

Adopted as follows:
 Yeas — Council Members Benson, Castaneda-Lopez, Cushingberry, Jr., Jenkins, Leland, Sheffield, Spivey, and President Jones — 8.
 Nays — None.

**Department of Public Works
 City Engineering Division**

November 6, 2013

Honorable City Council:
 Re: Petition No. 2669 — HAL Architectural Design Group PLLC, request for conversion of existing easements under Petition number 695 to be vacated outright and non-standard approach in the area of Hilldale, E. Seven Mile, Omira, and the railroad.

Petition No. 2669 of "HAL Architectural Design Group, PLLC", request the outright vacation of the streets and alleys

(converted to easement in April, 2012) and approval for a non-standard approach in the block bounded by East Seven Mile Road, 66 feet wide, Hilldale Avenue, 50 feet wide, Omira Avenue, 50 feet wide, and The Railroad right-of-way. This resolution is necessary for the present and future expansion, also to accommodate the current day to day operations of Milton's Industrial.

It is necessary to seek City Council approval for the waiver of a non-standard condition within the public right-of-way.

The request was approved by the Planning and Development Department, the Solid Waste Division — DPW, and the Traffic Engineering Division (with conditions) — DPW. 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) reports sewers and water mains located in the streets and alleys requested to be outright vacated. DWSD has no objections to the requested outright vacations and non-standard approach, provided that the attached provisions are to be strictly followed. If necessary, the water mains and sewers are to be relocated by the petitioner and/or property owner there is to be no cost to DWSD or the city.

The Traffic Engineering Division — DPW (TED) reports no objections to the outright vacation or the non-standard approach, provided that the petitioner has 100% of abutting property owner signatures. The non-standard approach/drive-way must be ADA compliant.

The Public Lighting Department (PLD) reports the outright vacation area has PLD overhead arc circuits running in said area, and will remove PLD facilities at property owner/petitioner/project expense. PLD has not objections to the non-standard approach.

AT&T reports having an extensive telephone plant in said outright vacated area feeding businesses on Omira and East Seven mile. Must contact CGG to obtain estimate for removing and/or rerouting of services, at 1-888-901-2779.

DTE Energy Electric Division reports overhead facilities in said outright vacated area. Therefore, object to the outright vacation in the location of Alley south of Seven mile, Alley south of Brentwood and alley south Robinwood only, but have no objection to maintaining a full width easement.

DTE Energy — MichCon Gas Company reports no objections to the outright vacation and non-standard approach provided that contact be made to Jay Williams at 313-389-7303 (Supervisor) or Laura Forrester at 313-389-7261 (Gas Planner) for the estimated cost of our services in abandoning, removing, and/or relocation/rerouting of DTE's facilities.

The Petitioner and/or property owner is responsible to pay all cost such as, but not limited to the cost of removal and rerouting of utilities associated to vacate the said streets and alleys as it relates to this development and no cost to the City.

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

An appropriate resolution is attached for the outright vacation and non-standard approach for consideration by your Honorable Body.

Respectfully submitted,
 RICHARD DOHERTY, P.E.
 City Engineer
 City Engineering Division — DPW

By Council Member Benson:

Resolved, All that part of the East-West public alley, 16 feet wide, in the block bounded by East Seven Mile Road, 66 feet wide, Brentwood Avenue, 50 feet wide, Omira Avenue, 50 feet wide, and the Rail Road right-of-way lying Southerly of and abutting the South line of Lots 45 through 55, both inclusive, and lying Northerly of and abutting the North line of Lots 56 through 62, both inclusive, all in the "Seven-Oakland Subdivision" of the Northeast 1/4 of Northwest 1/4 of Section 12, T.1S., R.11E., Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 34, Page 62, Plats, Wayne County Records:

Also, All that part of the East-West public alley, 16 feet wide, in the block bounded by Brentwood Avenue, 50 feet wide, Hollywood Avenue, 50 feet wide, Omira Avenue, 50 feet wide, and the Rail Road right-of-way lying Southerly of and abutting the South line of Lots 103 through 108, both inclusive, and lying Northerly of and abutting the North line of Lots 111 through 116, both inclusive, all in the "Seven-Oakland Subdivision" of the Northeast 1/4 of Northwest 1/4 of Section 12, T.1S., R.11E., Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 34, Page 62, Plats, Wayne County Records

Also, All that part of the East-West public alley, 16 feet wide, in the block bounded by Robinwood Avenue, 50 feet wide, Goldengate Avenue, 50 feet wide, Omira Avenue, 50 feet wide, and the Rail Road right-of-way lying Southerly of and abutting the South line of Lots 211 through 213, both inclusive, and lying Northerly of and abutting the North line of Lots 222 through 224, both inclusive, all in the "Seven-Oakland Subdivision" of the Northeast 1/4 of Northwest 1/4 of Section 12, T.1S., R.11E., Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 34, Page 62, Plats, Wayne County Records

