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

The Traffic Engineering Division — DPW has no objection to the outright vacation of the public rights-of-way and encroachments, provided that a 15.00 foot margin is maintained along W. Alexandrine between the proposed vacation and the curb line. Also, provided that the 4'0" encroachments into the public alley are subsurface only and that the full width of said public alley, 20 feet wide is maintained.

The Public Lighting Department (PLD) reports having an underground fed street lighting pole on the south side of W. Alexandrine in the area of the requested vacation. Removal and relocation of the PLD pole will have an estimated cost of \$7000.00. PLD notes that the \$7000.00 figure is only a tentative estimate based on the projected scope of work as it appears at present.

The Detroit Water and Sewerage Department (DWSD) have existing water mains and sewers located in W. Alexandrine west of Woodward. However, the DWSD has no objections to the requested outright vacation of the southerly 14'6" of W. Alexandrine west of Woodward located north of Lots A, B, and C.

Also, the DWSD reports an existing sewer located in the north-south alley, west of Woodward and south of W. Alexandrine. The DWSD has no objections provided that the appropriate encroachment language is included in the resolution, protecting the DWSD installations.

DTE Energy Gas (MichCon) has no objections provided that the foundations and footings for the proposed caissons along W. Alexandrine, from 0' to 200' westerly of Woodward Avenue, must be at least a minimum of 3' away from existing MichCon gas facilities (6"-CI-1/4 # 1950, approx. 15' north of the south ROW of W. Alexandrine). Furthermore, the public right-of-way where the proposed caissons are located must also be free from any obstruction(s) for MichCon equipment(s) to do repair(s) and/or relocation(s) of their existing gas facilities.

DTE Energy Edison (DTE) reports having a duct run 20.6 feet north of the south line of W. Alexandrine. However, has no objection provided that the vacation is free and clear of any DTE facilities.

DTE Energy/MichCon Gas Company reports no objections to the changes in public rights-of-way provided developer & contractor contact, prior to construction beginning, Michcon's Public Improvement Department at 313-577-7323.

Comcast Cable will require access to maintain existing conduit runs said public

alley 20 feet wide. If it is determined that their existing facilities need to be relocated, the cost to relocate is estimated at \$8000.00.

AT&T reports having an existing conduit run located in the north-south public alley between W. Alexandrine and Selden. AT&T requests that the developer contact MISS DIG to determine if proposed caissons will interfere with telephone conduit run. If it does interfere, the developer is required to call AT&T CG Group at 1-888-901-2871 to develop cost to move conduit.

All other involved City departments and privately owned utility companies have reported no objections to the proposed encroachments and outright vacation. Where appropriate, provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

JESSY JACOB

Interim City Engineer

City Engineering Division — DPW
By Council Member Tinsley-Talabi:

Resolved, All that part of W. Alexandrine Avenue, 100 feet wide, between Woodward Avenue, 120 feet wide, and the north-south public alley, 20 feet wide, first west of said Woodward Avenue, described as being the southerly 14'-6" of said W. Alexandrine Avenue, lying northerly of and abutting the north line of Lots A, B, and C of "Charles Newman's Re-subdivision of Lots 2 and 3 of the Subdivision of Park Lots 61 and 62" City of Detroit, Wayne County, Michigan, as recorded in Liber 3, Page 97, Plats, Wayne County Records;

Be and the same is hereby vacated as a public right-of-way to become part and parcel of the abutting property; subject to the following provisions;

Provided, That a 15.00 foot margin is maintained along W. Alexandrine between said vacation and the curb line; and further

Provided, That satisfactory arrangements are made with the Public Lighting Department (PLD) for the removal and/or relocation of the PLD pole in the area of said vacation; and further

Provided, That the foundations and footings for the proposed caissons along W. Alexandrine, from 0' to 200' westerly of Woodward Avenue, must be at least a minimum of 3' away from existing MichCon gas facilities (6"-CI-1/4 # 1950, approx. 15' north of the south ROW of W. Alexandrine); and further

Provided, That developer & contractor contact, prior to construction beginning, Michcon's Public Improvement Department at 313-577-7323; Also

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Woodward

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SA-PK, LLC", 19100 Woodston Rd., Detroit, Michigan 48203, to install and maintain the 4'-0" subsurface caisson encroachments into the easterly line of the north-south public alley, 20 feet wide, first west of Woodward Avenue, 120 feet wide, between W. Alexandrine Avenue, 100 feet wide, and Selden Avenue, 60 feet wide, all to facilitate the construction of the proposed new five (5) story parking structure that's part of the Woodward Garden Development Project.

