

Adopted as follows:
 Yeas — Council Members S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9.
 Nays — None.

**Department of Public Works
 City Engineering Division**
 June 27, 2006

Honorable City Council:
 Re: Petition No. 3879 — Leland Missionary Baptist Church, requesting conversion to easement and encroachment into easement at 22420 Fenkell Avenue.
 Petition No. 3879 of "Leland Missionary Baptist Church", at 22420 Fenkell Avenue, Detroit, Michigan 48223, request the conversion of the public alleys, 16.00 & 18.00 feet wide, in the block bounded

by Chatham Avenue, Lamphere Avenue, Fenkell Avenue and Keeler Avenue, into private easements for public utilities. Also "Leland Missionary Baptist Church" requests to install and maintain the encroachment of (2) 24" x 42" deep footings, into the north-south portion of said requested easement, 16 feet wide.
 The proposed building addition has been approved by the Buildings & Safety Engineering Department. The petition was referred to the City Engineering Division—DPW for investigation and report. This is our report.
 The Traffic Engineering Division—DPW reports no objections with the requested encroachments and conversion to easement provided that all work is constructed in accordance with City of Detroit standards, and that the petitioner shall be responsible to return the public rights-of-

way or easement to its original condition after the expiration of the encroachment at no cost to the city.

The Public Lighting Department (PLD) has no objections with the requested encroachments and conversion to easement provided that a minimum horizontal clearance of 3-feet 6-inches and a vertical clearance of 1'-0" are maintained from their facilities. Also, provided that PLD shall have free and easy access to its facilities at all times to permit proper operation, maintenance and if required, alteration, repair or replacement of PLD facilities.

The Detroit Water and Sewerage Department (DWSD) has no objection with the requested encroachments and conversion to easement provided that DWSD forces shall have free and easy access to the water main and sewer facilities at all times to permit proper operation, maintenance and if required, alteration, repair or replacement of water main and sewer facilities.

All other involved City departments and privately owned utility companies have reported no objections to the encroachments and conversion to easement. Should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations. Please, call MISS DIG prior to beginning any construction.

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

By Council Member Conyers:

Resolved, That all of the north-south and east-west public alley(s), 16.00 and 18.00 feet wide, in the block bounded by Chatham Avenue, 60 feet wide, Lamphere Avenue, 66 feet wide, Fenkeil Avenue, 66 feet wide, and Keeler Avenue, 50 feet wide, being more particularly described as the north-south public alley, 16.00 feet wide, lying Westerly of and abutting the West line of a previously vacated public alley, 18.00 feet wide, Lot 1, the south 17.00 feet of Lot 2 and Lots 3-14, inclusive, and, lying Easterly of and abutting the East line of Lot(s) 49-62, inclusive, Also, the east-west public alley(s) 18.00 feet wide, lying southerly of and abutting the South line of Lot(s) 3 and 69 and lying Northerly of and abutting the North line of the remaining part of Lot 2 and Lots 287-292, inclusive, and the Westerly 11.72 feet of Lot 293; all platted in "B.E. Taylor's Brightmoor-Pierce-Hayes Subdivision, lying south of Grand River Avenue, being part of the S.E. 1/4 of Sec. 16, the N.W. 1/4 of the N.E. 1/4 and part of the N.E. 1/4 of the N.W. 1/4 of Sec. 21, T. 1 S., R. 10 E., Redford Twp. (now Detroit) Wayne County, Michigan as recorded in Liber 45, Page 35, Plats, Wayne County Records;

Be and the same is hereby vacated as public alley(s) and is hereby converted into private easement(s) for public utilities of the full width of the alley(s), which easement(s) 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(s) 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(s) or rights-of-way over said vacated public alley(s) 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(s) for the purpose above set forth,

Second, Said utility easement(s) or rights-of-way in and over said vacated alley(s) 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(s) or rights-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(s) 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(s), except that encroachment specifically allowed in this resolution, 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(s) shall request the removal and/or relocation of any existing poles or other utilities in said easement(s), 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(s) at the entrances (into Chatham, Lamphere or Keeler Avenues), 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 owner(s), their heir or assigns; and further

