Honorable City Council:

0083 Re: Petition No. Lucent Technologies/Bell Labs Innovations Wayne (together with University) Requesting permission to install and maintain a privately owned telecommunication system, including fiber optic cable, encroach ing beneath various city rights-of-way; Purpose: To network Wayne State University-Main Campus buildings.

Petition No. 0083 of "Lucent Technologies/Bell Labs Innovations (together with Wayne State University)" requests permission to install and maintain a privately owned telecommunication cable system, including fiber optic cable, encroaching beneath various city rightsof-way, originating from "Wayne State University-Old Main* and branching all "Wayne State University-Main Campus." The proposed cable system will network "Wayne State University-Main Campus" buildings. This is not a "common carrier" telecommunication cable system installation.

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

Cable placement will involve subsurface boring construction methods and installation of manholes and/or handholes. Cable placement at some locations will involve installation entirely by pulling existing through Bell Telephone Ameritech/Michigan Company [A/MBT Co.] conduit and manholes. Further, crossings near properties addressed as: 5800 Cass, 5786 Cass, 5470-5482 Cass (stores), 87-89 W. Ferry (walk-up apartments), 616 W-Hancock ("Central Alliance Church"), and 4421 Woodward ("The Whitney") are involved. It is the responsibility of Wayne State University and their contractors to properly notify all other abutting property owners before starting any (permitted) open cut or boring operations within city public rights-of-way and/or easements of record. Permission for crossing Woodward Avenue, the John C. Lodge Freeway, and the Edsel Ford Freeway must be obtained from the Michigan Department of Transportation, Wayne State University (WSU) and/or "Lucent Technologies" must obtain permits from City Engineering Division - DPW (and the Michigan Department of Transportation, when necessary) for any street openings, backfill, surface restoration, barricade, or occupancy of city rights-of-way to install the cable system.

The encroachments are shown on the following drawings, submitted by the petitioner(s): Western TelCom Inc., Lucent Technologies Conduit Layout; Project Location-WSU Campus; Project No. 97-438; sheet nos. 1 to 10; also sheet title-'construction notes and details". Also,a set of reference drawings are marked "PEA of MI 'A through K" for the purpose of this WSU encroachment petition only), prepared by "P.E.A. of Michigan, Inc." (consultant for Lucent Technologies).

A rights-of-way crossing table is attached to the resolution.

Ameritech/Michigan Bell Telephone Company requires site inspection and permits from WSU and their contractors.

Comcast Cablevision (CATV) reports the proposed WSU cable network affects their conduit system. Comcast will locate any CATV facilities for WSU and their con-

tractors upon request.

Detroit Edison Company (DE Co.) reports the proposed WSU cable network affects their underground facilities. DE Co. can provide location maps to WSU and their contractors, but requests "Lucent Technologies" make use of "Miss Dig" facilities prior to any excavations.

Michigan Consolidated Gas Company (MCG Co.) reports the proposed WSU cable network crosses existing gas mains. MCG Co. requests Technologies" make use of "Miss Dig" facilities prior to any excavations and/or cable crossing installations. The contractors for WSU can arrange for a "preconstruction meeting" with MCG Co. If damages to MCG Co. utilities should occur, then WSU and/or "Lucent" shall be liable for all incidental repairs and waives all claims for damages to the encroaching installations.

Public Lighting Department (PLD) reports high-voltage power, lighting, and traffic signal facilities at locations throughout WSŬ-Main Campus. PLD requires a minimum vertical clearance of one foot between PLD facilities and the proposed "WSU" cable system installations.

Water and Sewerage Department (DWSD) requires a minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes (and any other DWSD facilities) and the proposed "WSU" cable system installations.

In general, city departments and privately owned utility companies reported no objections to the proposed cable system placement; provided WSU and their contractors use "care and caution" in the open cut" of rights-of-way. They request WSU and/or Lucent make use of Miss Dig" facilities before cable system installation-placement, and then become a participating member of that organization. This will minimize the chance of damage to the "WSU" network.

