

operate on "stop" sign control for Garland upon removal of the signal.

**12. Mt. Elliott-Palmer, on flash since 2-29-1996**

Due to the plant closures in the area and the proximity of the signal to the Grand Blvd.-Mt. Elliott location the signal was placed on flash in 1996. The low traffic volume on Garland Street does not justify the continued operation of the traffic signal and therefore it is recommended for removal. The intersection will operate on "stop" sign control for Palmer upon removal of the signal.

**13. Howard and First, on flash since 7-13-1996**

The Howard Street and First Street are closed off and permanent concrete barricades are installed due to the security reasons around the McNamara Federal Building in 1996. Access to the intersection is not permitted and therefore signal is recommended for removal. No traffic control is needed upon removal of the signal.

As such, the Department of Public Works respectfully request the adoption of the attached resolution for the removal of the traffic signals at the above mentioned thirteen (13) locations.

Respectfully submitted,  
JAMES A. JACKSON  
Director

By Council Member S. Cockrel:

Resolved, That in accordance with the foregoing communication, removal of traffic signals at the following thirteen (13) locations are hereby approved.

1. Jeffries North Ser. Dr.-Underwood
2. Jeffries ESD-Grand River Cut-Off (N/O Grand River)
3. W. Jefferson-Lodge Exit Ramp — Garage Exit
4. Jefferson-Twelfth
5. E. Grand Blvd.-Trombly Drive
6. W. Jefferson-U turn E/O Cabacier
7. French-McNichols
8. Canfield-Russell
9. Lynch-Mt. Elliott NB Service Drive
10. Lafayette-Fourteenth
11. Garland-Kercheval
12. Mt. Elliott-Palmer
13. Howard-First

Adopted as follows:

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

Nays — None.

**Department of Public Works  
City Engineering Division**

April 19, 2004

Honorable City Council:

Re: Petition No. 4231 — Detroit Public Schools c/o Floyd E. Allen & Associates for certain changes to public rights-of-way in the area of Ledyard, W. Grand River, Second and Henry, in order to construct the

new Cass Technical High School within the Phase Two area.

City Council adopted a resolution on October 30, 2002; J.C.C. Pages 3380-82 approving the outright vacation of the public alleys in the block bounded by Third, Second, Henry and Ledyard. This part of Petition No. 4231 of the Detroit Public Schools (DPS), c/o Floyd E. Allen & Associates requests to 1) vacate (outright) Third Avenue, 70 feet wide, between Ledyard Street, 100 feet wide and Henry Street, 100 feet wide 2) convert to utility easement said Henry Street between Second Boulevard, 100 feet wide and West Grand River Avenue, 100 feet wide, to an easement, 3) vacate (outright) a portion of the alley between Third and Fourth Avenues and Ledyard and Henry Streets. The attached resolution contains the public right-of-way adjustments required to construct within the Phase Two area.

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

Michigan Consolidated Gas Company (MichCon) reports no objections to the proposed right-of-way changes, provided that petitioner enter into a contract with MichCon for the relocation of its utilities within Third Avenue and the subject alley, and grant MichCon such easement(s) as are required for same. The estimated cost of the work is \$14,410.00, payable to Michigan Consolidated Gas Company. MichCon will schedule the work after the agreement letter, payment, and easement agreement(s) have been received.

DTE Energy reports no objections to the proposed right-of-way changes, provided that the petitioner makes satisfactory arrangements for the \$554,000.00 estimated costs of removing and/or rerouting its utilities in the project area.

The Detroit Water and Sewerage Department (DWSD) reports no objections to the proposed right-of-way changes, provided that 1) petitioner owns all properties within the subject area and the abandonment of the existing 8" water main and 15" x 20" sewer within Third Avenue are done under DWSD permit, and 2) petitioner relocate the existing 15" x 20" sewer in the subject alley at its sole cost and expense pursuant to plans approved by DWSD and provide necessary easement(s), 3) DWSD has no objections to the conversion to easement of Henry St. between W. Grand River and Second Ave., provided that a full width easement is retained for water main and sewer system. Also, provided that before any construction takes place within Henry St., plans are submitted to DWSD for review and approval. All sewer alteration work is to be at petitioners expense and at no cost to DWSD.

Comcast Cablevision (Comcast) reports no objection to the proposed right-of-way changes provided that petitioner grant Comcast such easement as is necessary to accommodate its utilities in the subject area of Third Avenue.

The City of Detroit Department of Public Lighting (PLD) reports (7) seven underground fed streetlights in Third and Henry Street(s). The cost of removing seven underground fed lighting units is estimated at \$8,000.00; billing will be for actual expenses incurred. An alternative would be for the petitioner to keep the lights in operation by executing a "service agreement" for monthly energy charges with PLD. Also, PLD requires 24hr. access to the area by PLD crews and heavy vehicles for the maintenance of the installations.

