

CITY COUNCIL

(REGULAR SESSION)

(All action of the City Council appearing herein is subject to reconsideration and/or approval of the Mayor.)

Detroit, Tuesday, July 23, 2019

Pursuant to adjournment, the City Council met at 10:00 A.M., and was called to order by the President Brenda Jones.

Present — Council Members Benson, Leland, McCalister, Jr., Tate, and President Jones — 5.

There being a quorum present, the City Council was declared to be in session.

Invocation Given By:
Reverend Constance Simon
Associate Minister
Fellowship Chapel
7707 West Outer Drive
Detroit, Michigan 48235
District 2

Council Members Sheffield, Ayers, Spivey and Castaneda-Lopez entered and took their seats.

The Journal of the Session of Tuesday, July 9, 2019 was approved.

RECONSIDERATIONS

MEMORANDUM City of Detroit

July 16, 2019

Honorable City Council:

By: Council Member Benson:

Re: Motion to Reconsider

Please be advised that I move to reconsider the vote for line item #12 on today's New Business Agenda,

Benson, reso. autho. Department of Public Works/City Engineering Division in conjunction with The General Services Department (Petition #1773), requests the permanent closure of Woodward Avenue, from Jefferson Avenue to Larned Street, for the purpose of continuing the activation of the Spirit Plaza programming. (DPW is now requesting, on behalf of the General Services Department, City Council to vacate as a public right-of-way and convert into a private easement for public utilities of the full width of the above references segment of Woodward to facilitate the established, ongoing and future programming.) (REPORTED OUT OF THE PUBLIC HEALTH AND SAFETY STANDING COMMITTEE ON July 15, 2019 WITHOUT RECOMMENDATION.)

I propose that the question shall come before the committee again for consideration on July 23, 2019.

Adopted as follows:

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

Nays — None.

Department of Public Works City Engineering Division

July 1, 2019

Honorable City Council:

Re: Spirit Plaza; Petition No. 1773 The Department of Public Works — City Engineering Division, in conjunction with The General Services Department requests the permanent closure of Woodward Avenue, from Jefferson Avenue to Larned Street, for the purpose of continuing the activation of the Spirit Plaza programming.

On June 12, 2017, the City of Detroit closed the referenced segment of Woodward to activate the Spirit Plaza for an initial pilot period of 90 days.

On November 21, 2017, City Council originally approved Petition No. 1773, which provided for extending the temporary closure of the above referenced segment of Woodward through the spring of 2018, so that the evaluation period could continue through the fall and winter seasons.

In October of 2018, DPW requested City Council approval to extend the temporary closure for a period to culminate on November 15, 2019, upon which time a recommendation was to be brought back to City Council for the Plaza's optional additional year extension.

DPW is now requesting, on behalf of the General Services Department, City Council to vacate as a public right-of-way and convert into a private easement for public utilities of the full width of the above referenced segment of Woodward to facilitate the established, ongoing and future programming.

This vacation to easement, if authorized by your Honorable Body, establishes GSD as the agency, who is responsible for ensuring that the Plaza is appropriately maintained. In addition, this vacation will allow for coordinating all outreach efforts to impacted stakeholders, as well as providing the mechanism for continued planning for events and space programming. GSD/City of Detroit's Recreation Department and Special Events team will continue to operate with the established agreement outlining specific responsibilities for each agency, thereby ensuring that the Plaza is being programmed in a manner that maximizes its usage and is consistent with the vision of it being the "People's Plaza". We will continue to provide the opportunity to employ a more expansive outreach effort to individuals that encounter the space on a daily basis, including all employees and regular visi-

tors to the CAYMC. The vacation to easement will also provide the opportunity to install semi-permanent structures to enhance the quality of programming and the overall experience in the public space.

Provisions protecting all utility installations in the right-of-way have been made a part of the attached resolution.

I am recommending the adoption of the attached resolution.

Respectfully submitted,
RON BRUNDIDGE

Director

Department of Public Works

By Council Member Benson:

Whereas, The original trial period for the new "Spirit of Detroit Plaza" enhanced the downtown area with a new public space during the summers of 2017 and 2018, and the initial evaluation determined that the closure of the impacted segment of Woodward Avenue, has not been detrimental to traffic flow in the area, and the plaza has been deemed a destination for civic activity and arts and culture, and

Whereas, The temporary extension was granted through November 15, 2019 with prior City Council actions and whereas a determination has been made to vacate to easement "Spirit Plaza" for the programming of events that include local artists, community groups and local organizations;

Therefore be it

Resolved, That Woodward Avenue, 190 feet wide, from Jefferson Avenue, 210 feet wide to Larned Street, 60 feet wide, and being more particularly described as: Woodward Avenue, 190 feet wide, lying westerly of and adjoining the westerly line of Lots 1, 63, and 64 "Plan of Section numbered one in the City of Detroit, in the Territory of Michigan confirmed by the Governor and Judges on the 27th day of April, 1807 and ordered to be a record and to be signed by the Governor and attested by the Secretary of the Board. Attest: Peter Audrain, Sec'y." as recorded in Liber 34, Page 550 of Deeds, Wayne County Records; also lying easterly of and adjoining the easterly line of the west 30 feet of Lot 2 and the west 30 feet of Lots 63 and the west 30 feet of Lot 64 and the vacated alley adjoining said parts of Lots 2 and 64 "Plat of Section numbered two in the City of Detroit in the Territory of Michigan confirmed unanimously by the Governor and Judges on the 27th day of April, 1807 and ordered to be a record and to be signed by the Governor and attested by the Secretary of the Board. Attest: Peter Audrain, Sec'y." as recorded in Liber 34, Page 549 of Deeds, Wayne County Records.

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 ease-

ment 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 right-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 right-of-way 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 or gates), 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