In this encroachment petition we consuited with the Cable Communications Commission and Recreation Department. Recreation advises the contractors for WSU to take precautions to protect trees during cable construction-placement operations. Both city agencies approved the proposed cable system encroach-

Detroit Code Section 42 assigns the inspection of underground conduit installations within city rights-of-way to Public Lighting Department (PLD), PLD submitted a report to City Engineering Division - DPW (dated April 21, 1998).

Finally, City Engineering Division — DPW requires "Lucent Technologies for Wayne State University" to submit certified "as built" drawings, a map and survey, showing the exact location of the completed cable system installation.

I am recommending adoption of the attached resolution.

Respectfully submitted. SUNDAY JAIYESIMI,

City Engineering Division — DPW Amended Resolution By Council Member Mahaffey:

Whereas, Petition No. 0083 of *Lucent Technologies/Bell Labs Innovations (together with Wayne State University) requests permission to install and maintain a privately owned telecommunication cable system, including fiber optic cable, encroaching beneath various city rightsof-way, originating from the Wayne State University-Old Main" and branching all over "Wayne State University-Main Campus": also

Whereas, The proposed cable system installation will not be marketed as a "common carrier" service to the general public, but shall be used entirely as a privately owned inter-facility network between 'Wayne State University-Main Campus" buildings; therefore be it

Resolved. The City Engineering Division - DPW is hereby authorized and directed to issue permits to the Wayne State University and/or Lucent Technologies' to install and-maintain a privately owned telecommunication cable system, including fiber optic cable, encroaching beneath various city rightsof-way, originating from the "Wayne State University-Old Main" parcel site described as follows:

Lots 1 through 24, Block 2, and the reversionary interests in the vacated public alleys (18 and 20 feet wide; in the block bounded by Second, Cass, Hancock and Warren Avenues; said public alleys having been previously vacated by City Council on November 24, 1931) of "Cass Farm Company-Limited-Subdivision of Blocks 103, 105, 107 and 109 of the Cass Farm. City of Detroit, Wayne County, Michigan as recorded in Liber 18, Page 81, Plats. Wayne County Records; commonly known as Wayne State University-Old Main" site (a/k/a part of 4841 Cass

Encroachment to consist of installing and maintaining a privately owned telecommunication cable system. The encroachments are shown on the following drawings (dated 1-29-98), submitted by the petitioner(s): "Western Tel-Com Inc., Lucent Technologies - Conduit Layout; Project Location-WSU Campus;

