

or unduly interfere with the free movement of traffic, and further

Provided, That the banner shall not have displayed thereon any legend or symbol which is intended to be an imitation of or resembles, or which may be mistaken for, a traffic control device, or which attempts to direct the movement of traffic, and further

Provided, That the banner shall not have displayed thereon any legend or symbol which may be construed to advertise, promote the sales of or publicize any merchandise or commodity or to be political in nature, and shall not include flashing lights that may be distracting to motorists, and further

Provided, That banners are placed on Public Lighting Department poles as not to cover traffic control devices, and further

Provided, That banners are installed under the rules and regulations of the concerned departments, and further

Provided, That petitioner assumes full responsibility for installation and removal of the banners, and further

Provided, That such permission is granted with the distinct understanding that petitioner assumes full responsibility for any and all claims, damages or expenses that may arise by reason of the granting of said petitioner, and further

Provided, That this resolution is revocable at the will, whim or caprice of the City Council.

Adopted as follows:

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

Nays — None.

*WAIVER OF RECONSIDERATION (No. 9), per motions before adjournment.

**Department of Public Works
City Engineering Division**

July 30, 2018

Honorable City Council:

Re: Petition No. 381 — Jeffery Moss request to install an ice melt system in the sidewalk directly in front of 3720 and 3740 Cass Avenue.

Petition No. 381 — Jeffery Moss request for encroachment with an ice melt system in the sidewalk on the east side of Cass Avenue, 80 feet wide, between Parsons Avenue, 60 feet wide, and Selden Avenue, 60 feet wide.

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

The request is being made as new sidewalks being installed at the business, Advance Plumbing, and the ice melt system will enhance pedestrian safety for customers and others using the sidewalks.

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

Engineering Division - DPW (TED) approves provided that the sidewalk grade be maintained in original condition; and the TED condition is a part of the resolution.

Detroit Water and Sewerage Department (DWSD) reports being involved, but they have no objection provided the DWSD encroachment provisions 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 Jeffery Moss or his assigns to install and maintain a subsurface encroachment with an ice melt system in the sidewalk on the east side of Cass Avenue, 80 feet wide, between Parsons Avenue, 60 feet wide, and Selden Avenue, 60 feet wide, further described as: Land in the City of Detroit, Wayne County, Michigan, being that part of Cass Avenue, 80 feet wide, lying westerly of and adjoining the westerly line of Lots 12, 13, and the northerly 15 feet of Lot 11 and extending 15 feet into Cass Avenue "Parson's Subdivision of Park Lot 64, Detroit, Wayne County, Michigan" as recorded in Liber 15, Page 93 of Plats, 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 the grade of the new sidewalk shall be maintained in original condition after installation of the ice melt system with flush covers for any man holes or hand holes, and be it 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 and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alter-

ation, servicing or inspection caused by the encroachment shall be borne by the petitioner. All costs associated with gaining access to DWSD's facilities, which could normally be expected had the petitioner not encroached into the right-of-way, shall be borne by DWSD; and be it further

Provided, That the petitioner maintain the DWSD required clearance of 18 feet above grade for maintenance access and repair, and be it further

Provided, That all construction performed under this petition shall not be commenced until after (5) days written notice to DWSD. Seventy-two (72) hours' notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one call system; and be it further

Provided, That construction under this petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the discretion of DWSD, be borne by the petitioner; and be it further

Provided, That if DWSD facilities located within the right-of-way shall break or be damaged as the result of any action on the part of the petitioner, then in such event the petitioner agrees to be liable for all costs incident to the repair, replacement or relocation of such broken or damaged DWSD facilities; and be it further

Provided, That the petitioner shall hold DWSD harmless for any damages to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

Provided, Jeffery Moss or his assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division-DPW prior to any public right-of-way construction; and further

Provided, That the necessary permits shall be obtained from the City Engineering Division-DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Jeffery Moss or his assigns, and further

Provided, That all costs incurred by

privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments shall be borne by Jeffery Moss or his assigns. Should damages to utilities occur Jeffery Moss or his assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

Provided, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division - DPW; and further

