

July 15

1842

2008

**Department of Public Works
City Engineering Division**

June 4, 2008

Honorable City Council:

Re: Petition No. 2240 — University of Detroit Mercy request vacation of 18th Street running north of Martin Luther King Boulevard to Magnolia Avenue.

Petition No. 2240 of "University of Detroit Mercy" request conversion of 18th Street, 60 feet wide, between Magnolia Avenue, 50 feet wide and Martin Luther King Boulevard, 124 feet wide into an easement for utilities. This vacation will assist the University of Detroit Mercy with additional parking to accommodate our students and customers.

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 the 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 18th Street, 60 feet wide, between Magnolia Avenue, 50 feet wide, and Martin Luther King Boulevard, 124 feet wide, lying Easterly of and abutting the East line of the North 11.00 feet of Lot 32, and Lots 33 through 44, both inclusive, and Lots 58 and 51, Block 3, all in the "Plat of Weitzel's ReSubdivision" lots from 26 to 36, inclusive, lots from 38 to 45, inclusive, lots from 49 to 57, inclusive all lying between Butternut and Magnolia Streets and west of 18th Street as recorded in Liber 5, Page 18, Plats, Wayne County Records; And lying Westerly of and abutting the West line of the North 26.00 feet of Lot 491, and Lots 492 through 500, both inclusive, all in the "Subdivision of Part of the Stanton Farm P.C. 473 and rear concession" as recorded in Liber 1, Page 255, 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 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 street and by their heirs, executors, administrators and assigns, forever to wit:

Provided, That an easement, the full

width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and be it further

Provided, That free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and be it further

Provided, That the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

Provided, That said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including fences, porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be made within said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

Provided, That if any time in the future, the owners of any lots abutting on said vacated street shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easement shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for all costs incident to the repair of such broken or damaged sewers and water mains, and shall also be liable for all claims for damages resulting from his action; and be it further

First, Said owners hereby grant to and for the use of the public 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

July 15

1843

2008

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 tasks, 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 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,

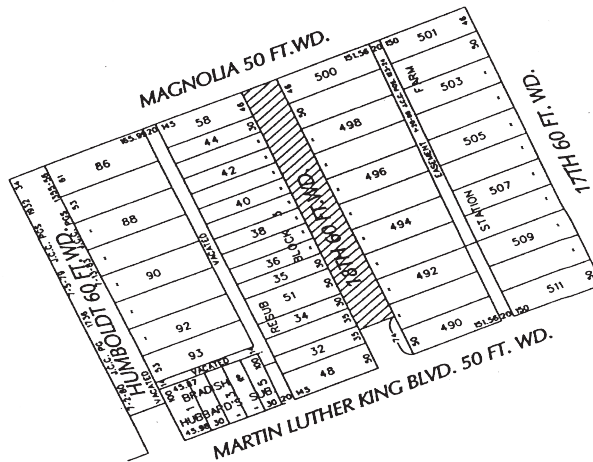
Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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 the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 2240
 TARTIX SOLUTIONS LLC
 FOR UNIVERSITY OF DETROIT MERCY
 211 W. FORT ST., SUITE 1620
 DETROIT, MI 48226
 c/o KAREN D. O'DONOGHUE
 PHONE NO. 313-237-6381



REVISED!!!



- REQUESTED CONVERSION TO EASEMENT

FOR OFFICE USE ONLY

CARTO 19 B

B				
A				
DESCRIPTION	DATE	BY	CHKD	APP. DATE
REVISIONS				
DRAWN BY	NRP	CHECKED		
DATE	3-24-08	APPROVED		

REQUESTED CONVERSION TO EASEMENT 18TH ST.
 BTWN. MAGNOLIA AND MARTIN LUTHER KING BLVD.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x2240.dgn

July 15

1844

2008

Adopted as follows:
Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 8.

Nays — None.

Detroit Department of Transportation
June 3, 2008

Honorable City Council:

Re: Authorization to Accept Funds from the Michigan Department of Transportation (MDOT) Relating to FY 2008 Local Bus Operating Assistance.

The Detroit Department of Transportation has received formal notification of the Michigan Department of Transportation (MDOT) intent to process funds under its Local Bus Operating Assistance formula. These Michigan Public Act 51 funds will provide operating assistance to community-based, demand-response transportation services to elderly and disabled persons in Detroit.

The enclosed correspondence from MDOT represents anticipated State funding as follows:

<u>Provider</u>	<u>Distribution</u>
Coalition	\$475,589
Mental Health	\$223,753
Total	\$699,342

Your Honorable Body's approval to allow the demand-response transportation agencies to provide much-needed transportation services to our elderly and disabled passengers is greatly appreciated.

Respectfully submitted,
LOVEVETT WILLIAMS
Interim Director

Approved:

PAMELA SCALES
Budget Director
NORMAN WHITE
Finance Director

By Council Member Tinsley-Talabi:

Resolved, That the Detroit Department of Transportation (DDOT) be and is hereby authorized to accept the lump sum payment for Local Bus Operating Assistance Grant of \$699,342 for FY 2008 funding to increase Appropriation Account No. 10331 by that amount. A required local match of \$699,342 will be met in-kind by contributions from the demand-response contractors providing the transportation services to elderly and disabled persons;

And Be It Further Resolved, That the Interim Director, Lovett Williams, be and is authorized to execute said agreement with the Michigan Department of Transportation (MDOT);

And Be It Further Resolved, That the Finance Director be and is hereby authorized to establish the necessary accounts, honor payrolls and vouchers in accordance with the foregoing communication,

standard City accounting procedures and MDOT regulations.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 8.

Nays — None.

Finance Department
Purchasing Division

June 19, 2008

Honorable City Council:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

2763474 — 81.85% Federal Funding, 18.151% City Funding (ACT 51) — Construction Engineering and Inspection service for highway, bridges and other major street projects, MDOT job #56190A — Geometrical Improvements and T.S. Modernization A 7 Locations — HNTB Michigan, Inc., 719 Griswold Ave., Detroit, MI 48226 — Contract Period: Upon Notice to Proceed and Twelve (12) Months Thereafter — Contract Amount Not to Exceed: \$153,947.80. **Department of Public Works.**

Respectfully submitted,
MEDINA NOOR
Director

Finance Dept./Purchasing Div.

By Council Member Tinsley-Talabi:

Resolved, That Contract No. **2763474** referred to in the foregoing communication, dated June 19, 2008, be hereby and is approved.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, and President K. Cockrel, Jr. — 7.

Nays — Council Member Watson — 1.

*WAIVER OF RECONSIDERATION (No. 4), per motions before adjournment.

Finance Department
Purchasing Division

June 19, 2008

Honorable City Council:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

2763466 — 81.85% Federal Funding, 18.151% City Funding (ACT 51) — Construction Engineering and Inspection service for highway, bridges and other major street projects, MDOT job #86173 — Deck Replacement of E. Grand Blvd. Bridge over Rivard St. — HNTB Michigan, Inc., 719 Griswold Ave., Detroit, MI 48226 — Contract Period: Upon Notice to Proceed and Twelve (12) Months Thereafter — Contract Amount Not to Exceed: \$423,508.42. **Department of Public Works.**

Respectfully submitted,
MEDINA NOOR
Director

Finance Dept./Purchasing Div.