Resolved, That the City Engineering Division—DPW is hereby authorized and directed to issue permits to the “Leland Missionary Baptist Church”, at 22420 Fenkell Avenue, Detroit, Michigan 48223, to install and maintain the encroachment of (2) 24” x 42” deep footings, supporting a overhead canopy system within the Easterly line of the north-south portion of said above requested easement, 16 feet wide, in the block bounded by Chatham Avenue, 60 feet wide, Lamphere Avenue, 66 feet wide, Fenkell Avenue, 66 feet wide, and Keeler Avenue, 50 feet wide, adjacent to said Lot 1 of said “B.E. Taylor’s Brightmoor-Pierce-Hayes Subdivision, lying south of Grand River Avenue, being part of the S.E. 1/4 of Sec. 16, the N.W. 1/4 of the N.E. 1/4 and part of the N.E. 1/4 of the N.W. 1/4 of Sec. 21, T. 1 S., R. 10 E., Redford Twp. (now Detroit) Wayne County, Michigan as recorded in Liber 45, Page 35, Plats, Wayne County Records;

Provided, The “Leland Missionary Baptist Church”, or its assigns shall apply to the Buildings and Safety Engineering Department and the Detroit Water and Sewerage Department 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 such work shall be according to detailed permit application drawings obtained from the City Engineering Division—DPW prior to any public right-of-way construction; and further

Provided, That the encroachments shall be constructed and maintained under their rules and regulations of the City Engineering Division—DPW, the Buildings and Safety Engineering Department and the Detroit Water and Sewerage Department; and further

Provided, That all costs for the construction, maintenance, permits and use of the encroachments shall be borne by “Leland Missionary Baptist Church”, or its assigns; and further

Provided, That all costs incurred by pri-

vately 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 “Leland Missionary Baptist Church”, or its assigns. Should damages to utilities occur “Leland Missionary Baptist Church”, 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 easement(s) or rights-of-way, by acceptance of this permission, “Leland Missionary Baptist Church”, (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 “Leland Missionary Baptist Church”, 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 there from (copy attached); and further

Provided, The property owned by the “Leland Missionary Baptist Church” 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 area affected shall be restored to a condition satisfactory to the City Engineering Division—DPW; and further

Provided, That a minimum horizontal clearance of 3-feet 6-inches and a vertical clearance of 1'-0” be maintained from Public Lighting Department (PLD) facilities. Also, provided that PLD shall have free and easy access to its facilities at all times to permit proper operation, maintenance and if required, alteration, repair or replacement of PLD facilities; and further

Provided, The Detroit Water and Sewerage Department (DWSD) forces shall have free and easy access to the water main and/or sewer facilities at all times to permit proper operation, maintenance and if required, alteration or repair of the water main and/or sewer facilities; and further

Provided, Any proposed fence must have a gate installed to permit access for DWSD forces. The gate shall remain unlocked 24 hours a day, unless a guard is stationed near the gate to allow the DWSD ingress and egress at any time. The minimum dimensions of the gate or gates shall provide 15 foot vertical and 13 foot horizontal clearances for freedom of DWSD equipment movement; and further

Provided, Should the water main and/or sewer facilities be broken or damaged as a result of any action on the part of the petitioner or assigns, then in such event the petitioner or assigns shall be liable for all costs incident to the repair of such broken or damaged water main and appurtenances, and waives all claims for damages; and further

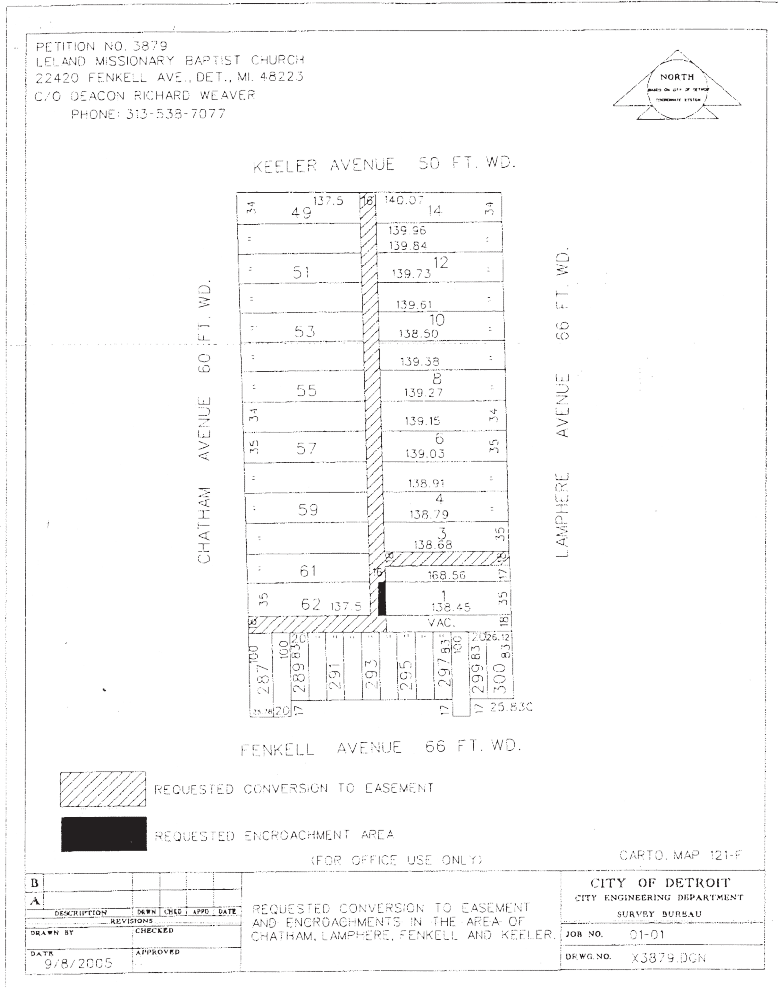
Provided, The placement and maintenance of encroachments in the utility easement shall be construed as accep-

