

assigned or transferred without a written approval of the City Council; and

Provided, That the petitioner follow the mandated minimum six (6) foot wide pedestrian clearance on the sidewalk, free of all obstacles such as existing planters, parking meters, utility poles, transformer boxes, etc., to allow for pedestrian movement; and

Provided, That the designated outdoor seating area shall be properly identified through the use of railings in order to regulate and control the serving of liquor within the perimeter of the café; and

Provided, That if any tent or other enclosure is to be utilized on the subject site, the applicant shall secure prior approval from Buildings, Safety Engineering and Environmental Department and the Department of Public Works/City Engineering Division; and

Provided, That all railing equipment and fixtures shall be removed from the public right-of-way during the months of non-operation and placed in storage; and

Provided, That a certified copy of this Resolution shall be recorded with the Office of the Register of Deeds for Wayne County at the "permittee's" expense.

Adopted as follows:

Yeas — Council Members Benson, Castaneda-Lopez, Cushingberry, Jr., Jenkins, Leland, Sheffield, Spivey, Tate, and President Jones — 9.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 6), per motions before adjournment.

PUBLIC HEALTH AND SAFETY STANDING COMMITTEE

Finance Department Purchasing Division

August 28, 2014

Honorable City Council:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

2848560 — 100% City Funding — To Provide Terrorism Insurance Coverage for Municipal Parking Department — Contractor: AON Risk Services Inc. of Michigan — Location: 3000 Town Center, Suite 3000, Southfield, MI 48075 — Contract Period: August 1, 2014 through July 31, 2015 — Increase Amount: \$88,426.00 — Contract Amount: \$316,176.00. **Municipal Parking.**

(Contract increase of funds, original amount \$227,750.00.)

Respectfully submitted,

BOYSIE JACKSON

Purchasing Director

Finance Dept./Purchasing Div.

By Council Member Benson:

Resolved, That Contract No. **2848560** referred to in the foregoing communication dated August 28, 2014, be hereby and is approved.

Adopted as follows:

Yeas — Council Members Benson, Castaneda-Lopez, Cushingberry, Jr., Jenkins, Leland, Sheffield, Spivey, Tate, and President Jones — 9.

Nays — None.

Department of Public Works City Engineering Division

August 18, 2014

Honorable City Council:

Re: Petition No. 2778, N.S.I. Construction, Inc., request to vacate alley and street at 9937 Dearbor(n) Street and Port (Fort) Street per BSEED.

Petition No. 2778, N.S.I. Construction, Inc., request to vacate and convert to easement Gerisch Avenue, 50 feet wide and two East-West alleys in the block bounded by West Fort Street, 120 feet wide, Barron Avenue, 24 feet wide, Dearborn Avenue, 66 feet wide and the Chesapeake and Ohio Railroad Right-of-way, 100 feet wide.

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 easements for public utilities. The request was approved by the Solid Waste Division — DPW, Traffic Engineering Division — DPW objected to part of the request, and that part is not included in this resolution.

Provisions protecting utility installations are part of the attached resolution. Detroit Water and Sewerage Department (DWSD) has no objection to the conversion to easements. The specific DWSD provisions for easements are included in the resolution. Public Lighting Department (PLD) has no objection and is not involved in this project.

I am recommending adoption of the attached resolution.

Respectfully submitted,

RICHARD DOHERTY, P.E.

City Engineer

City Engineering Division — DPW

By Council Member Benson:

Resolved, All of Gerisch Avenue, 50 feet wide, lying easterly of and adjoining the easterly line of Lot 5, and lying westerly of and adjoining the westerly line of Lots 4 and 6; also all of the public alley, 18 feet wide, lying southerly of and adjoining the southerly line of Lots 1, 2, 3 and 4; also lying northerly of and adjoining the northerly line of Lot 6; all in "Barron's Subdivision of part of Lots 1 and 2 of Plat of Part of P.C. 340" as recorded in Liber 26, Page 3, Plats, Wayne County Records.