The Traffic Engineering Division — DPW, reports no objections to the proposed right-of-way changes, provided that 1) petitioner obtains a variance for the sidewalk clearance requirement for the encroachments, 2) petitioner obtain Michigan Department of Transportation approval for all encroachments along the subject area of Grand River Avenue, 3) petitioner enter into an indemnification agreement with the City regarding the subject encroachments, and 4) petitioner grant to any owner of land abutting the alley in the block bounded by Fourth, Third, W. Grand River and Ledyard full width access.

All other City departments and privately owned utility companies reported no objections to the proposed right-of-way changes or that satisfactory arrangements have been made. Provisions protecting certain 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 Engineer

City Engineering Division — DPW

By Council Member Bates:

Whereas, Previously Detroit City Council adopted a resolution on October 30, 2002; J.C.C. Pages 3380-82 approving the outright vacation of the public alleys in the block bounded by Third, Second, Henry and Ledyard as a part of Phase One, and

Whereas, This part of Petition No. 4231 of the Detroit Public Schools (DPS), c/o Floyd E. Allen & Associates requests to 1) vacate (outright) Third Avenue, 70 feet wide, between Ledyard Street, 100 feet wide and Henry Street, 100 feet wide 2) convert to utility easement said Henry Street between Second Boulevard, 100 feet wide and West Grand River Avenue, 100 feet wide, to an easement, 3) vacate (outright) a portion of the alley between Third and Fourth Avenues and

Ledyard and Henry Streets, within the Phase Two area, therefore be it

Resolved, All that part of Third Avenue, 70 feet wide, between Ledyard Street, 100 feet wide and Henry Street, 100 feet wide, described as lying Westerly of and abutting the West line of Lots 1 through 9, both inclusive, Block 80 "Plat of the Subdivision Block 79 & 80 of the Cass Farm" City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 92 and 93, Plats, Wayne County Records; and lying Easterly of and abutting the East line of Lots 1, 2, 3, 14, 15, 16, 17, 20, 21, 24, 25 and 28, Block 70 "Plat of the Subdivision of part of the Jones Farm, north of Grand River Ave.", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 7, Plats, Wayne County Records; ALSO, that part of the public alley, 20 feet wide, in the block bounded by Fourth Avenue, Third Avenue, Ledyard Street and W. Grand River Avenue, described as lying Southwesterly of the Southwesterly line of Lots 14, 15, and the Southerly 33.25 feet of Lot 16 and lying Northeasterly of the Northeasterly line of the North 14.99 feet of Lot 3, Lots 4-11, both inclusive, and the South 6.81 feet of Lot 12 of said Block 70 "Plat of the Subdivision of part of the Jones Farm, north of Grand River Ave.", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 7, Plats, Wayne County Records;

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

Provided, That the petitioner enter into a contract with MichCon for the relocation of its utilities within said Third Avenue and the subject alley, and grant MichCon such easement(s) as are required for same. The estimated cost of the work is \$14,410.00, payable to Michigan Consolidated Gas Company. MichCon will schedule the work after the agreement letter, payment, and easement agreement(s) have been received; and further

Provided, That the petitioner makes satisfactory arrangements with DTE Energy for the \$554,000.00 estimated costs of removing and/or rerouting its utilities in the project area; and further

Provided, That the petitioner owns all properties within the subject area; and further

Provided, That the petitioner shall design and construct proposed lateral sewer and make the connections to the public sewers as required by the Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed buildings; and further

Provided, That the plans for the lateral sewers shall be prepared by a registered engineer; and further

Provided, That DWSD be and is hereby authorized to review the drawings for the proposed lateral sewers and to issue per-

mits for the construction of the lateral sewers; and further

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

Provided, That the entire cost of the lateral sewer construction, including inspection, survey and engineering shall be borne by the petitioner; and further

Provided, That the petitioner shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as the department deems necessary to cover the costs of these services; and further

Provided, That the petitioner shall grant to the City a satisfactory easement for the lateral sewers; and further

Provided, That the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City; and further

Provided, That upon satisfactory completion of the lateral sewer construction it shall be City property and become part of the City system; and further

Provided, That the petitioner grants Comcast Cablevision an easement necessary to accommodate its utilities within Third Avenue; and further

Provided, That the petitioner makes satisfactory arrangements with the Public Lighting Department (PLD) for the relocation of (7) seven underground fed street-lights in Third and Henry Street(s). The cost of removing seven underground fed lighting units is estimated at \$8,000.00; billing will be for actual expenses incurred. An alternative would be for the petitioner to keep the lights in operation by executing a "service agreement" for monthly energy charges with PLD. Also, PLD requires 24 hr. access to the area by PLD crews and heavy vehicles for the maintenance of the installations; also