Also, All that of part of Brentwood Avenue, 50 feet wide, between Omira Avenue, 50 feet wide, and the Rail Road right-of-way lying Southerly of and abutting the South line of Lots 56 through 62, both inclusive, and lying Northerly of and abutting the North line of Lots 103 through 109, both inclusive, all in the "Seven-Oakland Subdivision" of the Northeast 1/4 of Northwest 1/4 of Section 12, T.1S., R.11E., Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 34, Page 62, Plats, Wayne County Records;

Also, All that part of Hollywood Avenue, 50 feet wide, between Omira Avenue, 50 feet wide, and the Rail Road right-of-way lying Southerly of and abutting the South line of Lots 112 through 116, both inclusive, and lying Northerly of and abutting

the North line of Lots 157 through 161, both inclusive, all in the "Seven-Oakland Subdivision" of the Northeast 1/4 of Northwest 1/4 of Section 12, T.1S., R.11E., Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 34, Page 62, Plats, Wayne County Records;

Also, All that part of Robinwood Avenue, 50 feet wide, between Omira Avenue, 50 feet wide, and the Rail Road right-of-way lying Southerly of and abutting the South line of Lots 164 through 170, both inclusive, and lying Northerly of and abutting the North line of Lots 211 through 217, both inclusive, all in the "Seven-Oakland Subdivision" of the Northeast 1/4 of Northwest 1/4 of Section 12, T.1S., R.11E., Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 34, Page 62, Plats, Wayne County Records;

Be and the same is hereby vacated (outright) as public streets and alleys right-of-way to become part and parcel of the abutting property, provided that a private easement of the full width of the alleys (south of East Seven mile, south of Brentwood and south of Robinwood) are reserved for DTE, and subject to the following provisions;

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 alley vacation, and further

Provided, That PLD will remove all facilities within said area of outright vacation at property owner/petitioner/or project expense; and further

Provided, That property owner/petitioner must contact CGG to obtain estimate for removing and/or rerouting of services, at 1-888-901-2779 before construction; and further

First, Said owners hereby grant to and for the use of the public easements or rights-of-way over said vacated public streets and alleys 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 easements for the purpose above set forth,

Second, Said utility easements or rights-of-way in and over said vacated streets and alleys 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 easements or rights-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 easements 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 streets and alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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, Milton Manufacturing seeks a variance from the City of Detroit requirements to having a curb cut that exceeds 30 feet in width standard; and be it further

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to Milton Manufacturing and/or whom them assigned for a curb cut; lying Easterly of and abutting the East line of Lot 157 all in the "Seven-Oakland Subdivision" of the Northeast 1/4 of Northwest 1/4 of Section 12, T.1S., R.11E., Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 34, Page 62, Plats, Wayne County Records, to maintain a non-standard commercial driveway curb cut opening being 112.00 feet wide within Omira Avenue, 50 feet wide;

Provided, That the petitioner/property owner shall file with or have on file with the Finance Department and/or City Engineering Division — DPW an indemnity agreement approved by the Law Department, saving, defending, and protecting the City of Detroit from and all

claims which may arise there from. Also, the petitioner/property owner shall be required by the Law Department in conjunction with the Finance Department — Risk Management Division to present proof of financial capability (bonds and insurance; the City of Detroit shall be named as co-insured therein) to pay any claims, damages or expenses that may arise as a result of the installation, maintenance or use of an existing non-standard commercial driveway within the public streets rights-of-way. To protect the City in the event of petitioner's default, a surety bond in a penal sum sufficient to pay the City of Detroit's cost to remove or alter the non-standard curb opening (if such removal or alteration becomes necessary) shall be maintained by Milton Manufacturing, also said surety bond shall be maintained in perpetuity (with no expiration date) by Milton Manufacturing. The Petitioner/property owner shall be unable to obtain a release from said surety bond as long as the non-standard commercial driveway exists within the public right-of-way of Omira Avenue, 50 feet wide. The City Engineering Division — DPW shall be responsible for determining the amount of said surety bond, and then to transmit the information to the Finance Department; and be it further

Provided, That the non-standard approach/driveway must be ADA compliant; and further

Provided, That such use of public property shall be under the rules and regulations of the City Engineering Division — DPW in conjunction with the Traffic Engineering Division — DPW; and further

Provided, That the property owned or leased by the petitioner and adjoining the herein above described part of the public street right-of-way shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total area of said Northern and Southern public sidewalks space; and further

Provided, All cost for the maintenance,

permits and use of the existing non-standard commercial driveways within public street right-of-way shall be borne by the petitioner/property owner; and further

