

City Council may consider engineering reports and studies from City departments and the "Detroit Public Schools"; 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, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.

Nays — None.

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**Department of Public Works  
City Engineering Division**

October 5, 2004

Honorable City Council:

Re: Petition No. 2848 — Frank Askar, et al, requesting for conversion of alley to easement in the area of Harper, Cadieux and Harvard Streets.

Petition No. 2848 of "Frank Askar, et al", request conversion of the East-West public alley, 20 feet wide, in the block bounded by Edsel Ford Freeway (I-94), Harper Avenue, 86 feet wide, Harvard Avenue, 55 feet wide, and Cadieux Avenue, 86 feet wide into a private easement for utilities.

The request was approved by the Michigan Department of Transportation (MDOT), Planning and Development Department, 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 paved alley entrance (into Cadieux and Harvard Avenues), the petitioner shall pay all incidental removal cost.

All other city departments and private utility companies have reported no objections to the conversion of the public rights-of-way into private easement for utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

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

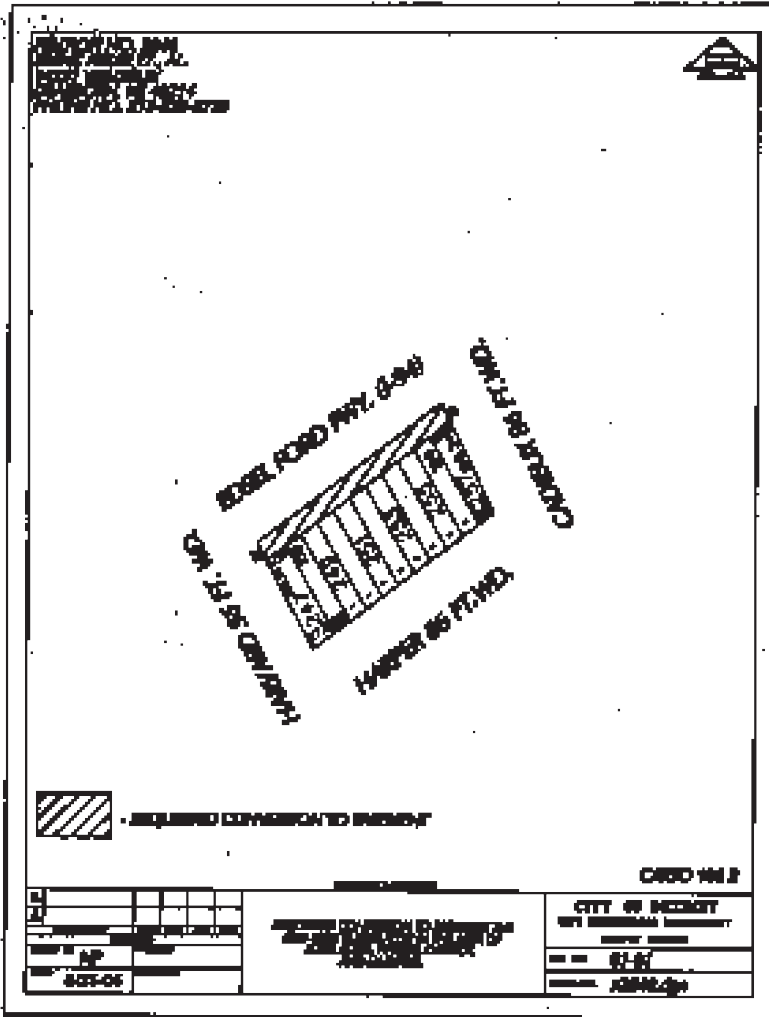
By Council Member Tinsley-Talabi:

Resolved, All that part of the East-West public alley, 20 feet wide, lying Southerly of and abutting the South line of Edsel Ford Freeway (I-94) right-of-way and lying Northerly of abutting the North line of Lots 247 through 257, both inclusive, all in the "Yorkshire Woods Subdivision No. 1" of parcel 2 of the plat of commissioners on partition of the Estate of Joseph Young deceased, of part of Lot 7 of subdivision of Back Concession of P.C. 258, Lots 1, 2, 3, and 4 of Subdivision of the S.E. 1/2 of additional donation to P.C. 584 and 261 Part of the N.W. 1/2 of additional donation to P.C. 584 and 261 Lot 6 and N.W. 1/2 of Lot 4 Subdivision Back Concession of P.C. 262 and 272 as recorded in Liber 1559 Page 328, Deeds, City of Detroit and Gratiot Township, Wayne County, Michigan as recorded in Liber 45 Page 68, Plats, 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 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 Cadieux and Harvard Avenues), such removal and construc-

tion 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 vacation of said alley and any proposed construction does not interfere with or impact the I-94 (Edsel Ford Freeway) right-of-way; 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 Bates, K. Cockrel, Jr., S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.

Nays — None.

**Department of Transportation**

October 18, 2004

Honorable City Council:

Re: Acceptance of Michigan Department of Transportation Agreement for FY 2005 Specialized Services Operating Assistance Program (October 1, 2004-September 30, 2005) — Project Authorization No. 2002-0033/Z17.

The Detroit Department of Transportation (DDOT) has received notification from the Michigan Department of Transportation (MDOT) to provide funds for the FY 2005 Specialized Services Operating Assistance Program in the amount of \$319,554. This 12-month grant contract will supply funding to the demand response transportation providers who render transportation services to the elderly and people with disabilities within the communities of Detroit.

DDOT is respectfully requesting that necessary accounts for the above-referenced transportation service providers be properly set up for project progression.

Your Honorable Body's acceptance of these grant funds is requested.

Respectfully submitted,  
NORMAN L. WHITE  
Director

Approved:

PAMELA SCALES  
Deputy Budget Director  
SEAN WERDLOW  
Finance Director

By Council Member Collins:

Resolved, That the Detroit Department of Transportation (DDOT) be and is hereby authorized to enter into Project Agreement 2002-0033/Z17 with the Michigan Department of Transportation (MDOT). This 12-month grant agreement will supply funding to the demand response transportation providers who render transportation services to the elderly and people with disabilities within the communities of Detroit; And Be It Further

Resolved, That Appropriation Account No. 10331 be increased by \$319,554; And Be It Further

Resolved, That the Director of DDOT be and is hereby authorized to execute the agreement on behalf of the City of Detroit; And Be It Further

Resolved, That the Finance Director be and is hereby authorized to establish the necessary accounts, transfer funds and honor payrolls and vouchers in accordance with the foregoing communication and standard City accounting practices, and the regulations of the Michigan Department of Transportation.

Adopted as follows:

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

Nays — None.

**Water and Sewerage Department**

November 18, 2004

Honorable City Council:

Re: Proposed Ordinance to Amend Chapter 56, Article III, Division 3, of the 1984 Detroit City Code, Titled "Wastewater Discharge Control."

Pursuant to the applicable provisions of the 1997 Detroit City Charter, the above referenced proposed ordinance is being submitted to your Honorable Body for consideration and approval. The proposed ordinance was considered and approved by the Detroit Board of Water Commissioners in late February, 2004.

This proposed ordinance amends Chapter 56, Article III, Division 3, by adding, revising, and removing certain specific pollutant prohibitions to bring the Detroit Water and Sewerage Department (DWSD) into compliance with its National Pollutant Discharge Elimination System (NPDES) Permit No. MI0022802 and the new National Categorical Pretreatment Standards adopted by the U.S. Environmental Protection Agency (EPA) since the last revision of the ordinance in 1996. Under the NPDES permit, DWSD was required to conduct a technical evaluation study of its existing limitations in accordance with federal and state regulatory requirements. The proposed changes to the ordinance are a result of this study. The intent of the study is also to protect the operations and workers of the Detroit Wastewater Treatment Plant, the collection system, and ultimately the Detroit River.

The technical evaluation study was conducted using data collected from the Wastewater Treatment plant, data from the DWSD service area which covers most of Southeastern Michigan, and from Commercial and Industrial users in the service area. The study utilized good engineering practices and applicable Michigan Department of Environmental