Be and the same are hereby vacated as a public street and public alleys and are hereby converted into a private easements for public utilities of the full width of the

street and alley, which easements 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 street and alley and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public, easements or rights-of-way over said vacated street and alley 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 or alley 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 street and 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 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 street or alley 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

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

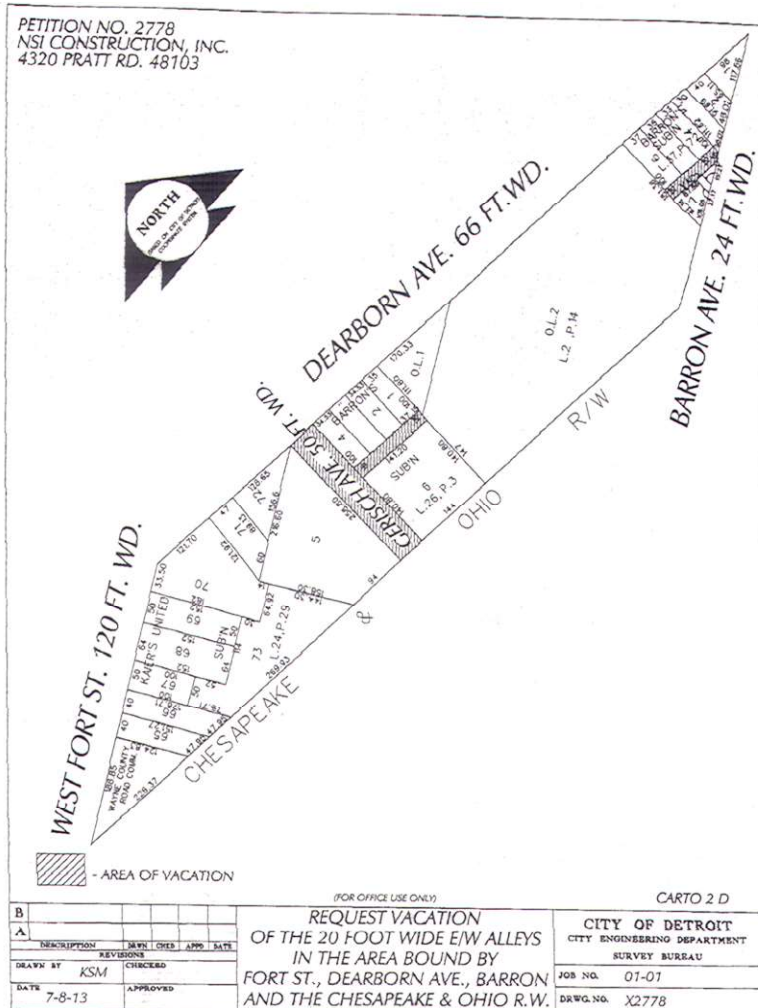
Provided, That the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guides post over its water mains at reasonable intervals and at points deflection; and be it further

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 alleys 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

Provided, That if it becomes necessary to remove the paved street return at the entrances (into Dearborn 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 heirs 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.



Adopted as follows:
 Yeas — Council Members Benson, Castaneda-Lopez, Cushingberry, Jr., Jenkins, Leland, Sheffield, Spivey, Tate, and President Jones — 9.
 Nays — None.

**Water and Sewerage Department
 Office of the Director**
 August 27, 2014

Honorable City Council:
 Re: Petition 215, Mannik Smith Group, Request to Execute an Agreement and Grant of Easement for the Detroit Water and Sewerage Department Combined Sewers from Marathon Company.

At the request of your Honorable Body, the Detroit Water and Sewerage

Department (DWSD) is responding to the above referenced petition.

The Agreement and Grant of Easement was executed by the Board of Water Commissioners on August 26, 2009, but was not approved by City Council at that time. The intent was to correct the original Agreement and Grant of Easement. The original Agreement and Grant Easement granted from Marathon years ago, allowed DWSD access to the property but was not specific with legal descriptions for the sewer's easements. Attached are revised Exhibits A and B for Petition 215. The revised exhibits have been corrected to reflect the easements as a 30 foot combined sewer easement for 10 foot DWSD sewer, and a 25 foot combined sewer easement for 60 inch DWSD sewer.