

June 2

1224

2009

Provided, That the sale of food and soft drinks is held under the direction and inspection of the Health Department, and further

Provided, That the required permits be secure should any tents or temporary installations such as Liquefied Petroleum Gas Systems be used, and further

Provided, That the site be returned to its original condition, and further

Provided, That this resolution is revocable at the will, whim or caprice of the City Council.

Adopted as follows:

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

**Permit**

Honorable City Council:

To your Committee of the Whole was referred Petition of Ilitch Charities (#3441), to license a portion of the Riverwalk. After careful consideration of the request, your Committee recommends same be granted in accordance with the following resolution.

Respectfully submitted,  
ALBERTA TINSLEY-TALABI  
Chairperson

By Council Member Tinsley-Talabi:

Resolved, That subject to the approval of the Buildings & Safety Engineering, Police, Fire, Public Works, Civic Center, and Health Departments and Business License Center, permission be and it is hereby granted to Ilitch Charities (#3441), to license a portion of the Riverwalk located adjacent to Joe Louis Arena, Saturday, June 6, 2009 for a Stanley Cup Finals game-related gathering, and further

Provided, That said activity is conducted under the rules and regulations of the concerned departments and the supervision of the Police Department and in compliance with applicable ordinances, and further

Provided, That the sale of food and soft drinks is held under the direction and inspection of the Health Department, and further

Provided, That the required permits be secure should any tents or temporary installations such as Liquefied Petroleum Gas Systems be used, and further

Provided, That petitioner complies with all sections of Fire Marshal Division Memorandum #3.2 regarding, "Use of tents for Public Assembly," and further

Provided, That such permission is granted with the distinct understanding that petitioner assumes full responsibility for any and all claims, damages, or expenses that may arise by reason of said petition, and further

Provided, That the site be returned to its original condition at the termination of its use, and further

Provided, That this resolution is revocable at the will, whim or caprice of the City Council.

Adopted as follows:

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

**Finance Department  
Purchasing Division**

May 21, 2009

Honorable City Council:

**FINANCE DEPT.**

**CPO #2790500** — (Change Order No. #01) — 100% City Funding — To provide Accounting Services for Preparation of City's Comprehensive Annual Financial Report (CAFR) — Randy K. Lane, P.C., C.P.A., 719 Griswold, Ste. 820, Detroit, MI 48226 — Contract period: April 1, 2009 through September 30, 2009 — Upon City Council's approval for the Correction to the Fee Schedule only — Contract amount not to exceed: \$500,000.00.

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

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

Respectfully submitted,  
MEDINA NOOR, ESQ.

Director  
Purchasing Division

By Council Member S. Cockrel:

Resolved, That CPO #2790500 referred to in the foregoing communication dated May 21, 2009, be hereby and is approved.

Adopted as follows:

Yeas — Council Members S. Cockrel, Jones, Kenyatta, Reeves, Tinsley-Talabi, and President K. Cockrel, Jr. — 6.

Nays — Council Member Watson — 1.

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

**City Planning Commission**

June 2, 2009

Honorable City Council:

Re: Detroit International Bridge Company (DIBC) requesting outright vacation (Petition No. 3178) of various city streets and alleys and the cancellation of vehicular easements granted per approval of Petition No. 3254 (Departmental Report).

In a letter dated February 2, 2009, the DIBC requested the outright vacation of the following streets and alleys as part of the Ambassador Bridge Gateway Project (Gateway Project) referred to as Petition No. 3178:

- The remainder of 22nd Street between W. Lafayette Blvd. and Howard Street;
- The east-west alley west of 22nd Street and north of Fort Street;

June 2

1225

2009

- The remainder of the north-south alley between 22nd and 23rd Street, north of W. Lafayette Blvd.;
- The remainder of the north-south alley between 22nd and 23rd Street, south of W. Lafayette Blvd.;
- The remainder of 23rd Street between W. Fort Street and W. Lafayette Blvd.;
- The remainder of Savoy Street between 23rd and 24th Streets; and
- The remainder of W. Lafayette Blvd. between 22nd and 23rd Streets.

The DIBC is also requesting cancellation of the vehicular easement which was granted per the approval of Petition No. 3254.

The attached map shows the City Planning Commission (CPC) staff's understanding of the general location of the subject request (please see Attachment A).

#### Background

Your Honorable Body may recall, in July, 2006, the City approved the vacation of numerous alleys and streets in the subject area to accommodate the Gateway Project. This included vacating all of 22nd Street, 24th Street, 25th Street, parts of Savoy Street, and various alleys in the area bounded by I-75, the Ambassador Bridge, West Fort Street, and West Grand Boulevard.

