Records; also

**East Part Alley**

All that part of the easterly 9.00 feet of the north-south public alley (18.70 feet wide and variable width), except the westerly 5.00 feet therefrom, in the block bounded by St. Clair, Harding, Lisette and E. Jefferson Avenues lying westerly of and abutting the west line of the south 24.91 feet of Lot 8, the north 25.09 feet of Lot 27, and Lots 9 through 26 of "BELLE ISLE PARK VIEW SUBDIVISION" part of West Half of Private Claim 387, South of Jefferson Avenue, Detroit, Wayne County, Michigan as recorded in Liber 26, Page 56 of Plats, Wayne County Records;

Be and the same are hereby vacated (outright) as part of public (alley) rights-of-way to become part and parcel of the abutting property; subject to the following provision:

PROVIDED, The Petitioner shall comply with the ten stipulations of the Water and Sewerage Department listed above in the preamble of this resolution; and be it further

RESOLVED, That the private property right-of-way being used for the purpose of sewage transport and/or public street drainage reserved for the Water and Sewerage Department (DWSD) within the following one lot is hereby vacated and extinguished:

(a) Lot 13, Block 2 of "LINGEMANN AND BROSSY'S SUBDIVISION" of part of Out Lots 4,5,6 and 7 lying southerly of Jefferson Avenue, Subdivision of East Half of Private Claim 725", Grosse Pointe, Wayne County, Michigan as recorded in Liber 19, Page 76 of Plats, Wayne County Records;

[NOTES: The documentation of said private property easements or rights-of-way exists in city records of DWSD; and may or may not be listed in Wayne County records. Discontinuance of use by DWSD makes abandonment of said rights-of-way obligatory. This is a prerequisite of DWSD in their report (dated May 23, 2000; signed by Daljit Singh, P.E., Engineer of Water Systems) to Petition No. 2087.]; and be it further

**PRIVATE EASEMENT FOR PUBLIC UTILITIES [including parts of] NORTH-**

**SOUTH PUBLIC ALLEY, 18 FEET WIDE, IN THE BLOCK BOUNDED BY HARDING, MEADOWBROOK, LISETTE AND E. JEFFERSON AVENUES**

RESOLVED, **Center Part Alley** — All that part of the east 10.00 feet of the westerly 14.00 feet of the north-south public alley, 18 feet wide, in the block bounded by Harding, Meadowbrook, Lisette and E. Jefferson Avenues lying easterly of and abutting the east line of the south 26.04 feet of Lot 51, the north 23.96 feet of Lot 32, and Lots 33 through 50 of "BELLE ISLE PARK VIEW SUBDIVISION" part of West Half of Private Claim 387, South of Jefferson Avenue, Detroit, Wayne County, Michigan as recorded in Liber 26, Page 56 of Plats, Wayne County Records; also

**PRIVATE EASEMENT FOR PUBLIC UTILITIES [including parts of] NORTH-SOUTH PUBLIC ALLEY, 18.70 FEET WIDE AND VARIABLE WIDTH, IN THE BLOCK BOUNDED BY ST. CLAIR, HARDING, LISETTE AND JEFFERSON AVENUES**

**Center Part Alley**

All that part of the east 5.00 feet of the westerly 9.70 feet (and variable width) of the north-south public alley (18.70 feet wide and variable width) in the block bounded St. Clair, Harding, Lisette and E. Jefferson Avenues lying easterly of and abutting the east line of the south 20.00 feet of Lot 4, and Lots 5 through 23 of Block 2 of "LINGEMANN AND BROSSY'S SUBDIVISION" of part of Out Lots 4,5,6 and 7 lying southerly of Jefferson Avenue, Subdivision of East Half of Private Claim 725," Grosse Pointe, Wayne County, Michigan as recorded in Liber 19, Page 76 of Plats, Wayne County Records; together with all that part of the west 5.00 feet of the easterly 9.00 feet of said north-south public alley (18.70 feet wide and variable width) in said block lying westerly of and abutting the west line of the south 24.91 feet of Lot 8, the north 25.09 feet of Lot 27, and Lots 9 through 26 of "BELLE ISLE PARK VIEW SUBDIVISION" part of West Half of Private Claim 387, South of Jefferson Avenue, Detroit, Wayne County, Michigan as recorded in Liber 26, Page 56 of Plats, Wayne County Records;

