

Pacific Ave. over Hwy. I-96; all together with necessary related work, located within the corporate limits of the City; and

PART C (Job #59278)

Superstructure replacement work on Structure S43 of 82123 which carries the ramp connecting Grand River Ave. to westbound Hwy. I-94 over the ramp from Hwy. I-96 to Hwy. I-94 on structure S47 of 82123 which carries the ramp carrying e/b Hwy. I-94 to Grand River over ramp from Hwy. I-96 to Hwy. I-94; all together with necessary related work, located within the corporate limits of the City.

On January 19, 2005, your Honorable Body authorized the Finance Director to increase the amount for City Purchase order No. 2633409 from \$258,300 to \$341,100 for the estimated City's share of the above project.

Based on the bid price and best available information from the Michigan Department of Transportation, the project is anticipated to cost \$18,852,302. The estimated City's share of revised cost would now be \$403,000 including Preliminary Engineering and Construction Engineering, an increase of \$61,900.

We therefore, recommend adoption of the attached resolution, which authorizes the Finance Director to increase the amount of Contract Purchase Order #2633409 from \$341,100 to \$403,000. The increase will come from Appropriation No. 4189, Major Street Fund — Traffic Control Improvement — State.

Respectfully submitted,
CATHY L. SQUARE
Street Administrator

Approved:

FLOYD STANLEY
Deputy Budget Director
ROGER SHORT
Finance Director

By Council Member Collins:

Resolved, That, in accordance with the above communication the Finance Director is hereby authorized to increase the amount of Contract Purchase Order #2633409 from \$341,100 to \$403,000 for Superstructure replacement and deck replacement etc. at various structure over Hwy. I-94, I-96 and M-10 and honor vouchers when presented in accordance with this resolution.

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. 4236 — Flowery Mt. Baptist Church request for vacation

of alley in the area of Linwood Avenue, LaSalle Boulevard, Grand and Clements Streets.

Petition No. 4236 of "Flowery Mt. Baptist Church", request for the conversion of a portion of the North-South public alley, 18 feet wide, in the block bounded by Grand Avenue, 60 feet wide, Clements Avenue, 60 feet wide, Linwood Avenue, 86 feet wide, and LaSalle Avenue, 80 feet wide into a private easement for utilities.

The request was approved by the 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.

All City departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way into a private easement for public 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 Collins:

Resolved, All that part of the North-South public alley, 18 feet wide, lying Westerly of and abutting the West line of Lots 109 and lying Easterly of and abutting the East line of Lots 832 through 836, both inclusive, and the South 1.00 feet of Lot 837 all in the "Robert Oakman's Twelfth Street Subdivision" of part of 1/4 Section 7 10,000 Acre Tract, City of Detroit and Greenfield Township, Wayne County, Michigan as recorded in Liber 34 Page 90, 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, concrete slabs or driveways, retaining or partition walls, shall be built or placed upon said easements, 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 alley return at the entrances (into Clements Ave.), 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 heirs or assigns; 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.