Provided, That Jeffery Moss or his assigns shall file with the Department of Public Works - City Engineering Division an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance of Jeffery Moss or his assigns of the terms thereof. Further, Jeffery Moss or his assigns shall agree to pay all claims, damages or expenses that may arise out of the use, repair and maintenance of the proposed encroachments; and further

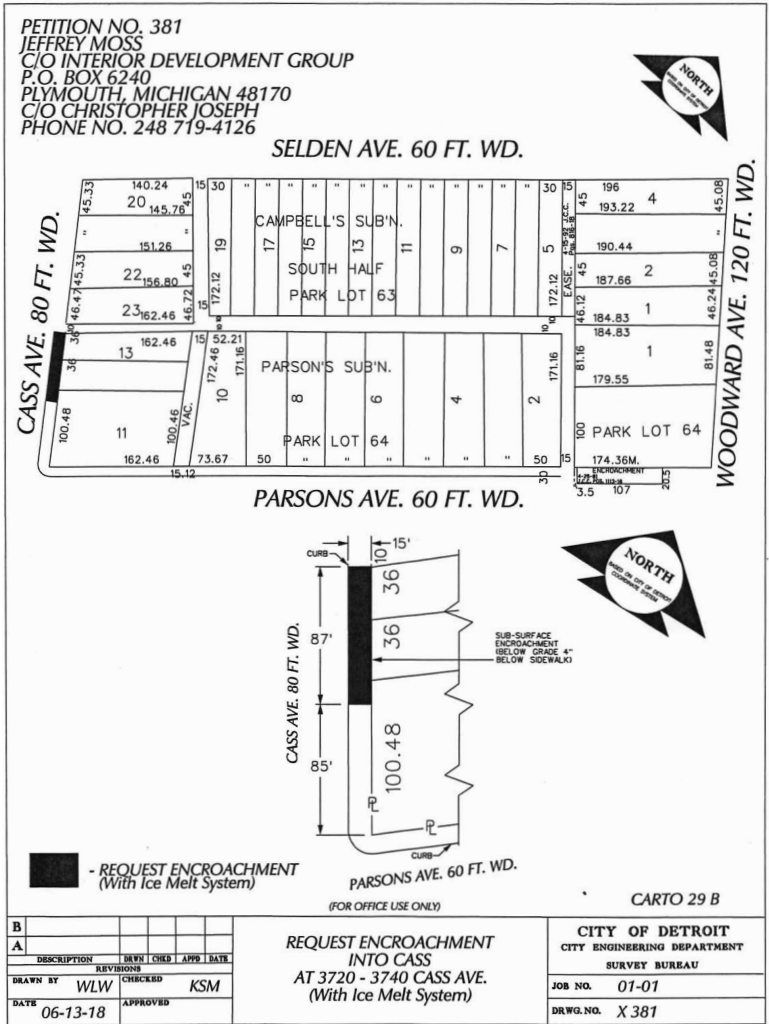
Provided, That the petitioner shall file a maintenance agreement with the Department of Public Works - City Engineering Division in a form approved by the Law Department. The agreement will provide for the financial responsibility, indemnification, insurance, and maintenance obligations of the petitioner; and be it further

Provided, That construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and Jeffery Moss acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and be it 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, Leland, Castaneda-Lopez, McCalister, Jr., Sheffield, Spivey, Tate, and President Jones — 9.
 Nays — None.

**Department of Public Works
 City Engineering Division**

August 3, 2018

Honorable City Council:
 Re: Petition No. 1583 First Pilgrim Guide Missionary Baptist Church request for closure of the public alley in the area of Richton and Woodrow Wilson.

Petition No. 1583 by First Pilgrim Guide Missionary Baptist Church, request to vacate and convert to easement the north

part of the north-south alley, 18 feet wide, first west of Woodrow Wilson Avenue in the block of Monterey Avenue, 50 feet wide, Richton Avenue, 50 feet wide, Rosa Parks Boulevard, 66 feet wide, and Woodrow Wilson Avenue, 85 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 provide church security and prevent illegal dumping.

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

Detroit Water and Sewerage Department (DWSD) has no objection to the conversion to easement. The specific DWSD