

May 19

1053

2009

The second Phase of the greenway will traverse Cass Avenue between West Kirby Street and West Canfield and Canfield between Cass Avenue and John R Street. John R Street is expected to be narrowed to only one lane. The above referenced portion of John R. Street is busy with activities, and motorists avoid the heavy traffic on Woodward Avenue and travel through John R. Street. Motorists travel via John R. Street because it's faster to get to the Central Business District. The narrowing of John R Street should provide a traffic-calming effect on John R Street.

The Midtown Loop will reclaim right-of-way by creating a widened walkway and this would improve pedestrian movement (most especially on John R. Street). The greenway loop initiative is expected to be a part of a larger greenway network linking New Center to downtown and the Detroit River. One notable feature of the greenway loop is the planting of perennials, deciduous and ornamental trees and shrubs, etc. — all of these would be native species of Michigan.

Public Art Along the Greenway Loop

The University Cultural Center Association (UCCA) has completed the Midtown Loop Art Master Plan. According to our information, Susan Wilczak, a public art consultant, and the arts committee, consisting of representatives from arts organizations in greater downtown, have identified twelve different sites located on the Midtown Loop for placement of public art which would complement the greenway loop.

Project Funding

Construction of the first phase is scheduled for this spring. Funding has been made possible with \$2.3 million in stimulus funds and a \$1.3 million grant from the Community Foundation for Southeast Michigan.

Conclusion and Recommendation

The CPC staff, the petitioner, and the project architect and an engineer conducted a site visit to the proposed two-mile Midtown Loop Greenway on April 9, 2009. CPC staff was able to see upfront the areas for future improvement and we think that the plan to develop the greenway loop is a positive way of improving the environment, enhancing walk ability, and also controlling the speed of motorists in the area. The greenway loop will also encourage pedestrians to walk through the interconnected public facilities in the area. The proposed lighting will provide additional security. Finally, the greenway loop will improve pedestrian crossings.

We respectfully recommend that the Council approve the proposed two-mile greenway loop project.

If you need additional information on

this matter, please contact Michael Adebayo of our staff.

Respectfully submitted,
MARCELL R. TODD, JR.
Director
MICHAEL O. ADEBAYO
Staff

Department of Public Works City Engineering Division

April 20, 2009

Honorable City Council:

Re: Petition No. 3188 — University Cultural Center Association (UCCA), requesting approval of four easements necessary for UCCA to construct phase one of the Midtown Loop Greenway in the areas of Kirby Street to John R. to Canfield to Cass.

Petition No. 3188 of "University Cultural Center Association (UCCA)" whose address is 4735 Cass Avenue, Detroit, Michigan 48202 requests the Honorable City Council to accept easements over private properties located on Kirby Avenue, 52.78 feet wide, between Cass Avenue, 80 feet wide, and Woodward Avenue, 120 feet wide; John R Avenue, 60 feet wide, Between Frederick Douglass, 60 feet wide, and Warren Avenue, variable width; and John R. Avenue, 60 feet wide, between Hancock Avenue, 70 feet wide, and Canfield Avenue, 60 feet wide. The public easement is required to construct streetscape improvements on said Streets using federal Transportation Enhancement Funds administered by the Michigan Department of Transportation ("M-DOT"). This Enhancement Funding along with matching funds from the UCCA will cover the streetscape improvements along said Street rights-of-way.

The "Street Enhancement Area" will be placed on property owned by the Detroit Library Commission, the Detroit Science Center, Matrix Human Services (Barat House), and the U.S. Department of Veteran's Affairs which has agreed to give the University Cultural Center Association (UCCA) permission to maintain the Street Enhancement areas in perpetuity pursuant to terms and conditions set forth in Streetscape Improvement Project Agreement/Maintenance Agreement with the Department of Public Works.

One of the requirements of the M-DOT Transportation Enhancement Grant is that City Council authorize acceptance of land for public easement rights over the area required for construction of the Street Enhancement Areas.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
JESSY JACOB
City Engineer
City Engineering Division — DPW

By Council Member Collins:

Whereas, The Department of Public Works ("DPW") previously executed and entered into an Agreement with the UCCA under which the UCCA agreed, among other things, to be responsible for any Project costs deemed ineligible for Transportation Enhancement Grant funding and for maintenance of Project improvements, after completion, "in perpetuity"; and

Whereas, DPW has now approved the plans for Project improvements, but an unfulfilled condition precedent to Transportation Enhancement Grant funding is the grant by the Detroit Library Commission, the Detroit Science Center, Matrix Human Services (Barat House), and the U.S. Department of Veteran's Affairs, as property owner, agreed to give the University Cultural Center Association (UCCA) permission to maintain the public easement rights over and across the parcel proposed for development; and

Whereas, In order to meet the grant requirements, it is necessary that an Street Enhancement Area Easement be authorized by your Honorable Body and determined to be under DPW's control and jurisdiction.

Now Therefore Be It Resolved, That the Detroit Library Commission, the Detroit Science Center, Matrix Human Services (Barat House), and the U.S. Department of Veteran's Affairs, offer to grant of public pedestrian easement rights over the land is hereby accepted and an Street Enhancement Area Easement is hereby authorized and established as being under DPW's control and jurisdiction for the parcel of land more particular described as:

Easement Exhibit "A" Legal Descriptions and Drawings Exhibit "B"

Provided, That the University Cultural Center Association (UCCA) on which the Street Enhancement Area Easement is located, for itself and together with, for and by its successor and assigns, if any, shall be responsible for maintenance of the easement area "in perpetuity," which shall be defined as until such time as City Council, in its sole discretion, by resolution, relinquishes all right, claim and interest in public pedestrian easement rights over and across the subject parcel; and be it further

Provided, That any work to be done in

the public right-of-way is subject to plan review by the City Engineering Department, any and all necessary permits are required, and specifically with respect to park improvements constructed on the Street Enhancement Area Easement: (1) the top soil used as the final layer for the site shall be at least 6 inches thick of clean soil, with certification of such supported by laboratory data; and (2) the 6" thick clean soil layer shall be maintained "in perpetuity" for so long as the easement area is available for public access; and be it further

Provided, That the University Cultural Center Association (UCCA) of the public easement rights over and across the Street Enhancement Area Easement, for itself, its successors and assigns, agrees to save harmless and indemnify the City of Detroit (the "City") from any all liabilities, obligations, penalties, costs, charges, losses, damages, or expenses (including but not limited to, fees and expenses of attorneys, expert witnesses and other consultants) which may be imposed upon, incurred by or asserted against the City by reason of any of the following occurring:

(a) Any intentional, negligent or tortuous acts by Grantor, Grantor's contractors, agents, representatives and employees resulting in personal injury, bodily injury, sickness, disease or death, or injury to or destruction of tangible or real property, including the loss of use therefore, without regard for whether said act or claim arises prior to or subsequent to conveyance of the pedestrian easement to the City; or

(b) Any environmental claim or violation of any environmental law, whether for personal injury, property damage or otherwise, without regard for whether said claim arises prior to or subsequent to conveyance of the pedestrian easement to the City; or

(c) Any and all injury to the person or damage to the property of any person on, about, traversing, playing on or in any way using the pedestrian easement granted to the City, without regard for whether said claim or violation arises prior to or subsequent to conveyance of the pedestrian easement to the City; 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.