R/W Crossing Ferry Ave. [E/W]	Width 80'	Sheet 1	Location E of Woodward	Type/Crossing Bore 1-4" PVC	New MH No	 @ WSU Building(s) 5475 Woodward-Beecher House
Woodward Ave. [EW]	120'	1	W of Ferry	Bore 1-4" P VC	No -	5475 Woodward-Beecher House.
Ferry Ave. [E/W]	60'	1	W of Woodward	Bore 1-4" PVC	; No	5454 Cass-University Services
Cass Ave. [E/W]	80'	2	N of Palmer	Bore 2-4" PVC	2	5700 Cass-Academic Admin
			€:		Handholes Quazite Boxes	is a second
Cass Ave. [E/W]	80'	2	S of Palmer	Bore 1-4" PVC	Tie to existing	5454 Cass University Services
			J) - 3		Ameritech	
Cass Ave. [N/S]	80'	2	Palmer & Ferry Mall	Bore 2-4" PVC	3 Handholes shown	From 5700 Cass Acadermic Admin to 5451 Cass- E L Schaver Music
			1 1 2	7	Sheet #2	4.5
Ferry Easement [E/W] A/k/a Ferry Mall	60'	2	W of Cass	Bore 1-4" PVC	No .	5451 Cass- E L Schaver Music
Cass Ave. [N/S]	80'	3	N of Kirby	Bore 1-4" PVC	2	5415 Cass-Music Annex
Odda Ave. [140]	-		it of fairby	2012 1-4 1 VO	Handholes Quazite Boxes	5415 Gass-Masic Affilex
Kirby Easement	40'	3	W of Cass .	Bore 1-4" PVC	1 Manhole	5401 Cass-WP Reuther Library
[E/W] Vwa Reuther Mall	Ease.		W OI Cass .	Bole 14 PVC	i Warnoie	S401 Cass-YVF Reditter Cibially
Cass Ave. [N/S]	80' -	4	N of Warren	Bore 1-4" PVC	2	5201 Cass-Prentis
					Handholes Quazite Boxes	5143 Cass-State Hall
Warren Ave [E/W]e	146'	4	W of Cass	Bore 1-4" PVC	Tie to existing Ameritech	5054 Cass-Science Hall
Warren Ave. [N/S]	146'	4	.W of Cass	Tie to existing	Tie.to	4841 Cass-Old Main
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econd Easement	100	5	Palmer & Ferry	Bore 1-4" PVC	3	468 Ferry Mail-Law School
[NS] VWa Gullen Mall			Mall :	Tie to existing Ameritech	Handholes Ouazite Boxes	4 1
Ferry Easement [E/W] A/k/a Ferry Mall	60'	5 1	E of Gullen Mall	Bore 1-4" PVC	1 Handhole Quazite	441 Ferry Mall-Alumni Relations 495 Ferry Mall-McGregor Memorial Conference Center
Ferry Easement	60'	5 \	W'ly and across Gullen Mall	Bore 1-4" PVC Tie to existing	Box 1 Handhole	468 Ferry Mall-Law School
A/k/a Ferry Mall		K.		Ameritech	@ Gullen Mall	
	4- 1 to 140			- B		
Second Easement [N/S]	100'	, 6	N & S of Reuther Mall	Bore 1-4" PVC	1 ' Handhole	5425 Gullen Mall-Education
A/k/a Gullen Mall			1	Tie to existing Ameritech	@ Reuther Mall	5221 Gullen Mall-Student Center
			*	1	Tie to	,
1			(existing \ Ameritech	100 A
Kirby Easement (E/W)	40' Ease.	6	E of Gullen Mail	Bore 2-4" PVC and		.5244 Gullen Mall-G F Purdy Library
A/k/a Reuther Mall	Luou.	15	1	Bore 1-4"PVC Reuther	tie in	5 S
. Kirby Easement	40'	. 6	E'of Gullen Mall	Bore 2-4"PVC	Mall	5244 Gullen Mall-G F Purdy
[N/S] A/k/a Reuther Mail	Ease.		==	A By	Handhole tie in Reuther	Library 450 Reuther Mall-Community Arts Center
9311				183	Mall	. 4
Second Easement [N/S] A/k/a Gullen Mall	ā 100'	7	N of Warren	Tie to existing Ameritech and existing 1-4" PVC	Tie to :. existing Ameritech	5125 Gullen Mall-Undergrad Library
Putnam Easement	28'	7	W of Gullen Mall	Bore 1-4" PVC and		5050 Anthony Wayne-Engineering
[E/WI [9-11-51 JCC p. 2116]	Ease.	,	(2 ties to existing. Ameritech		5047 Gullen Mall-Biological Sciences
Second Easement [E/W]	.100'	7	NW'ly, of Warren and across Guller	Tie to exisjing Ameritech	Tie to existing	5047 Gullen Mall-Biological Sciences
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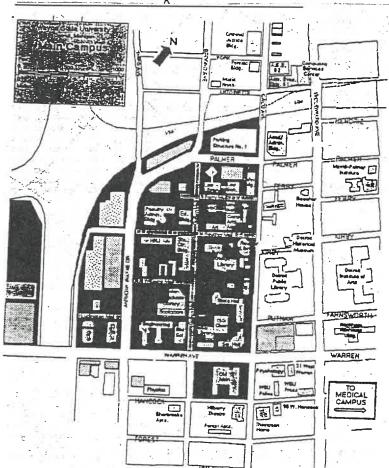