Be and the same are hereby vacated as public alleys and are hereby converted into a public underground easement (10 feet wide, center 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 alleys 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

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alleys herein described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone cable, electric light conduits or things usually placed or installed underground 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,

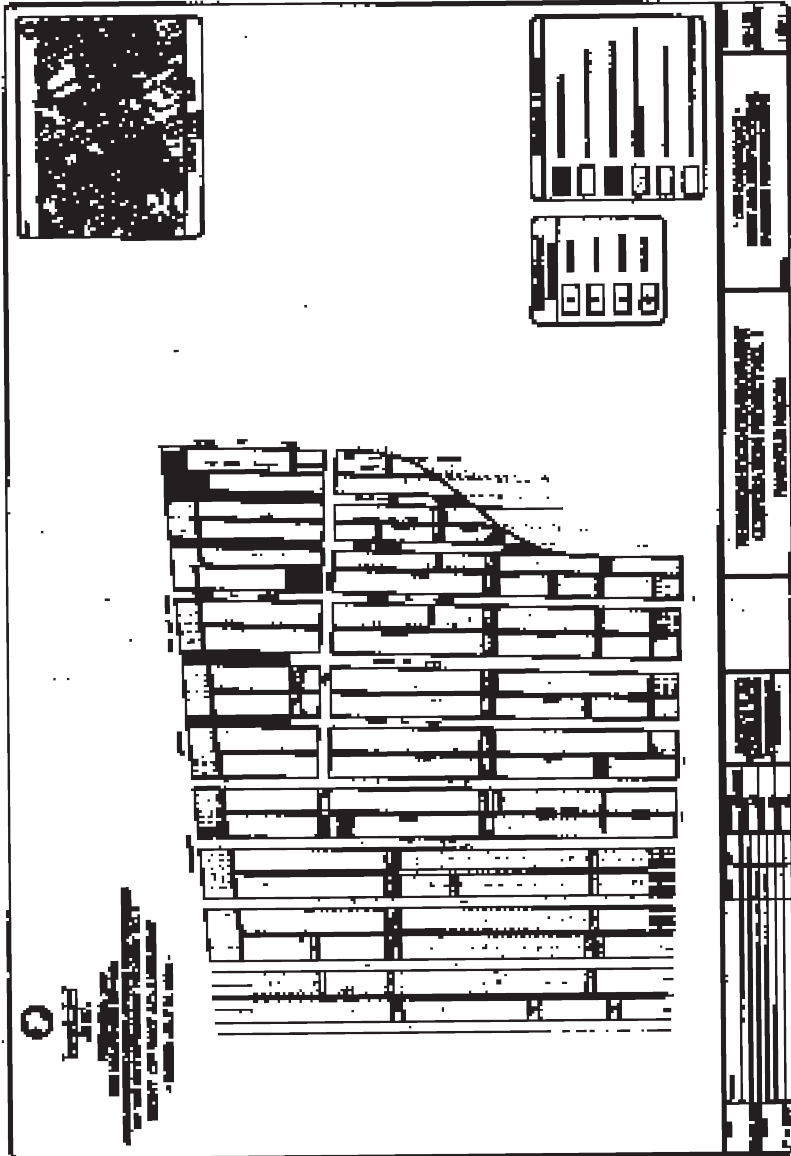
Second, Said utility easement or right-of-way in and over said vacated alleys herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone cable or utility facility placed or installed underground 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 tasks, 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, (except necessary line fence) shall be built or placed upon said underground 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 alleys 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 be it further

Resolved, All of the public alleys described above in this (Phase Four) resolution are subject to the following provisions:

sions:

Provided, The vacation of public alleys herein above described in this (Phase Four) resolution shall become effective at the time the Law Department concludes that the City possesses the appropriate rights, title, and interest in the adjoining properties to convey said lands in accord with the approved Project Plan; 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.

