

City Engineering Department

April 25, 1986

Honorable City Council:

Re: Petition No. 148, Uptown Land Development Corporation Request permission for glass enclosed pedestrian corridor encroachment along the north side of Lothrop between Woodward and Second.

Returning herewith, print and Petition No. 148 of Uptown Land Development Corporation requesting permission to encroach with a glass enclosed pedestrian corridor along the north side of Lothrop Avenue between Woodward Avenue and Second Boulevard.

The petitioner is constructing a five-story 1,325 — car parking deck, including over 10,000 square feet of retail store space at street level. The proposed corridor will extend 234 feet along the full length of retail store frontage and will encroach 10 feet into the public right-of-way.

The Department of Transportation will require the petitioner shall maintain six feet of clear pedestrian sidewalk.

The Michigan Consolidated Gas Company will require no planters having foundations shall be erected over an existing gas main without their prior approval. Should damages to Gas Company facilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations.

All other involved City departments and privately owned utility companies have replied they have no objection to the proposed encroachments provided care and caution are used in the installation near their properties. They have also requested the petitioner make use of the "Miss Dig" facilities before construction.

An appropriate resolution, granting the petition, is attached for consideration by your Honorable Body.

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Eberhard:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to Uptown Land Development Corporation to encroach with a glass enclosed pedestrian corridor along the north side of Lothrop Avenue, 80 feet wide, between Woodward Avenue and Second Boulevard, abutting property described as:

Lots 98 to 103 platted in "Lothrop and Duffield's Subdivision of part of Quarter Section 55 and 56, Ten Thousand Acre Tract", City of Detroit, Wayne County, Michigan as recorded in Liber 17, Page 22 of Plats, Wayne County Records;

Encroachment to consist of a 234 feet by 10 feet glass corridor with foundations, precast concrete arches, concrete planters, bollard lighting and appurtenances within the public street right-of-way along the north side of Lothrop Avenue between Woodward Avenue and Second Boulevard, as described above:

Provided, That such encroachment shall be constructed according to previously approved plans (submitted by the petitioner) drawn by GM Argonaut Architecture Engineering Construction, Project No. 6052, dated February 5, 1986, sheet number P-2; and

Provided, That such use of public property shall be made under the rules and regulations of the City Engineering Department and the Department of Transportation; and

Provided, That the petitioner makes use of the "Miss Dig" organization prior to any construction. No planters having foundations shall be erected over the Michigan Consolidated Gas Company facilities without their prior approval. Also, the petitioner shall be liable for all incidental repair costs and/or damages to any public or private utility installations located therein. Additionally, if it becomes necessary to repair or replace the utilities located or to be located in said public street or other public places, by the acceptance of this permission, the owners for themselves, their heirs and assigns, waive claims for any damages to the encroaching installations and agree to pay costs incurred in their removal, if their removal becomes necessary; and

Provided, That permittee at the time of obtaining said permits file with the Finance Department an indemnity agreement in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permits and the faithful 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 encroachment; and

Provided, That no rights in the public streets or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory by said permittee at its expense; and

Provided, That this resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or

compensation for removal of encroachment, and further, that permittee acquires no implied or other privileges hereunder not expressly stated herein; and

Provided, That this permit shall not be assigned or transferred without the written approval of the City Council; and

Provided, That the filing of the indemnity agreement and the securing of the necessary permit referred to herein shall be construed as acceptance of this resolution by the permittee; and further

Provided, That a certified copy of this resolution shall be recorded with the Office of the Register of Deeds for Wayne County by and at permittee's expense.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 9.

Nays — None.

*RECONSIDERATION (No. 8) per Motions before Adjournment

City Engineering Department

April 14, 1986

Honorable City Council:

Re: Petition No. 4248. Marsha M. Griffin, et al. Conversion to easement of remaining north-south alley in the block bounded by Mapleridge, Parkgrove, Morang and Salter.

The above petition requests the conversion of the remaining north-south public alley, 20 feet wide, in the block bounded by Mapleridge, Parkgrove, Morang and Salter Avenues into an easement for public utilities.

The requested conversion into easement for public utilities was approved by the Community and Economic Development Department. The petition was referred to us for investigation and report. Our report accompanied by the original petition is as follows:

The petitioner plans to utilize the paved alley return entrances and requests such remain in their present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

All involved City departments and privately-owned utility companies reported they have no objection to the conversion of public right-of-way into easement provided provisions are incorporated into the vacating resolution protecting their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Ravitz:

Resolved, That all that part of the remaining north-south public alley, 20 feet wide, in the block bounded by Mapleridge, Parkgrove, Morang and Salter Avenues lying west of and abutting the west line of Lots 2223 to 2235 of Park Drive Subdivision No. 7 of part of Private Claim 231, City of Detroit, Wayne County, Michigan as recorded in Liber 60, Page 28, Plats, Wayne County Records,

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, which easement 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 alley 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 alley 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 alley 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 alley 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 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 easements 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 fence)