

**PUBLIC HEALTH AND SAFETY
STANDING COMMITTEE**

Office of Contracting and Procurement
November 2, 2017

Honorable City Council:

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

3018343 — 100% City Funding — To Provide Demolition/Emergency: 17AC1328 19400 Heyden, 17AC1359 5091 & 5093 Ivanhoe, 5703 & 5727 28th Street — Contractor: Able Demolition, Inc. — Location: 5675 Auburn Road, Shelby Township, MI 48317 — Contract Period: October 25, 2017 through October 24, 2018 — Total Contract Amount: \$67,468.00. **Housing and Revitalization.**

Respectfully submitted,
BOYSIE JACKSON

Chief Procurement Officer
Office of Contracting and Procurement
By Council Member Benson:

Resolved, That Contract No. **3018343** referred to in the foregoing communication dated November 2, 2017, be hereby and is approved.

Adopted as follows:

Yeas — Council Members Ayers, Benson, Cushingberry, Jr., Leland, Castaneda-Lopez, Spivey, and Tate — 7.
Nays — Council President Jones — 1.

**Department of Public Works
City Engineering Division**

October 26, 2017

Honorable City Council:

Re: Petition No. 1390, InSite Real Estate LLC, request to convert a public right-of-way to an easement over a portion of Lantz Avenue between Sherwood (east Boundary) and Michigan Central Railroad (west Boundary).

Petition No. 1390, by InSite Real Estate LLC, request to vacate and convert to easement Lantz Avenue, 40 feet wide, and variable width, from Sherwood Avenue, 76 feet wide, and 66 feet wide, to Michigan Central Railroad right-of-way, 50 feet wide.

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

The request is being made to consolidate properties, and for site improvements and modifications.

The request was approved by the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW.

Public Lighting Department (PLD) reports involvement with a primary circuit in the subject area. A provision for 24-hour access by PLD is a part of the resolution.

Public Lighting Authority (PLA) reports involvement and the estimated cost of removing their services is 698.70 dollars.

A provision for the PLA removals are a part of the resolution.

Detroit Water and Sewerage Department (DWSD) has no objection to the conversion to easement. The specific DWSD provisions for easements are included in the resolution.

DTE Energy (DTE) reports involvement and has no objection provided their access is maintained and certain clearances are kept. A provision for DTE is a part of the resolution.

All other involved City Departments, and privately owned utility companies have reported no objections to the conversion of the public right-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, P.E.
City Engineer

City Engineering Division — DPW
By Council Member Benson:

Resolved, That Lantz Avenue, 40 feet wide, and variable width, from Sherwood Avenue, 76 feet wide, and 66 feet wide, to Michigan Central Railroad right-of-way, 50 feet wide and described as land in the City of Detroit, Wayne County, Michigan lying southerly of and adjoining the southerly line of part of the N.E. 1/4 of S.W. 1/4 of Section 4, T.1S., R.12E; and also described as lying southerly of and adjoining the southerly line of Lots 20, 21, 44, and Out Lot A, and the vacated streets adjoining said Lots and Out Lot "Paterson Bros. & Co. Mt. Elliott Avenue Subdivision of part of the N.E. 1/4 of S.W. 1/4 of Section 4, T.1S., R.12E., City of Detroit, Wayne County, Michigan" as recorded in Liber 56, Page 79 of Plats, Wayne County Records, above said Plat vacated by Circuit Court October 19, 1945 File Number 240168. Also that part of Lantz Avenue deeded for street purposes and accepted by the city of Detroit on January 31, 1967 as described in J.C.C. page 165 and as follows: All that part of the Southwest 1/4 Section 4, Town 1 South, Range 12 East, Commencing with the intersection of the Westerly line of Sherwood Avenue, 66 feet wide, with the Southerly line of Lantz Avenue, 30 feet wide as the point of beginning; thence Westerly along the Southerly line of Lantz Avenue, 574.77 feet, more or less to a point in the Easterly boundary of the right-of-way line of the Michigan Central Railroad; thence Southerly along the Easterly boundary of the right-of-way line of the Michigan Central Railroad 10 feet to a point; thence Easterly and parallel to the Southerly line of Lantz Avenue, 30 feet wide, 574.77 feet, more or less, to a point in the Westerly line of Sherwood Avenue, 66 feet wide; thence Northerly along the

Westerly line of Sherwood Avenue, 66 feet wide, 10 feet, more or less, to the point of beginning.