Resolved, All that part of Henry Street, 100 feet wide, between W. Grand River Avenue, 100 feet wide and Second Street, 100 feet wide and Second Street, 100 feet wide, lying Southerly of and abutting the South line of Lot 1 Block 70 "Plat of the Subdivision of part of the Jones Farm, north of Grand River Ave.", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 7, Plats, Wayne County Records; and Lot 1, Lots 18-25, both inclusive, Block 80 "Plat of the Subdivision Block 79 & 80 of the Cass Farm" City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 92 and 93, Plats, Wayne County Records; also, lying Northerly of and abutting the Northeasterly line of Lots 1-4, both inclusive, the North line of Lot 5 and the Southwesterly line of said Lot 1 "Plat of the Subdivision of Lot No. 10 Block 78 Cass Farm, north of Grand River" City of

Detroit, Wayne County, Michigan as recorded in Liber 1, Page 298, Deeds, Wayne County Records; also, lying Northerly of and abutting the North line of Lots 11-18, both inclusive, Block 78, "Plat of the Subdivision of part of the Cass Farm, north of Grand River", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 74, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a private easement for public utilities of the full width of the street, which easements 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 an 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 easement 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 easements, without prior approval from all public and private utility companies (call MISS DIG) nor change of surface grade made, without prior approval of the City

Engineering Division — DPW.

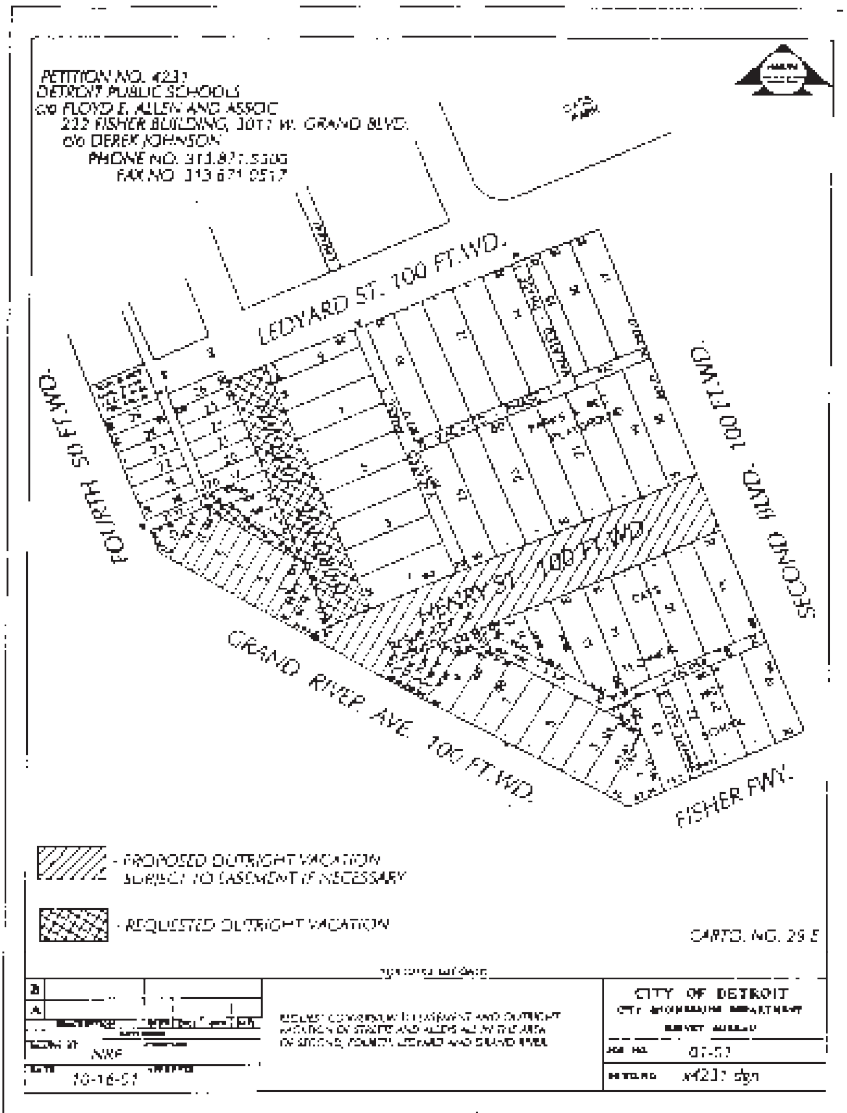
Fourth, That if the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

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 to remove the paved return at the entrances (into W. Grand River and Second Street), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW and/or Michigan Department of Transportation along W. Grand River Avenue, to their 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 Bates, K. Cockrel, Jr., S. Cockrel, Everett, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.