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Anthony Wayne Drive [E/W]	varies	8	N of Reuther Mail	~~-Bore 2-4, PVC	Tie to existing Ameritech	656 Reuther Mall-Faculty Administration
Ferry Easement [N/S] A/Wa Ferry Mail	60'	. 8	2nd E of Anthony Wayne Drive	Tie to existing Ameritech	1 Handhole tie to existing	5515 Gullen Mall-Shapero Hall of Pharmacy
Ferry Easement [E/M] A/k/a Ferry Mall	60'	,8	E of Anthony Wayne Drive	Bore 2-4" PVC and Bore 1-4" PVC	Ameritech 2 Handhole ties I @ Anthony	5515 Gullen Mall-Shapero Hall of Pharmacy
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[2 N/S crossings]				Ameritech	Quazite / Boxes Ties to existing	Denoy Apartments
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Drive [2 E/W crossings]	varies	,	@ Williams Mail	Ameritech	existing Ameritech	DeRoy Apartments and 5125 Gullen Mall-Undergrad Library
Merrick Easement [E/W] / A/k/a Williams	70'	9	E of Anthony Wayne Drive.	Bore 1-4" PVC	1 Handhole tie @	650 Williams Mall-Chatsworth Annex
Mail		•			Anthony Wayne	# ar #
Warren Ave [N/S]	146'	10	W of Fourth	Bore 1-4" PVC and Tie to existing Ameritech		4855 Fourth-Engineering Technology
	-			Amentech	Manhole tie	
Part of N/S public alley N/S crossing to	16'	10	Block bounded by Lodge, Fourth, Hancock and	Bore 1-4" PVC	1 Manhole tie	4855 Fourth-Engineering Technology
N/S Part of E/W public	20'	10	Warren	Tio to evicting	No	4901 Fourth office Pide #166
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Putnam Easement [2 N/S crossings) A/k/a Ludington Mall	70'	10	W of Fourth Easement	Bore 1-4" PVC	1 Handhole tie	918 Ludington Mall-St Andrews Hall 906 W. Warren-A Manoogian Hall
Putnam Easement [N/S]	70'	10	@ Anthony Wayne Drive	Bore 1-4" PVC	1 Handhole	5125 Gullen Mall-Undergrad Library
· A/k/a Ludington Mall Ferry Ave. [E/W]	80'	of MI	E of Woodward to John R	Bore 1-4" PVC	tie 2 Handholes	(Match with Sheet #9 * 5475 Woodward- Beecher House
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Cass Ave [N/S] 80' PEA @ Canfield of MI 'B' Ameritech MH(s) Ameritech MH(s) Ameritech MH(s) Ameritech Amd 1 Handhole WSU property Canfield Ave [N/S] 60' PEA of MI 'B' Ameritech and 1 Handhole WSU property N/S alley Easement [I EW crossing] 7-20-94 DC pgs 1440-5 N/S public alley [2 EW crossing] 7-7" N of Lanfield MB Ameritech Amerite		=		:			
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		117'		@ Second	Bore 1-4" PVC		
	51		"G"	721		Ameritech	
Second Blvd 150' PEA N of Antoinette Bore 1-4" PVC 1 5900 Second-Music North		150'		N of Antoinette	Bore 1-4" PVC	1	5900 Second-Music North
[E/W] of MI Handhole "H" tie @	. [E/W]			3 T			= g
Antoinette			z" ,				at III
Second Blvd [N/S] 150' PEA S of York Bore 1-4" PVC 2 5900 Second-Music North	Second Blvd [N/S]	150'	_	S of York	Bore 1-4" PVC	2	
of MI Handhole							