At the time, there were two main properties that the DIBC did not have control over: one located on the east and west sides of 23rd Street owned by Alliance Shippers, and the second located on the south side of W. Lafayette Blvd. between 22nd and 23rd Streets owned by the Commodities Export Company (please see Attachment B for a map of these properties). Because the DIBC did not control all of the properties, the City Council approved a resolution (Petition No. 3254) drafted by the Department of Public Works (DPW) requiring in part that a cul-de-sac connecting W. Lafayette be constructed and that 23rd Street between W. Fort and the northbound I-75 Service Drive remain open at all times for accessing the properties north and west of West Fort Street. Please see Attachment C for a map of the proposed cul-de-sac.

In February, 2008, MDOT and the DIBC began the Gateway Project, which in large part involves reconstructing the I-75/I-96 interchange with new connections to the Ambassador Bridge. A Gateway Plan was agreed to by the State, the City and the DIBC, which went around the Alliance Shippers and Commodities Export Company properties.

In the past year, CPC staff understands that the DIBC acquired all of the property controlled by Alliance Shippers. However, the DIBC has not yet acquired the aforementioned property owned by the Commodities Export Company.

Sometime in late 2008/early 2009, the DIBC removed 23rd Street north of West Fort and completed construction of its new bridge plaza area. This new plaza includes, in part, the construction of a new duty free store, as well as access drives and truck fueling station over a portion of 23rd Street. During the construction, the DIBC provided various routes for vehicles to continue accessing the Commodities Export Company's property on West Lafayette. Today, the access to this subject property is from West Grand Boulevard parallel to the I-75 Service Drive. CPC staff understands neither the City nor the Commodities Export Company has granted the DIBC permission to alter how the property on West Lafayette is accessed. The CPC staff understands the Commodities Export Company has filed a lawsuit regarding these actions.

#### Analysis

A recent Michigan Supreme Court ruling and subsequent lower court rulings state that the DIBC is exempt from City regulations (both zoning and building permits) as it relates to the DIBC's purpose of facilitating traffic flow over the bridge. It is CPC staff's understanding that the recent court rulings do not apply to requests from the DIBC to close City streets surrounding the bridge. Such a closure of streets without the City's permission would result in the taking of City land without the City's permission.

A DIBC representative indicates the DIBC is working to comply with City regulations — even though it is not always required. The DIBC maintains that the City bureaucracy has not always been expedient. However, CPC staff is very concerned about the DIBC's removal of 23rd Street without obtaining the City of Detroit's permission or consulting with MDOT as this is also a change to what was previously agreed upon between DIBC and MDOT.

DPW submitted a memorandum dated April 23, 2009 regarding the subject petition No. 3178 (please see Attachment D for a copy of the memo). This report states that DPW's preliminary investigation found that granting the subject request would 1) landlock the Commodities Export Company from any and all public rights-of-way providing access to and from said properties and 2) violate the City Council resolution dated July 28, 2006 requiring, in part, that 23rd Street remain open at all times and that the DIBC notify all impacted property owners before the closing of the streets. DPW Traffic Engineering Division also outlined seven objections in the report, including the DIBC not being the sole owner of all the properties, the DIBC's unilateral decision to construct facilities and alter the City's right-of-way without prior approval

June 2

1226

2009

from the City, and the DIBC's plan being in conflict with State and City approved Gateway Project plans. The Traffic Engineering Division concludes that any alteration to the Gateway plans that have been accepted and approved by the City would require the review by all stakeholders, various City agencies, and the State. The DPW recommends denial of Petition No. 3178.

**Conclusion**

Based on our analysis in the above report and the recommendation of DPW, the CPC staff recommends denial of the subject petition. Attached is a brief resolution for Council's consideration affirming DPW's findings and recommendation. Approval of this recommendation will deny the petition.

Respectfully submitted,  
MARCELL R. TODD, JR.  
Director  
CHRISTOPHER J. GULOCK  
Staff

By Council Member Reeves:

Whereas, In a memorandum dated February 2, 2009, the Detroit International Bridge Company requested the outright vacation of several streets and alleys within the area bound by the I-75 Service Drive, the Ambassador Bridge, West Fort Street, and West Grand Boulevard referred to as Petition No. 3178; and

Whereas, The Department of Public Works submitted a report dated April 23, 2009 recommending denial of Petition No. 3178; and

Whereas, The City Planning Commission staff submitted a report dated June 2, 2009 supporting DPW and recommending denial of Petition No. 3178;

Now Therefore Be It Resolved, That the Detroit City Council affirms the findings and recommendation of the Department of Public Works and City Planning Commission staff and hereby denies Petition No. 3178 by the Detroit International Bridge Company

