

(d) The responsible party shall be liable for any costs associated with the collection of the unpaid balance that remains after the expiration of thirty (30) days from the date of the invoice.

Sec. 43-7-7. Cost Recovery Review Committee: promulgation of procedural rules.

(a) The Police Department is authorized to establish a Cost Recovery Review Committee, which shall be comprised of three (3) members. The Committee shall consist of two (2) Assistant Corporation Counsels, who are selected by the Corporation Counsel, and one (1) current uniformed member of the Detroit Police Department as selected by the Chief of the Detroit Police Department.

(b) In accordance with Section 2-111 of the 2012 Detroit City Charter, the Board of Police Commissioner shall promulgate procedural rules for processing requests for review of charges assessed under this article.

Sec. 43-7-8. Right to Review.

(a) Any responsible party who, or which, is assessed emergency response costs in accordance with this article shall have a right to a hearing by filing a written request for a review with the Chief of Police within thirty (30) days from the date of the invoice from the City. The request must be accompanied by a written explanation as to why the assessed amount should not be paid by the party.

(b) The party assessed with charges may raise the following defenses, with appropriate evidence, to support that:

(1) He or she is not a responsible party as defined in this article; or

(2) He or she did not cause the emergency; or

(3) The apportionment of costs is in error; or

(4) The amount assessed is in error.

(c) The Cost Recovery Review Committee shall hear all requests for review. Where the Committee determines, based upon the evidence, that the party was improperly charged for any item, the Committee shall waive the charge for such item. The findings and decisions of the Committee shall be in writing and are final.

Sec. 43-7-9. No liability for alleged failure to provide response.

This article shall not be construed to impose any duty, responsibility, or liability in tort on the City of Detroit, its officers, agents, employees or officials, of any kind, that could render any of them liable for an alleged failure to provide adequate emergency response.

Sec. 43-7-10. Reserved.

Section 2. All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

Section 3. This ordinance is declared necessary for the preservation of public

peace, health, safety, and welfare of the People of the City of Detroit.

Section 4. This ordinance shall become effective one hundred and twenty (120) days after publication in accordance with Section 4-118 of the 2012 Detroit City Charter.

Approved as to form:

KRYSTAL A. CRITTENDON

Corporation Counsel

RESOLUTION SETTING HEARING

By Council Member Brown:

Resolved, That a public hearing will be held by this body on MONDAY, APRIL 2, 2012 @ 10:45 A.M., in the Committee of the Whole Room, 13th Floor, Coleman A. Young Municipal Center for the purpose of considering the advisability of adopting the foregoing an Proposed Ordinance to amend Chapter 43 of the 1984 Detroit City Code, *Police*, by adding Article VII, *Emergency Service Cost Recovery*, which shall consist of Sections 43-7-1 through 43-7-9, to provide that the City of Detroit shall recover, to the extent permitted by law, the costs of emergency responses from responsible parties.

All interested persons are invited to be present to be heard as to their views.

Adopted as follows:

Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Tate, Watson, and President Pugh — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

February 22, 2012

Honorable City Council:

Re: Petition No. 3941 — Detroit Gateway Park Outlet Mall, LLC requesting vacation of street and alley rights-of-way within the project boundaries Kenneth, Ralston, Winchester, Colton, Alameda, etc.

Petition No. 3941 of "Detroit Gateway Park Outlet Mall LLC", request the outright vacation of certain rights-of-way within the block bounded by West Eight Mile, 204 feet wide, Winchester Avenue, 50 feet wide, Woodward Avenue, 204 feet wide, and Ralston Avenue, 32 feet wide. This request is necessary to facilitate the development of the Shops at the Detroit's Gateway Park Site.

The petition was referred to the City Engineering Division — DPW for investigation (utility clearance) and report. This is our report.

The Detroit Water and Sewerage Department (DWSD) report no objection to the outright vacation of certain rights-of-way provided that the petitioner agrees to relocate the sewers at no cost to DWSD.

