

pancy of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said Charter, or code(s), or ordinance(s), or resolution(s), or policies; also said permittee does hereby bind itself thereunto, and to accept said permits on the conditions hereby imposed, and in the event said permittee shall contest the validity of said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; and further

Provided, 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(s), and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further

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

Provided, The filing of the indemnity agreement and the securing of the necessary permit(s) referred to herein shall be construed as acceptance of this resolution by the permittee; 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.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

**City Engineering Department**

July 28, 1992

Honorable City Council:

Re: Petition No. 1440. FOCUS: HOPE — Center for Advanced Technologies. Requesting permission to construct and maintain building additions encroaching into the north side of Oakman Blvd., between Linwood and (the so-called) northerly extension of LaSalle.

Petition No. 1440 of "FOCUS: HOPE — Center for Advanced Technologies" requests permission to construct and maintain proposed building additions (barrier-free entry ramps, landings, and stairs) encroaching (approximately) 6.50 feet (by 162 feet) into the north side of Oakman Boulevard, 120 feet wide, between Linwood Avenue and (the so-called) northerly extension of LaSalle Avenue.

The petition was referred to the City Engineering Department for investigation and report. This is our report:

The so-called northerly extension of LaSalle Avenue, 80 feet wide (north of Oakman Boulevard), is not found in the city public right-of-way records. Therefore, "FOCUS: HOPE" must obtain permission from the actual property owners to construct and maintain building encroachments (exit stair tower) within said area. It may be necessary for the petitioner to consult a title company.

The Department of Transportation will require a minimum vertical clearance of twelve feet between public street grade and the bottom of any over-hanging structure.

The Public Lighting Department (PLD) will require a minimum horizontal clearance of eight feet between PLD overhead wire(s), pole(s), or underground lighting circuit feed(s) (and any other PLD facilities) and the proposed building encroachments.

The Water and Sewerage Department (DWSD) will require a minimum vertical clearance of one foot, 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 building encroachments.

The petitioner has reached an agreement with the Detroit Edison Company regarding necessary alternations of underground conduit and overhead utility wire(s). All other involved City departments and privately-owned utility companies have reported no objection to the building encroachments. Should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations.

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

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Hood:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "FOCUS: HOPE — Center for Advanced Technologies" to construct and maintain proposed building additions encroaching (approximately) 6.50 feet (by 162 feet) into the north side of Oakman Boulevard, 120 feet wide, between Linwood Avenue and (the so-called) northerly extension of LaSalle Avenue; property described as follows:

(Parcel 2, or Parcel "B") Being part of the Northwest Quarter Section 7, Ten Thousand Acre Tract, City of Detroit, Wayne County, Michigan;

Encroachment to consist of proposed building additions (including barrier-free entry ramps, landings, and stairs) extending (approximately) 6.50 feet (by 162.00 feet) into the north side of Oakman Boulevard, 120 feet wide, in front of the above described property;

Provided, That before any construction into said portion of public street right-of-way, the petitioner shall apply to the Buildings and Safety Engineering Department for a building permit. Also, the use and maintenance of said building encroachments shall comply with the rules and regulations of the City Engineering Department, the Buildings and Safety Engineering Department, and the Department of Transportation (including the DOT requirement of a minimum vertical clearance of twelve feet above public street grade and the bottom of any overhanging encroaching structure); and further

Provided, Said building encroachments shall be constructed and maintained to the specifications of the Public Lighting Department (PLD), including the minimum horizontal clearance of eight feet between PLD overhead wire(s), pole(s), or underground lighting circuit feed(s) and the proposed "FOCUS: HOPE" building encroachments. Also, said building encroachments shall be constructed and maintained according to the specifications of the Water and Sewerage Department (DWSD), including the minimum vertical clearance of one foot, 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 "FOCUS; HOPE" building encroachments; and further

Provided, The property owned by the petitioner and the building encroachments shall be subject to proper zoning or regulated use (Board of Zoning Appeals Grant); and further

Provided, Whenever it becomes necessary to occupy or barricade the public street right-of-way for construction and/or maintenance of the building addition encroachments, such work shall be done under City Engineering Department permits and inspection with all costs borne by the petitioner; and further

Provided, Whenever it becomes necessary to alter overhead utility wires in the public street right-of-way for construction and/or maintenance of the building addition encroachments, such (overhead wire) work shall be done under Public Lighting Department permits and inspection with all costs borne by the petitioner (Detroit Code Section 42, Articles 1 to 3); and further