tance by "Leland Missionary Baptist Church". Notwithstanding the fact that the filing of the indemnity agreement and the securing of the necessary permit(s) referred to above in this resolution are stipulations of this encroachment (permission) grant; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and the "Leland Missionary Baptist Church" acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment permits 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 S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9.
 Nays — None.

Detroit Recreation Department
 June 15, 2006

Honorable City Council:
 Re: Authorization to accept funds from the Michigan Council for Arts and Cultural Affairs (MCACA).

The Detroit Recreation Department is hereby requesting the authorization of your Honorable Body to accept and expend \$64,600.00 from the Michigan Council for Arts and Cultural Affairs for the Regional Regranting Services Program (Minigrants). The grant will be used to fund arts and cultural projects developed by small and mid-sized cultural organizations in Wayne County. The accepted funds will enable the Department to support numerous arts and cultural projects in all art disciplines.

With your authorization, the Department will set up Appropriation No. 12231 for this grant project. Within that Appropriation, the Grant amount of \$64,600.00 will be received in Organization No. 398457.

We respectfully request your approval to accept and expend these funds by adopting the following resolution, with a Waiver of Reconsideration.

Respectfully submitted,
 CHARLES BECKHAM
 Director
 Detroit Recreation Department

Approved:
 FLOYD STANLEY
 Deputy Budget Director
 ROGER SHORT
 Finance Director

By Council Member S. Cockrel:
 Resolved, That the Detroit Recreation Department has been awarded funds from the Michigan Council for Arts and Cultural Affairs in the amount of \$64,600.00 towards the funding of arts and cultural projects throughout Wayne County.

Resolved, that the Detroit Recreation Department is hereby authorized to accept and expend these funds for the above cited project, and be it further

Resolved, That the Director of the Finance Department be and is hereby authorized to establish Appropriation No. 12231 and Organization No. 398457 in the amount of \$64,600.00 for the Regional Regranting Services Program (Minigrants), and be it further

Resolved, That the Director of the Finance Department be and is hereby authorized to establish the necessary accounts and honor vouchers and payrolls when presented in accordance with

the foregoing communication and standard City procedures.

Adopted as follows:
 Yeas — Council Members S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9.
 Nays — None.

**Finance Department
 Purchasing Division**
 July 10, 2006

Honorable City Council:
 Re: Contract No. 84451 — 100% City Funding — Employ Individual as Special Investigator for Commercial and Residential Licenses — Harold C. Weber, 20060 McCormick, Detroit, MI 48224 — From July 1, 2006 through June 30, 2007 — Hourly Rate: \$22.11 — Not to exceed: \$45,989.00. Buildings & Safety Engineering.

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

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

Respectfully submitted,
 AUDREY P. JACKSON
 Purchasing Director

By Council Member Conyers:
 Resolved, That Contract No. 84451, referred to in the foregoing communication dated July 10, 2006, be hereby and is approved.

Adopted as follows:
 Yeas — Council Members S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9.
 Nays — None.

*WAIVER OF RECONSIDERATION (No. 3), per Motions before Adjournment.

**Finance Department
 Purchasing Division**
 July 10, 2006

Honorable City Council:
 Re: Contract No. 84452 — 100% City Funding — Employ Individual as Special Investigator for Commercial and Residential Licenses — Dennis R. Bossow, 4715 Woodward, Detroit, MI 48201 — From July 1, 2006 through June 30, 2007 — Hourly Rate: \$22.11 — Not to exceed: \$45,989.00. Buildings & Safety Engineering.

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

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

Respectfully submitted,
 AUDREY P. JACKSON
 Purchasing Director

By Council Member Conyers:
 Resolved, That Contract No. 84452,