The Public Lighting Department (PLD) reports will remove the overhead circuit (PAL 109) and series street lighting cable pole and underground communication,

fire, and street light cables (PAL 109) on vacated Alameda and Colton Streets. PLD's utility estimated removal will cost \$5,000.00 based on the scope of the work that were presented at that time.

AT&T Communication reports facilities within said project site, however, have no objections to the vacation of certain rights-of-way provided that the relocation of AT&T facilities is relocated at petitioner/property owner/requestors expense.

DTE Energy — Gas Division reports having facilities within Alameda and Colton, and the removing and rerouting of such service will be done at the petitioner/property owner/requestors expense.

Comcast cablevision reports a cost of removing and/or rerouting such services. The petitioner and/or property owner must contact Comcast's customer service desk to initiate the process to remove/relocate existing facilities.

Please abide by Public Act 53, three (3) working days before you dig, dial toll free MISS DIG at 1-800-482-7171.

All other city departments and privately owned utility companies have reported no objection to the changes of the public right-of-way. Provisions protecting utility installations are part of this resolution (if necessary).

I am recommending adoption of the attached resolution.

Respectfully submitted,
RICHARD DOHERTY
City Engineer

City Engineering Division — DPW
By Council Member Brown:

Resolved, All that part of the East-West public alley, 18 feet wide, in the block bounded by Eight Mile Road, Alameda Avenue, Kenneth Avenue and Ralston Avenue lying Southerly of and abutting the South line of Lots 114 through 143, both inclusive, and lying Northerly of and abutting the North line of Lots 84 through 113, both inclusive, all in the "German's Montrose-Park Subdivision" of all of Lots 1 & 2 of Subdivision of part of Sections 2 & 3 Greenfield Township (now City of Detroit) Wayne County, Michigan, description — Beginning at the intersection of Easterly line of Woodward Avenue and the Southerly line of Eight Mile Road. Thence East along said Southerly line of Eight Mile Road 1846.70 feet Thence South 0°12' West, 451.55 feet thence North 89°45' West, 1640.16 feet to said Easterly line of Woodward Avenue thence North 24°40' West along said Easterly line of Woodward Avenue 489.24 feet to the Point of Beginning, as recorded in Liber 29 Page 83, Plats, Wayne County Records;

Also, All that part of the East-West public alley, 18 feet wide, in the block bounded by Eight Mile Road, Alameda Avenue, Kenneth Avenue, and Woodward Avenue, lying Southerly of and abutting the South

line of Lots 144 through 160, both inclusive, and Lots 165 through 167, both inclusive, and lying Northerly of and abutting the North line of Lots 67 through 83, both inclusive, and the West 69.55 feet of Lot 63 all in the "German's Montrose-Park Subdivision" of all of Lots 1 & 2 of Subdivision of part of Sections 2 & 3 Greenfield Township (now City of Detroit) Wayne County, Michigan, description — Beginning at the intersection of Easterly line of Woodward Avenue and the Southerly line of Eight Mile Road. Thence East along said Southerly line of Eight Mile Road 1846.70 feet Thence South 0°12' West, 451.55 feet thence North 89°45' West, 1640.16 feet to said Easterly line of Woodward Avenue thence North 24°40' West along said Easterly line of Woodward Avenue 489.24 feet to the Point of Beginning, as recorded in Liber 29 Page 83, Plats, Wayne County Records;

Also, All that part of the North-South public alley, 18 feet wide, in the block bounded by Woodward Avenue, Ralston Avenue, Eight Mile Road and Alameda Avenue, lying Westerly of and abutting the West line of Lots 167, 168, and 63, and lying Easterly of and abutting the East line of Lots 58 through 62, both inclusive, and Lots 169 through 179, both inclusive, all in the "German's Montrose-Park Subdivision" of all of Lots 1 & 2 of Subdivision of part of Sections 2 & 3 Greenfield Township (now City of Detroit) Wayne County, Michigan, description — Beginning at the intersection of Easterly line of Woodward Avenue and the Southerly line of Eight Mile Road. Thence East along said Southerly line of Eight Mile Road 1846.70 feet Thence South 0°12' West, 451.55 feet thence North 89°45' West, 1640.16 feet to said Easterly line of Woodward Avenue thence North 24°40' West along said Easterly line of Woodward Avenue 489.24 feet to the Point of Beginning, as recorded in Liber 29 Page 83, Plats, Wayne County Records;

