

City Engineering Department

July 30, 1992

Honorable City Council:

Re: Petition No. 2266, First National Building, Requesting permission to maintain existing underground vault fill pipe encroachments (part of an underground fuel storage tank system) along the north side of E. Congress, west of Bates.

Petition No. 2266 of the "First National Building (address: 660 Woodward Avenue)" requests permission to maintain all that part of an existing underground fuel storage tank system (2-2.50 inches diameter tank fill pipes, and spill containers) encroaching within a buried vault beneath the public sidewalk along the north side of E. Congress Street, west of Bates Street.

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

The enforcement of fire safety regulations and building codes are the responsibility of the Fire Marshal and Buildings and Safety Engineering Department. However, the Fire Marshall and Buildings and Safety Engineering Department have reported no objections to the maintenance of the existing fuel storage tank fill pipe encroachments within public rights-of-way.

The existing underground storage tank fill pipes and spill containers will be maintained within a (below sidewalk) concrete vault. A proposed new sidewalk manhole cover has been reviewed by the Department of Transportation (DOT). The DOT has reported no objections to the design of the new manhole cover. However, necessary permits will have to be obtained for any sidewalk opening, backfill, surface restoration, barricade, or occupancy of City rights-of-way to (alter, adjust, or) maintain the encroaching installations.

The Public Lighting Department (PLD) will require a minimum horizontal clearance of three and one half feet between any PLD traffic signal pole and the encroachments. Any necessary alterations or adjustments must be made at the expense of the petitioner.

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 encroachments. Any necessary alterations or adjustments must be made at the expense of the petitioner.

Also, a report from the Detroit Edison Company (DE Co.) indicates the existing encroachment is near a DE Co. steam

line. If alterations or adjustments are necessary, the contractors for the petitioner should arrange for a "pre-construction meeting" with DE Co. 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.

All other involved City departments and privately-owned utility companies have reported no objections to the encroaching installations. They have also requested the petitioner make use of "Miss Dig" facilities before any (alteration, adjustment, or) maintenance operations, and then become a participating member of that organization. This will minimize the chance of damage to the petitioner's property.

In accord with Detroit Code (Sec. 50-1-9), an appropriate resolution, granting the encroachment petition, is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Butler:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to the owners and/or assigns of the "First National Building" to maintain all that part of an existing underground fuel storage tank system (two fill pipes and spill containers) encroaching within a buried vault under the public sidewalk along the north side of E. Congress Street, 60 feet wide; west of Bates Street; being nearby or adjoining property described as follows:

Lot 93 of the "Plan of Section Numbered One of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges," as recorded in Liber 34, Page 550, Deeds, Wayne County Records; commonly known as part of the First National Building (a/k/a 660 Woodward Avenue);

Encroachment to consist of two-2.50 inches diameter underground fuel storage tank fill pipes, and two new (five gallons) spill containers (installed for the purpose of gasoline delivery) through an existing concrete vault under the public sidewalk, covered by a steel manhole (approximately 4.00 feet by 4.00 feet; mounted to fit flush within the public sidewalk grade), nearby or adjoining the above described property;

Provided, Said underground vault fill pipe encroachments and the entire underground fuel storage tank system shall be maintained under the rules and regulations of the City Engineering Department, the department of Buildings and Safety Engineering, and the Fire Marshal in accord with Detroit Code Sec-

tion 50-1-9 and 10. Enforcement of violations of fire safety regulations and building codes are the responsibility of the Fire Marshal and the Buildings and Safety Engineering Department; and further

Provided, Whenever it becomes necessary to open-cut, drill, bore, jack, occupy or barricade public rights-of-way for (alteration, adjustment, and) maintenance of said underground vault fill pipe encroachments, such work shall be according to detailed permit application drawings (to be submitted by the petitioner or their assigns, subject to city department review and stamp approvals) prior to any public right-of-way construction; and further

Provided, Said underground vault fill pipe encroachments shall be (altered, adjusted, and) maintained according to the specifications of the Public Lighting Department (PLD), including the minimum horizontal clearance of three and one half feet between any PLD traffic signal pole and the underground vault encroachments. Also, said underground vault fill pipe encroachments shall be (altered, adjusted, and) maintained 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 underground vault encroachments. All costs for alterations or adjustments to the underground vault encroachments required to maintain the minimum horizontal and vertical clearances specified by PLD and DWSD shall be borne by the petitioner (unless otherwise approved by PLD and/or DWSD); and further

Provided, All costs for alteration, adjustment, maintenance, permits and use of said underground vault fill pipe encroachments shall be borne by the petitioner. Should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installation; and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located in the public rights-of-way, 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, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Department at the owner's expense; and further

Provided, That any encroaching privately-owned steel manhole (over an underground vault) shall be installed and maintained with a secure frame and cover, so as to fit flush within the public sidewalk grade. All public rights-of-way shall be maintained safe and convenient for public travel. The petitioner 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 said encroaching privately-owned manhole cover. The installation and maintenance of said encroachment(s) shall comply with the rules and regulations of the City Engineering Department and the Department of Transportation; and further

Provided, The petitioner 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 which may arise therefrom. Also, the petitioner shall be required by the Law Department in conjunction with the Finance Department — Risk Management Division to present proof of financial capability (bonds or insurance) to pay claims, damages or expenses that may arise as a result of underground vault fill pipe encroachments and their placement, installation or maintenance in public rights-of-way; and further

Provided, That said permittee shall be subject to any tax under the provisions of the General Property Tax Act which may be levied against it pursuant to law; and further

Provided That no rights in the public streets, alleys 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 to the City Engineering Department at the permittee's sole cost and expense; and further

Provided, That said permits issued by the City Engineering Department and/or Buildings and Safety Engineering 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 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 occu-

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;