York St. [E/W]	è0,	PEA of MI	E of Second	Bore 1-4" PVC	1 Handhole	425 York-Pontiac
		"H"			tie @	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1					Second	
York St. [E/W]	60'	PEA	W of Cass	Bore 1-4" PVC	. 1	425 York-Pontiac
		of MI			Handhole	
	V	. "!"	200		Quazite Box	
		554		Bore 1-4" PVC	1	6001 Cass-Criminal Justice
York St.	60'	PEA of MI	W of Cass	Bore 1-4" PVC	Handhole	6001 Cass-Chimhai Justice
[1 N/S crossing]		""			tie	
Cass Ave.	80	PEA	@ York	Bore 1-4" PVC-	Tie to	5950 & 5980 Cass-
[1 E/W crossing]	00	of MI	G IOIK		proposed	Administrative Services I & 2
31		"/"			MH	The state of the s
,		72			WSU	
	T	-	7:11-		property	5050 % 5090 Coop *
Antoinette St	60′	PEA	E of Cass	Bore 1-4" PVC and Tie to existing	Tie to existing	5950 & 5980 Cass- Administrative Services I & 2
[E/W]		of MI		Ameritech MHs	Ameritech	Administrative dervices i a c
0 2	* * .	•	54E	4	MHs	0 0 2
Antoinette St	60'	PEA	E of Cass	Bore 1-4" PVC and	, Tie to	5950 & 5980 Cass-
[1 N/S crossing]		of MI	* .	Tie to existing	existing	Administrative Services I & 2
2 2		"J"		Ameritech MHs	Ameritech	
1200	,	:			MHs	5050 8 5000 6000
Cass Ave and	80'	. PEA	S of Antoinette	Pull cable existing A/MBT conduit	Tie to existing	5950 & 5980 Cass- Administrative Services I & 2
Street Bridge over 1-94	and varies	of Mi "J"	OH crossing 1-94		Ameritech	(NOTE: vicinity 5800 & 5786
[2 N/S crossings	· valies	Ŭ	Off Glossing 1 5 +	oyo.c	MHs	Cass)
and 3 E/W				X to the second		
crossings]					10 K	The second second
Cass Ave [1 N/S	80'	PEA	@ Palmer	Pull cable existing	Tie to	5700 Cass-
crossing and I E/W		of MI "K"		A/MBT conduit system	existing Ameritech	Academic/Administrative
crossings]	,	^	1.00	System	MHs and I	
3 6 2				<i>r</i> *.	Handhole	
Cass Ave	801	PEA	N of Palmer	Bore 2-4" PVC	2 .	5700 Cass-
[I E/W crossing]		of MI			Handholes	Academic/Administrative
		. "K"	4	4 4	Quazite	· · · · · · · · · · · · · · · · · · ·
					Boxes	sssa Coop Bishard Cohn
Palmer Ave	117'	PEA of MI	@ Cass	Bore 2-4" PVC	No s	5557 Cass-Richard Cohn
[1 N/S crossing]		"K"		- 1:		
Cass Ave.	80'	PEA	@ Ferry	Bore 1-4" PVC	Tie to	5557 Cass-Richard Cohn
[I E/W crossing)		of MI	Ge Letth	2016 1-9 1 40	existing	
[, rr erecening).		"K"		·	Ameritech	
7.0			. x		MH	290
Ferry Ave. [E/W]	50'	PEA of MI "K"	E of Cass	Bore 1-4" PVC	No ·	5475 Woodward-Beecher House (NOTE: vicinity of 5470-5482 Cass and 87-9 Ferry)



, The proposed cable system will network Wayne State University-Main Campus buildings; originating from the above described parcel (Wayne State University-Old Main site);

Provided, Said underground cable system encroachment shall be installed to conform to the National Electrical Code as adopted by the Michigan Public Service Commission; and further

Provided, Whenever it becomes 'necessary to open-cut a public street, bore, jack, occupy or barricade city rights-of-way for construction or cable system placement, such work shall be according to detailed permit application drawings (to be submitted by the petitioner, subject to city department review and stamp approvals; including approval from the Michigan Department of Transportation, if necessary) prior to any public right-of-way construction; and further

Provided, It is the responsibility of Wayne State University and their contractors to properly notify all other abutting property owners before starting any (permitted) open cut or boring operations within city public rights-of-way and/or easements of record; and further

Provided, Wayne State University cable installations within existing Ameritech/M!chigan Bell Telephone Company [A/MBT Co.] conduit and manhole(s) shall be according to the permits and inspection of A/MBT Co.; and further