Also, All that part of the North-South public alley, 18 feet wide, in the block bounded by Woodward Avenue, Ralston Avenue, Alameda Avenue and Colton Avenue lying Westerly of and abutting the West line of Lot 51 and lying Easterly of and abutting the East line of Lots 52 through 57, both inclusive, all in the "German's Montrose-Park Subdivision" of all of Lots 1 & 2 of Subdivision of part of Sections 2 & 3 Greenfield Township (now City of Detroit) Wayne County, Michigan, description — Beginning at the intersection of Easterly line of Woodward Avenue and the Southerly line of Eight Mile Road. Thence East along said Southerly line of Eight Mile Road 1846.70 feet Thence South 0°12' West, 451.55 feet thence North 89°45' West, 1640.16 feet to said

Easterly line of Woodward Avenue thence North 24°40' West along said Easterly line of Woodward Avenue 489.24 feet to the Point of Beginning, as recorded in Liber 29 Page 83, Plats, Wayne County Records; And lying Westerly of and abutting the West line of Lot 177 and lying Easterly of and abutting the East line of Lots 1 through 6, both inclusive, all in the "State Fair Subdivision No. 2" of Lots 3 & 4 of Subdivision of that part of Section 3 lying Northeast of the Saginaw Turnpike, and the North part of the West 1/2 of the Northwest 1/4 Section 2, T.1S., R.11E, Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 28, Page 20, Plats, Wayne County Records;

Also, All that part of the North-South public alley, 18 feet wide, in the block bounded by Woodward Avenue, Ralston Avenue, Colton Avenue and Winchester Avenue lying Westerly of and abutting the West line of Lots 97 and 98, and lying Easterly of and abutting the East line of Lots 7 through 18, both inclusive, all in the "State Fair Subdivision No. 2" of Lots 3 & 4 of Subdivision of that part of Section 3 lying Northeast of the Saginaw Turnpike, and the North part of the West 1/2 of the Northwest 1/4 Section 2, T.1S., R.11E, Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 28, Page 20, Plats, Wayne County Records;

Also, All that part of Kenneth Avenue, 50 feet wide, between Eight Mile Road and Alameda Avenue lying Westerly of and abutting the West line of Lot 143 and lying Easterly of and abutting the East line of Lot 144 all in the "German's Montrose-Park Subdivision" of all of Lots 1 & 2 of Subdivision of part of Sections 2 & 3 Greenfield Township (now City of Detroit) Wayne County, Michigan, description — Beginning at the intersection of Easterly line of Woodward Avenue and the Southerly line of Eight Mile Road. Thence East along said Southerly line of Eight Mile Road 1846.70 feet Thence South 0°12' West, 451.55 feet thence North 89°45' West, 1640.16 feet to said Easterly line of Woodward Avenue thence North 24°40' West along said Easterly line of Woodward Avenue 489.24 feet to the Point of Beginning, as recorded in Liber 29 Page 83, Plats, Wayne County Records;

Also, All that part of Alameda Avenue, 50 feet wide, between Woodward Avenue and Ralston lying Southerly of and abutting the South line of Lot 58 and lying Northerly of and abutting the North line of Lot 57 all in the "German's Montrose-Park Subdivision" of all of Lots 1 & 2 of Subdivision of part of Sections 2 & 3 Greenfield Township (now City of Detroit) Wayne County, Michigan, description — Beginning at the intersection of Easterly

line of Woodward Avenue and the Southerly line of Eight Mile Road. Thence East along said Southerly line of Eight Mile Road 1846.70 feet Thence South 0°12' West, 451.55 feet thence North 89°45' West, 1640.16 feet to said Easterly line of Woodward Avenue thence North 24°40' West along said Easterly line of Woodward Avenue 489.24 feet to the Point of Beginning, as recorded in Liber 29 Page 83, Plats, Wayne County Records;