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Adopted as follows:  
 Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 9.  
 Nays — None.

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**Detroit Department of Transportation**  
 May 10, 2004

Honorable City Council:  
 Re: Authorization to Accept Funds from the Michigan Department of Transportation (MDOT) Relating to FY 2004 New Services Operating Assistance Grant Program.

The Detroit Department of Transportation has received formal notification of the Michigan Department of Transportation (MDOT) intent to process funds under its New Services Operating Assistance formula. These Michigan Public Act 51 funds will provide operating assistance to community-based, demand-response transportation services to elderly and disabled persons in Detroit.

The enclosed correspondence from MDOT represents anticipated State funding as follows:

**Provider**

**Distribution**

Eastside Community Resource and Assistance Center/Detroit Assisted Transportation Coalition (Coalition)	\$90,170
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Your Honorable Body's approval to allow the demand-response transportation agencies to provide much-needed transportation services to our elderly and disabled is greatly appreciated.

Respectfully submitted,  
 NORMAN L. WHITE  
 Director

Approved:  
 ROGER SHORT  
 Budget Director  
 SEAN WERDLOW  
 Finance Director

By Council Member Tinsley-Talabi:  
 Resolved, That the Detroit Department of Transportation (DDOT) be and is hereby authorized to accept the lump sum payment for New Services Operating Assistance Grant of \$90,170 for FY 2004 funding and to increase Appropriation Account No. 10331 by that amount. A required local match of \$90,170 will be met in-kind contributions from the demand-response contractor providing the transportation services to elderly and disabled persons; and be it further

Resolved, That the Director, Norman L. White, be and is authorized to execute said agreement with the Michigan Department of Transportation (MDOT); and

Resolved, That the Finance Director be and is hereby authorized to establish the

necessary accounts, honor payrolls and vouchers in accordance with the foregoing communication, standard City accounting procedures and MDOT regulations.

Adopted as follows:  
 Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 9.  
 Nays — None.

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**Water and Sewerage Department**  
 July 21, 2004

Honorable City Council:  
 Re: Resolution of Necessity to Acquire Easements from the Sienna Group, LLC For the Baby Creek Combined Sewer Overflow Control Facility.

As part of its long term Combined Sewer Overflow (CSO) control plans, the Detroit Water and Sewerage Department (DWSD) will construct several CSO facilities along the Detroit and Rouge Rivers. One such facility, Baby Creek CSO, is currently under construction, a portion of which requires additional easements through Woodmere Cemetery.

The existing Baby Creek Enclosure was constructed through Woodmere Cemetery pursuant to an agreement entered into on June 1, 1937, which was supplemented by agreements entered into on February 16, 1939 and April 29, 1960. The engineering design of the CSO Control Project requires the following work in Woodmere Cemetery:

- Construction of a sewer to transport screenings from the screening and disinfection building to the Northwest Interceptor,
- Construction of access structures on the existing Baby Creek Enclosure,
- Cleaning the Baby Creek Enclosure, and
- Construction of an effluent sampling building on the existing Baby Creek Enclosure.

While DWSD has a permanent easement in Woodmere Cemetery for the existing Baby Creek Enclosure, an additional permanent easement and a construction easement are required, adjacent to the existing permanent easement, to construct these elements of the CSO Control Facility and to clean the existing Baby Creek Enclosure.

DWSD make a "Good Faith Offer" of \$76,000.00 (appraised fair market value) to the Sienna Group for the easements. The offer has been rejected, and the Department has elected to proceed with condemnation if authorized to do so by the Detroit City Council. The Board of Water Commissioners gave their authorization at its meeting of June 23, 2004.

The easements will be acquired in accordance with state and federal property acquisition laws as well as City of