Be and the same is hereby vacated as a public right-of-way and converted into a private easement for public utilities of the full width of the right-of-way, which easement shall be subject to the following covenants and agreements, uses, reservations, which shall be observed by the owners of the lots abutting on said rights-of-way and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public an 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 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 (except necessary line fences) shall be built or placed upon said easement, 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

Provided, That the Public Lighting Department shall have access at all times, 24 hours a day, and 7 days a week, to maintain and repair the primary circuit in the easement area; and further

Provided, That the petitioner make the necessary arrangements with the Public Lighting Authority for the removal of their services in the easement area, with the cost (estimated at \$689.70) to be borne by the petitioner or their assigns; and further

Provided, That DTE Energy equipment shall be accessible at all times and that any new construction shall maintain a 5 foot radius from DTE equipment, and comply with safety clearances; 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 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 at any time in the future, the owners of any lots abutting on said vacated right-of-way shall request the removal and/or relocation of the afore-

mentioned 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 Sherwood 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 adjoining 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 Ayers, Benson, Castaneda-Lopez, Cushingberry, Jr., Leland, Sheffield, Spivey, Tate and President Jones — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

October 25, 2017

Honorable City Council:

Re: Petition No. 1344 — Greektown Preservation Society, request for an encroachment permit to install a community garbage compactor in the north alley of the 500 block of Monroe between St. Antoine and Beaubien.

Petition No. 1344 — Greektown Preservation Society request to install and maintain an encroachment consisting of a garbage compactor and motor in the east-west public alley, 20 feet wide in the block of Monroe Avenue, 50 feet wide, Macomb Street, 60 feet wide, Beaubien Street, 60 feet wide and St. Antoine Street, 60 feet wide.

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

The request was approved by the Solid Waste Division — DPW, and the Traffic Engineering Division-DPW (TED). TED approves provided that 11 feet of the alley remains clear for vehicular traffic, and a provision for clearance is a part of the resolution.

The Detroit Water and Sewerage Department (DWSD) reports being involved, but they have no objection provided the DWSD encroachment provi-

sions are followed. The DWSD provisions have been made a part of the resolution.

All other involved City Departments, including the Public Lighting Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting all utility installations are part of the attached resolution.

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, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Greektown Preservation Society or their assigns to install and maintain an encroachment consisting of a garbage compactor extending 8 feet into the alley and motor for the compactor extending 2 feet into the alley. All in the east-west public alley, 20 feet wide in the block of Monroe Avenue, 50 feet wide, Macomb Street, 60 feet wide, Beaubien Street, 60 feet wide and St. Antoine Street, 60 feet wide, on land in the City of Detroit, Wayne County, Michigan described as:

1) Compactor being 23.00 feet in length and 8 feet in width, and lying southerly of and adjoining the southerly line of the westerly 23.00 feet of the easterly 24.00 feet of Lot 9 (south of and adjoining Macomb Street) "Plat of the Antoine Beaubien Farm" as recorded in Liber 27, Page 197 of Deeds, Wayne County Records.

2) Motor for compactor being 4.00 feet in length and 2 feet in width, and lying southerly of and adjoining the southerly line of the westerly 4.00 feet of the easterly the easterly 5.00 feet of Lot H "Plat of a part of the L. Beaubien Farm in the City of Detroit as surveyed into Town Lots for the proprietors by John Mullett Surveyor" as recorded in Liber 6 of City Records, Pages 475-478, Wayne County Records.

Provided, That if there is any cost for the removing and/or rerouting of any utility facilities, it shall be done at the expense of the petitioner and/or property owner; and be it further

Provided, That a minimum 11 feet clear width of alley shall be available at all times for vehicular traffic; and further

Provided, That by approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the right-of-way, and at all times, DWSD, its agents or employees, shall have the right to enter upon the right-of-way to maintain, repair, alter, service, inspect, or install its facilities. All costs incident to the damaging, dismantling, demolishing, removal