Also, All that part of Colton Avenue, 50 feet wide, between Woodward Avenue and Ralston Avenue lying Southerly of and abutting the South line of Lot 6 and lying Northerly of and abutting the North line of Lot 7 all in the "State Fair Subdivision No. 2" of Lots 3 & 4 of Subdivision of that part of Section 3 lying Northeast of the Saginaw Turnpike, and the North part of the West 1/2 of the Northwest 1/4 Section 2, T.1S., R.11E, Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 28, Page 20, Plats, Wayne County Records;

Be and the same is hereby vacated (outright) as public rights-of-way to become part and parcel of the abutting property, subject to the following provisions;

Provided, That the water mains and sewers are abandoned in accordance with plans approved by DWSD and under DWSD's permit and inspection; and further

Provided, That the petitioner and/or the property owner is responsible for any and all cost associated with the removing and/or relocation of any utilities within requested area of outright vacation, and further

Provided, All that part of the North-South public alley, 10.00 feet wide, between West Eight Mile Road, and The first East-West vacated alley south of vacated Winchester Avenue lying Easterly of and abutting the East line of Lots, 114, 113, and 1 all in the "German's Montrose-Park Subdivision" of all of Lots 1 & 2 of Subdivision of part of Sections 2 & 3 Greenfield Township (now City of Detroit) Wayne County, Michigan, description — Beginning at the intersection of Easterly line of Woodward Avenue and the Southerly line of Eight Mile Road. Thence East along said Southerly line of Eight Mile Road 1846.70 feet Thence South 0°12' West, 451.55 feet thence North 89°45' West, 1640.16 feet to said Easterly line of Woodward Avenue thence North 24°40' West along said Easterly line of Woodward Avenue 489.24 feet to the Point of Beginning, as recorded in Liber 29 Page 83, Plats, Wayne County Records; And lying Easterly of and abutting the East line of Lots 137, 136, 61 and 60 all in the "State Fair Subdivision No. 2" of Lots 3 & 4 of Subdivision of that part of

Section 3 lying Northeast of the Saginaw Turnpike, and the North part of the West 1/2 of the Northwest 1/4 Section 2, T1S., R.11E. Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 28, Page 20, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a private easement for public utilities of the full width of the alley, 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 owners of any lots abutting on said vacated alley shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incidental 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 incidental 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 alley 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 alley 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 alley 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

Whereas, The Detroit Gateway Park Outlet Mall LLC (petitioner) and/or proper-

ty owner has submitted an drawing detailing an vehicular easement driveway to be used for the property owner along West Eight Mile Road to access the rear of property to the remaining portion of the open public alley. This vehicular easement driveway is to remain in place until the said property owner either sales the property to the Detroit Gateway Park Outlet Mall LLC or request to have this remaining portion of alley closed; and

