

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

**CENTER FOR COMMUNITY ACCESS, and
MICHIGAN PARALYZED VETERANS,
OF AMERICA,**

Case No. 05-73475

Plaintiffs,

**HON GERALD E. ROSEN
Magistrate Judge Komives**

v.

CITY OF DETROIT, MICHIGAN,

Defendants.

J. Mark Finnegan (P68050)
Denise M. Heberle (P64145)
HEBERLE & FINNEGAN, PLLC
2580 Craig Road
Ann Arbor Michigan 48103
(734) 302-3223
(734) 302-3234 (fax)

Andrew Jarvis (P59191)
CITY OF DETROIT LAW DEPARTMENT
Attorney for Defendants
660 Woodward Avenue, Ste. 1650
Detroit, Michigan 48226
(313) 237-5038
(313) 224-5505 (fax)

**DEFENDANT CITY OF DETROIT'S CORRECTIVE
ACTION PLAN FOR WOODWARD AND BAGLEY
IN COMPLIANCE WITH THE AUGUST 31, 2006 ORDER**

October 13, 2006
Report: City of Detroit Corrective Action Plan
For Woodward and Bagley

INTRODUCTION

Pursuant to the Courts August 31, 2006 Order the Defendant City of Detroit submits this Corrective Action Plan and Attachments.

WOODWARD AVE

The Woodward Projects referenced in the motion for preliminary injunction were constructed through contracts from the Detroit Economic Growth Corporation they are

Woodward Streetscape –

Phase II (Project Limits: Woodward Ave. R.O.W. – Kirby to Warren)

Phase III (Project Limits: Woodward Ave. R.O.W. – Mack to I-75 Service Drive)

The Detroit Economic Growth Corporation submitted a Corrective Action Plan for these contracts along with a Corrective Action Plan (Exhibit 1) for citywide projects that are complete or nearly complete but not closed out.

Within 60 days of the date of this letter, the DEGC plans to hire a Professional Engineer to evaluate the existing conditions of all existing ramps and corresponding sidewalks to determine compliance or non-compliance utilizing City-accepted methods. All non-compliant ramps and corresponding sidewalks will be re-designed pursuant to the most recent City-accepted ADA Special Provision for Sidewalk Ramp Detail (R-28-E unless directed otherwise by the City of Detroit), constructed, inspected and certified by

the City of Detroit for compliance with the ADA Special Provision for Sidewalk Ramp Detail R-28-E.

The reconstruction of non-compliant areas is estimated to begin during the spring of 2007.

BAGLEY

Bagley Phase I (Project Limits: 24th St. to Freeway and 16th St. to alley W. of St. Anne)

Bagley Phase II (Project Limits: Freeway to Alley W. of St. Anne)

Bagley Phase I is currently in redesign. Funding for redesign and retrofitting of ADA compliant ramps is being pursued through the City of Detroit budget process and through private sources. The City of Detroit Fiscal year runs from July 1 through June 30 of each year. The 2007-2008 Budget is in the early planning stages and will be submitted to the Chief Executive in early 2007 and to the City Council for approval in April of 2007. The 2007-2008 Budget will include funding consistent with the **Bagley Phase I** Corrective Action Plan. The City of Detroit recognizes this area is a high use and desirable location, however because it is a very old project, designed in 1997 in metric units and that continues to be unfinished due only to unanticipated problems with construction the corrections cannot be made as expediently as we all desire. The City will supplement this portion of the Plan in the next few months when more information becomes available, and a time line can be accurately forecast

Bagley Phase II (Project Limits: Freeway to Alley W. of St. Anne)

The **Bagley project Phase II** is currently under construction. Fully compliant ramp construction is expected before November 15, 2006.

Prepared for William Talley, P.E., Head Engineer, by:
Cheryl LaBash, Head Construction Inspector

Respectfully submitted,

s/Andrew Jarvis
Andrew Jarvis (P59191)
CITY OF DETROIT LAW DEPARTMENT
Attorney for Defendants
660 Woodward Avenue, Ste. 1650
Detroit, Michigan 48226
313.237.5038
jarva@law.ci.detroit.mi.us

October 16, 2006

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

**CENTER FOR COMMUNITY ACCESS, and
MICHIGAN PARALYZED VETERANS,
OF AMERICA,**

Case No. 05-73475

Plaintiffs,

**HON GERALD E. ROSEN
Magistrate Judge Komives**

v.

CITY OF DETROIT, MICHIGAN,

Defendants.

J. Mark Finnegan (P68050)
Denise M. Heberle (P64145)
HEBERLE & FINNEGAN, PLLC
2580 Craig Road
Ann Arbor Michigan 48103
(734) 302-3223
(734) 302-3234 (fax)

Andrew Jarvis (P59191)
CITY OF DETROIT LAW DEPARTMENT
Attorney for Defendants
660 Woodward Avenue, Ste. 1650
Detroit, Michigan 48226
(313) 237-5038
(313) 224-5505 (fax)

I hereby certify that on October 16, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: HEBERLE & FINNEGAN, PLLC.

s/Andrew Jarvis
Andrew Jarvis (P59191)
CITY OF DETROIT LAW DEPARTMENT
Attorney for Defendants
660 Woodward Avenue, Ste. 1650
Detroit, Michigan 48226
313.237.5038
jarva@law.ci.detroit.mi.us