

Departments, permission be and is hereby granted to Washington Entertainment (#2341), to host the Detroit Valley Music Festival, July 13-15, 2012 at Paradise Valley Park.

Resolved, That the Buildings and Safety Engineering Department is hereby authorized to waive the zoning restrictions on said property during the period of the event.

Provided, That the required permits be secured should any tents or temporary installations such as Liquefied Petroleum Gas Systems be used, 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 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 such permission be granted with the distinct understanding that petitioner assumes full responsibility for any and all claims, damages and expenses that may arise by reason of the granting of said petition, and further

Provided, That the site be returned to its original condition after said 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 Cockrel, Jr., Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 7.

Nays — None.

NEW BUSINESS Taken from the Table

Council Member Watson moved to take from the table a proposed ordinance to amend Chapter 19 of the 1984 Detroit City Code, Fire Prevention and Protection, by adding Article III, Emergency Services Cost Recovery, laid on the table May 8, 2012, which motion prevailed.

Adopted as follows:

Yeas — Council Members Cockrel, Jr., Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 7.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 3) per motions before adjournment.

(Six (6) votes required for immediate effect on the one hundred and twenty (120) day after day after publication.)

Taken from the Table

Council Member Watson moved to take from the table a proposed ordinance to amend Chapter 43 of the 1984 Detroit City Code, Police, by adding Article VII, Emergency Service Cost Recovery, laid

on the table May 8, 2012, which motion prevailed.

Adopted as follows:

Yeas — Council Members Cockrel, Jr., Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 7.

Nays — None.

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

(Six (6) votes required for immediate effect on the one hundred and twenty (120) day after day after publication.)

Finance Department Purchasing Division

May 10, 2012

Honorable City Council:

Re: Contracts and Purchase Orders Scheduled to be considered at the Formal Session of May 15, 2012.

Please be advised that the Contract submitted on Thursday, May 10, 2012 for the City Council Agenda of May 15, 2012 has been amended as follows:

1. The contractor's unit price range was submitted incorrectly. Please see the corrections below:

Should read as: Page A

858882 — 100% City Funding — To provide LED Cobra Head Luminaries — Req. #279683 — Hercules & Hercules, Inc., 19055 W. Davison, Detroit, MI 48223 — Quantity (600) — Unit prices range from: \$415.00/each to \$843.00/each — Lowest bid — Estimated cost: \$346,800.00. **Public Lighting.**

Respectfully submitted,

ANDRE DUPERRY

Chief Procurement Officer

By Council Member Jones:

Resolved, That CPO #2858882 referred to in the foregoing communication for the Formal Session of May 10, 2012, be hereby and has failed.

Not Adopted as follows:

Yeas — Council Members Cockrel, Jr., Spivey, and Tate — 3.

Nays — Council Members Jones, Kenyatta, Watson, and President Pugh — 4.

Department of Public Works City Engineering Division

April 10, 2012

Honorable City Council:

Re: Petition No. 1024 — Hantz Farms LLC, for vacation of alley and conversion to public easement of properties abutting alley on Dwyer and St. Louis between E. Davison and Brimson.

Petition No. 1024 of "Hantz Farms LLC", request conversion of a portion of Brimson Avenue, 70 feet wide, between Mt. Elliott Avenue, 70 feet wide, and the North-South public alley, 10 feet wide, into an easement for the utilities. This closure will assist the property owner to better secure the area from illegal dumping.

The request was approved by the Solid

Waste Division — DPW, and 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 the public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

RICHARD DOHERTY

City Engineer

City Engineering Division — DPW

By Council Member Jones:

Resolved, All that part of Brimson Avenue, 70 feet wide, between Mt. Elliott Avenue, 70 feet wide, and the North-South public alley, 10 feet wide, Lying Southerly of and abutting the South line of the 10.00 feet portion of Brimson Avenue, that was vacated on November 27, 1915 and lying Northerly of and abutting the North line of Lot 60 and the east 10.00 feet of the vacated alley all in the "Berman and Friedman's North Detroit Subdivision" of part of the Southwest 1/4 of Section 9, T.1S., R.12E., Hamtramck Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 35, Page 17, 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 alley 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 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 owner 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 line 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 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 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 if it becomes necessary to remove the paved street return at the entrances (into Mt. Elliott Avenue.), 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 heir 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.