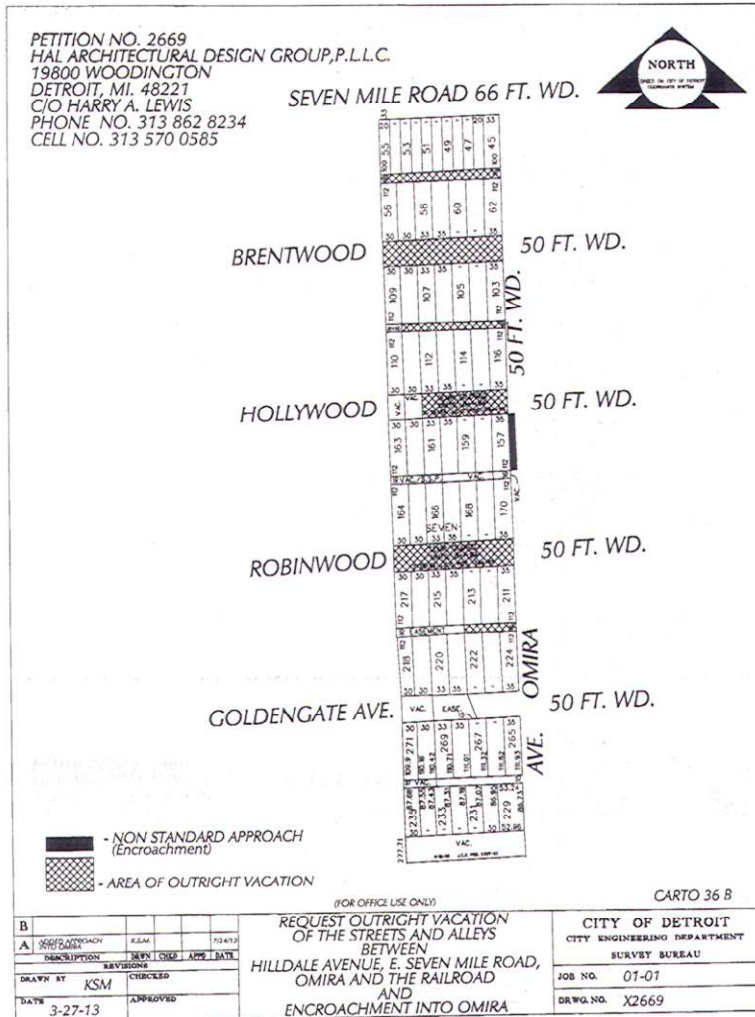
Provided, The construction, placement, and maintenance of the non-standard commercial driveways within public sidewalk space shall be subject to City of Detroit Permits and inspection. Further, the petitioner/property owner shall pay all costs to maintain the non-standard commercial driveways abutting property owned or leased by Milton Manufacturing. The petitioner/property owner shall be liable for all claims, demands, costs, damages, expenses and causes of action of every kind and character arising in favor of any person, or other legal entity on account of personal injuries or death or damage to property caused by or claimed or alleged to have risen out of the installation and maintenance of a non-standard commercial driveway within public street rights-of-way. The installation and maintenance of said encroachment shall comply with the rules and regulations of the City Engineering Division — DPW and the Traffic Engineering Division — DPW; and further

Provided, Said permission to use the above described public rights-of-way space may be rescinded at any time by the Department of Public Works and/or City Engineering Division — DPW; and further

Provided, The installation and maintenance of any non-standard driveways referred to herein shall be construed as acceptance of this resolution by the permittee; and further

Provided, That the non-standard driveway permit(s) shall not be assigned or transferred without the written approval of the City Council; 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;



Adopted as follows:
 Yeas — Council Members Benson, Castaneda-Lopez, Cushingberry, Jr., Jenkins, Leland, Sheffield, Spivey, and President Jones — 8.
 Nays — None.

Permit

Honorable City Council:
 To your Committee of the Whole was referred Petition of People for Palmer Park & Integrity Shows (#3000), request to host "Palmer Park Art Fair." After careful consideration of the request, your Committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,
 SCOTT BENSON
 Chairperson

By Council Member Benson:

Resolved, That subject to the approval of the concerned departments, permission be and is hereby given to Petition of People for Palmer Park & Integrity Shows (#3000), request to host "Palmer Park Art Fair" at 910 Merrill Plaisance, Detroit, MI 48203 on May 2-4, 2014 with various times and temporary street closure. Set up is May 1, 2014 at 8:00 a.m. with tear down on May 4, 2014 by 11:00 p.m.

Provided, That said activities are conducted under the rules and regulations of the concerned departments, and the supervision of the Police Department, and further

Provided, That such permission is granted with the distinct understanding that petitioner assumes full responsibility for any and all claims, damages or