The proposed sub-surface encroachment area (below alley grade) to install and maintain caissons are more specifically described as follows:

Land in the City of Detroit, Wayne County, Michigan, being that part of the Easterly 4 feet of the north-south public alley, first west of Woodward Avenue, 120 feet wide, between W. Alexandrine Avenue, 100 feet wide, and Selden Avenue, 60 feet wide, lying westerly of and abutting the west line of Lot A and a 12 foot wide private alley of "Charles Newman's Re-subdivision of Lots 2 and 3 of the Subdivision of Park Lots 61 and 62" City of Detroit, Wayne County, Michigan, as recorded in Liber 3, Page 97, Plats, Wayne County Records; also; lying westerly of and abutting the west line of Lot 1 of the "Subdivision of Park Lots 61 and 62", City of Detroit, Wayne County, Michigan, as recorded in Liber 1, Page 128, Plats, Wayne County Records;

Provided, That any structure(s) built shall have a minimum horizontal clearance of 3-feet 6-inches and a vertical clearance of 1'-0" maintained from the Public Lighting Department (PLD) facilities. Also, the PLD will require 24-hr access for heavy vehicles for maintenance of its installations; and further

Provided, That 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, 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 "Woodward SA-PK, LLC", 19100 Woodston Rd., Detroit, Michigan 48203, or its assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets or alleys, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments

such work shall be according to detailed permit application drawings submitted to the City Engineering Division — DPW prior to any public rights-of-way construction; and further

Provided, That the necessary permits shall be obtained from the City Engineering Division — DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; also in accord with plans submitted to and approved by these departments; including the Public Lighting Department (if necessary), the Water and Sewerage Department (if necessary), and the Traffic Engineering Division — DPW (if necessary); and further

Provided, That all costs for the construction, maintenance, permits and use of the encroachments shall be borne by The "Woodward SA-PK, LLC", 19100 Woodston Rd., Detroit, Michigan 48203, or its assigns; and further

Provided, That all costs incurred by privately 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 The "Woodward SA-PK, LLC", 19100 Woodston Rd., Detroit, Michigan 48203, or its assigns. Should damages to utilities occur The "Woodward SA-PK, LLC", 19100 Woodston Rd., Detroit, Michigan 48203, 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 public rights-of-way, by acceptance of this permission, "The "Woodward SA-PK, LLC", (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, That the "Woodward SA-PK, LLC", shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance by The "Woodward SA-PK, LLC", of the terms thereof. Further, The "Woodward SA-PK, LLC", shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

Provided, The property owned by The "Woodward SA-PK, LLC", or its assigns and the encroachment shall be subject to

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proper zoning or regulated use (Board of Zoning Appeals Grant); and further

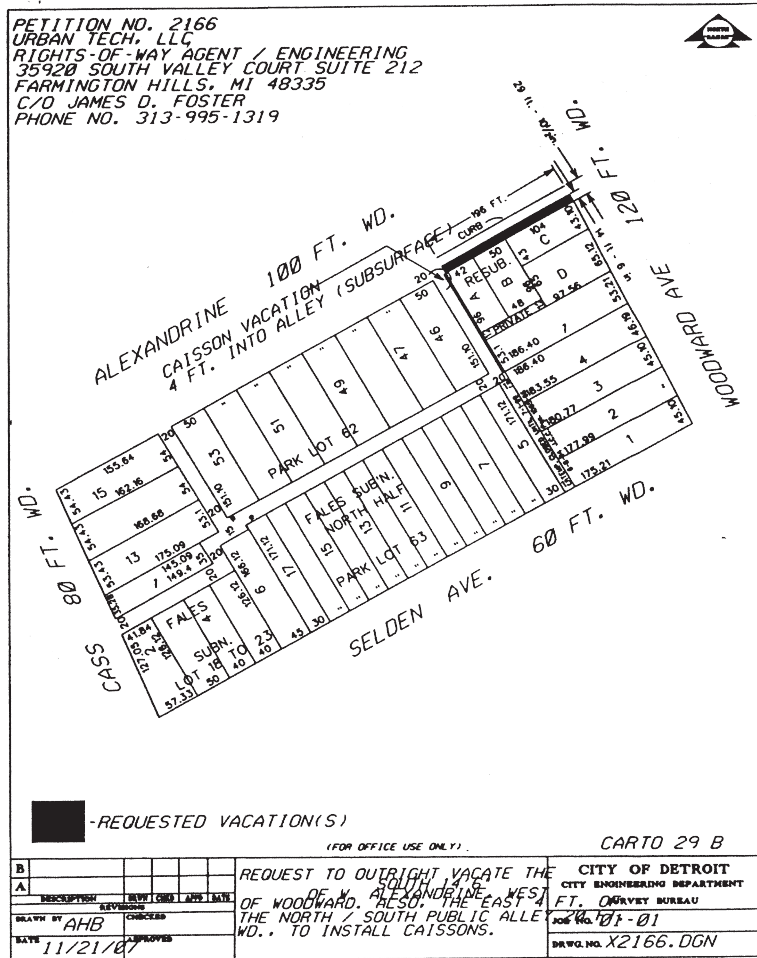
Provided, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall 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 "Woodward SA-PK, LLC", 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 encroachment(s) 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 "Woodward SA-PK, LLC"; 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.



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Adopted as follows:
 Yeas — Council Members S. Cockrel, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 7.
 Nays — None.