Provided, If the electric power conduit(s), water lines (or mains), sewers, utility poles, or overhead wires located (or to be located) in the public street right-of-way shall break or be damaged as a result of any action on the part of the petitioner or their assigns (by way of illustration but not limitation, such as storage of material or any construction not in accordance with Detroit Building Code), then the petitioner or assigns shall be liable for all costs incidental to the repair of the broken or damaged electric power conduit(s), or overhead wires. The petitioner and assigns shall be liable for all claims, damages, or expenses resulting from their action(s); and further

Provided, If the electric power conduit(s), water lines (or mains), sewers, utility poles, or overhead wires located (or to be located) in the public street right-of-way shall break, causing damage to any construction, property or materials, the owners for themselves, their heirs and assigns, (by acceptance of permits for construction near underground utility lines or mains, and overhead utility wires) waives all claims for damages to the encroaching installations and agree to pay the costs incurred in their removal (or alteration), if removal (or alteration) becomes necessary; and further

Provided, If it becomes necessary to repair or replace the electric power conduit(s), water lines (or mains), sewers, utility poles, or overhead wires located (or to be located) in the public street right-of-ways, the owners for themselves, their heirs or assigns, (by acceptance of permits for construction near underground utility lines or mains, and overhead utility wires) waives all claims for damages to the encroaching installations and agree to pay the costs incurred in their removal (or alteration), if removal (or alteration) becomes necessary; and further

Provided, That said permits issued by the City Engineering Department, Buildings and Safety Engineering Department and/or the Public Lighting Department are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinance(s), or resolution(s), or City policies (governing the placement of building encroachments in public rights-of-way) are amended to provide for the levying thereafter, of a fee, charge or rental, to be hereafter determined upon, for the occupancy of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said Charter, or code(s), or ordinance(s), or resolution(s), or policies; also said permittee does hereby bind itself thereunto, and to accept said

permits on the conditions hereby imposed, and in the event said permittee shall contest the validity of said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; and further

Provided, The permittee (at the time of obtaining said permits) shall 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 any claims, damages or expenses that may arise out of the maintenance of said encroachment; and further

Provided, 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 encroachments, and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; 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.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

#### City Planning Commission

August 3, 1992

Honorable City Council:

Re: Proposed Master Plan of Policies.  
(Submitting Final Recommendations.)

On April 11, 1990 the City Planning Commission (CPC) submitted to Your Honorable Body the Proposed Master Plan of Policies. At that time the Commission recommended approval of the document as proposed by the Planning Department with 10 changes regarding items upon which the CPC and Planning could not, at that time, come to an agreement.

After the submission of the CPC's recommendations, the Council held a series of 5 public hearings on the proposed plan on the following topics: General Policies, the East Sectors, the West Sectors, the Woodward Corridor and the Central

Business District, and a second hearing on the Central Business District. CPC staff has discussed the 10 items of disagreement with the Planning Department; reviewed and taken into consideration the comments resulting from the Public Hearings; upon Council direction, incorporated elements of Neighborhood Plans generated by community-based organizations; and updated the document to reflect recent amendments to the current Master Plan to address inconsistencies and oversights found in the document.

CPC staff is now submitting the results of the efforts of CPC staff and the Planning Department and our further recommendations as to the Master Plan of Policies. We are recommending that the City Council approve the Master Plan of Policies with the revisions as stated herein.

#### ITEMS OF DISAGREEMENT WITH THE PLANNING DEPARTMENT

Following, in regular type, are the changes to the document recommended by the CPC in 1990 which were not agreed to by the Planning Department at that time, and, in bold type, the current resolution to these items.

##### Physical Policies

p. II-81 Delete Policy 203-50: Aviation — Improve Detroit City Airport.

**As the Council has now approved the City Airport Master Plan, CPC staff no longer feels this is an issue.**

p. II-84 Replace Policy 203-57: Hazardous Waste Management, with the set of CPC-recommended hazardous waste policies submitted to Council.

**The Planning Department and CPC staff have agreed on language for this policy indicated on Attachment A which incorporates the recommendations of both departments.**

##### CBD Policies

p. III-7 Add the following two policies to the Urban Design Framework section:

Signs — Provide reasonable aesthetic controls on business signs. Restrict advertising signs in the CBD.

Design Review — Provide for design review of all new development on streets linking major areas near downtown People Mover stations and public parks.

**CPC staff and the Planning Department have agreed to the following language: Restrict the size and placement of advertising signs along the Riverfront, around the People Mover Stations, public parks and other public open spaces. Utilize the existing design review process to achieve the highest aesthetic standards possible in the downtown area.**

p. III-12 Add the following policy to the CBD Transportation System section: Implement plans for a pedestrian/bicycle path along the riverfront.