Provided, Wayne State University cable system installation and maintenance shall be according to the specifications of the Public Lighting Department (PLD), including the minimum vertical clearance of one. foot between PLD facilities and the proposed cable system network. Also, said cable system installation shall be according to the specifications of the Water and Sewerage Department (DWSD), including the minimum vertical clearance of one foot and a minimum horizontal clearance of three and one-half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes or shut-offs (and any other DWSD facilities) and the proposed 'Wayne State University" cable system network; and further

Provided, That any encroaching privately owned manholes and/or handholes (including those permitted by A/MBT Co.; and/or those shown on drawings as "new build" within the proposed Wayne State University cable network system) shall be installed and maintained with a secure frame and cover, so as to fit flush within the public sidewalk, berm, or pavement grade. All public rights-of-way shall be maintained safe and convenient for public travel. The petitioner, Wayne State University, 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

arisen out of failure to properly install and maintain any encroaching cable network system manhole and/or handhole. The installation and maintenance of said encroachment(s) shall comply with the rules and regulations of the City Engineering Division - DPW and Traffic Engineering Division — DPW; and further

Provided. All costs for the construction. maintenance, permits and use of said encroachment shall be borne by Wayne State University. If damages to utilities occur, then Wayne State University and/or their contractors shall be liable for all incidental repairs and waives all claims for damages to the encroaching installationnetwork. Also, the use and/or operation of said telecommunication cable, system shall comply with the rules and regulations - of the Detroit Cable Communications Commission and Public Lighting Department; and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located in city rights-of-way (or any vacated city public right-of-way, having been previously converted into a private easement for public utilities as recited in City Council resolutions), by the acceptance of this permission the owners for themselves, their heirs or assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal and/or alteration, if their removal and/or alteration becomes negessary; and to restore a the property affected to a condition satisfactory to the City Engineering Division — DPW at "Wayne State University", the cable system, owner expense; and further

Provided, The petitioner, "Wayne State University", shall file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims, damages, or expenses that may arise by reason of the issuance of said permits and the faithful or unfaithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and further

Provided, That no rights in the public streets, alleys, easements of record, or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at the expense of Wayne State University 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 at Wayne State University' expense; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and Wayne State University hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that Wayne State University

acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That "Wayne State University" shall apply to and become a participating member of the "Miss Dig" organization; and further

Provided, That any permits necessary to work in the rights-of-way under the jurisdiction of the State of Michigan shall be obtained from the Michigan Department of Transportation; and further

Provided, The placement and maintenance of cable system encroachments in city rights-of-way shall be construed as acceptance of the terms and conditions of this resolution by "Wayne State University". Notwithstanding the fact that the filing of the indemnity agreement and the securing of the necessary permit(s) referred to above in this resolution are stipulations of this encroachment (permission) grant; and further

Provided, That the encroachment permit 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; and be it further

Resolved, That this resolution does not permit any use or operation of fiber optics that would conflict with previously issued franchises for cable communication system, or cable television system in accord with Detroit Code Section 9.5; and be it

further, Resolved, "Western Tel-Com, Inc., Lucent Technologies", contractor for Wayne State University and installer of the cable system network, shall submit two copies of "as built" drawing(s) sealed by a professional engineer registered in the State of Michigan to the City Engineering Division - DPW within 30 days after installing the cable system encroachments; subject to city specifications, permits and inspections. Said "as built" drawing(s) shall furnish a complete means of identifying and, ascertaining the precise position of every part of the of "encroachments" with courses, distances, and depth throughout (containing City of Detroit datum), so that it may be determined with certainty where any portion of the "encroachment" has been built, Copies of the certified "as built" map(s) and survey(s) shall be an "appendix" to this Council resolution. Engineering Division - DPW in the Wayne County Register of Deeds shall record (or cause to be recorded) one copy of the "appendix"

Provided, However, That This Permit is granted subject to the requirement that any permits required under applicable cable television or telecommunications laws or City of Detroit Ordinances, as determined by the Detroit Cable Communications Commission, shall be obtained.

Adopted as follows:

Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Williams, and President Hill — 9.

Nays — None.

Suchado que

July 31, 1998 1.C.C. 2110-2123

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