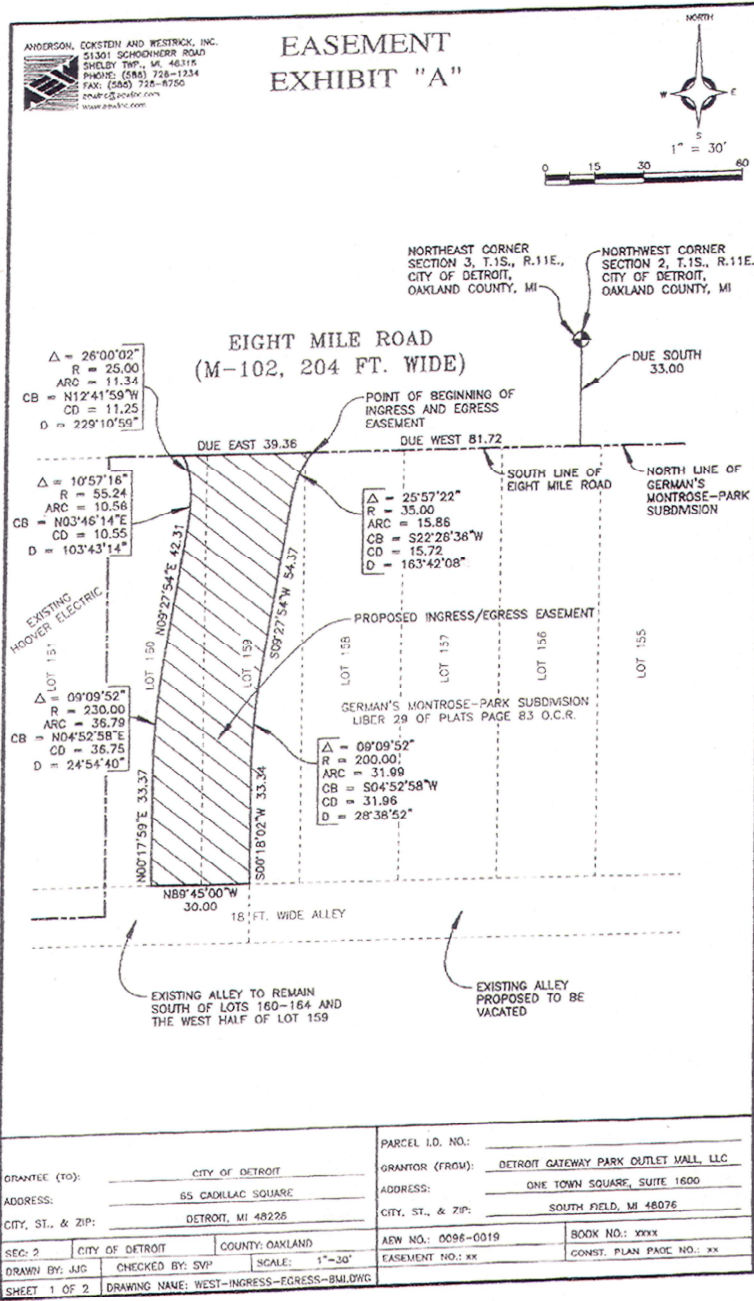
Resolved, That your Honorable Body authorized the acceptance of the following described easement over property owned by The Detroit Gateway Park Outlet Mall LLC, subject to the approval of the Traffic Engineering Division — DPW and/or City Engineering Division — DPW and any other public or privately owned utility company, if necessary;

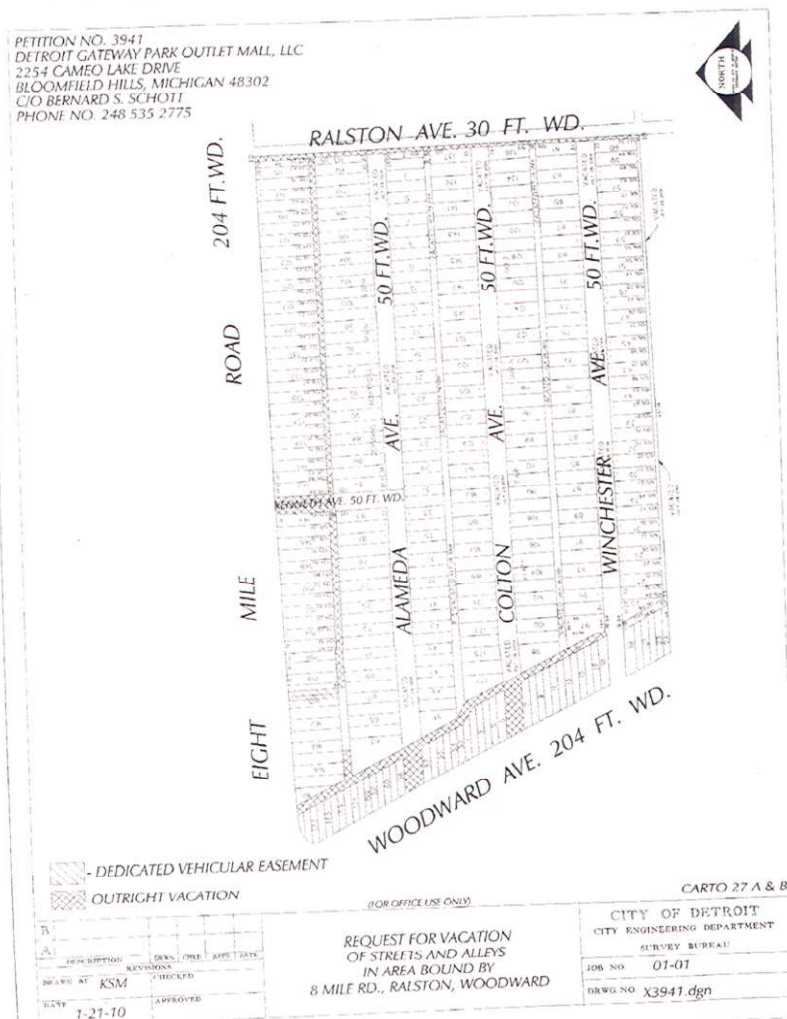
Land in the City of Detroit, Wayne County, Michigan, part of "German's Montrose-Park Subdivision", all of Lots 1 and 3 of Subdivision of Part of section 2 and 3, T1S., R.11E., City of Detroit, Wayne County Michigan, as recorded in Liber 29, Page 83, Plats, Wayne County Records, being described as:

Commencing at the Northwest corner of Section 2, also being the Northeast corner of Section 3, thence due South 33.00 feet to the North line of "German's Montrose-Park Subdivision" and the South line of Eight Mile Road; thence due West 81.72 feet along the South line of Eight Mile Road to the point of Beginning; thence Southerly along a non-tangent curve concave to the East

having a central angle of 25°55'26", a radius of 35.00 feet, an arc distance of 15.84 feet and whose chord bears South 22°25'38" West 15.70 feet; thence South 9°27'54" West 54.37 feet; thence Southerly along a tangent curve concave to the East having a Central angle of 9°9'52", a radius of 200.00 feet, an arc distance of 31.99 feet and whose chord bears South 4°52'58" West 31.96 feet; thence South 0°18'02" West 33.34 feet; thence North 89°45'0" West 30.00 feet; thence North 0°17'59" East 33.37 feet; thence Northerly along a tangent curve concave to the East having a central angle of 9°9'52", a radius of 230.00 feet, an arc distance of 36.79 feet and whose chord bears North 4°52'58" East 36.75 feet; thence North 9°27'54" East 42.31 feet; thence Northerly along a non-tangent curve concave to the West having a central angle of 10°57'16", a radius of 55.24 feet, an arc distance of 10.55 feet and whose chord bears North 3° East 10.55; thence Northerly along a non-tangent curve concave to the West having a central angle of 25°57'35", a radius of 25.00 feet, an arc distance of 11.33 feet and whose chord bears North 12°40'46" West 11.23 feet to the South line of Eight Mile Road; thence South 90°0'0" East 39.34 feet along the South line of Eight Mile Road to the Point of Beginning. Containing 0.09 Acres.

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.





Adopted as follows:

Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Tate, Watson, and President Pugh — 8.
Nays — None.

Dangerous Structures

Honorable City Council:

In accordance with Section 12-11-28.4 of the Building Code, hearings were held for the purpose of giving the owner or owners the opportunity to show cause why certain structures should not be demolished or otherwise made safe. After careful consideration of same, your Committee recommends that action be taken as set forth in the following resolution.

Respectfully submitted,
GARY BROWN
Chairperson

By Council Member Brown:

Resolved, That the findings and determination of the Buildings, Safety Engineering & Environmental Department that certain structures on premises known as 17191 Alcoy, 17205 Anglin, 20234 Annott, 20243 Annott, 15752 Ardmore, 13504 Artesian, 16510 Asbury Park, 15415 Auburn, 6425 Barton, 16233 Baylis, 10157 Beechdale and 13958 Bentler, as shown in proceedings of February 28, 2012, (J.C.C. page), are in a dangerous condition and should be removed, be and are hereby approved, and be it further

Resolved, That the Buildings, Safety Engineering & Environmental Department be and it is hereby authorized and directed to take the necessary steps for the removal of dangerous structures at 17191