

Now, Therefore, Be It Resolved, That the Innovative Project Funds for the Detroit Homeless Initiatives Project Appropriation No. 5804 be redistributed among activities as follows:

Activity Category	Original Amount	Increase (Decrease)	New Total Amount
Hotline Coordination	\$ 57,000	\$ 37,540	\$ 94,540
Mobile Outreach	\$215,740	\$ 33,507	\$249,247
Assessment Team	\$264,060	(\$73,792)	\$190,268
Sobering Facility	\$106,896	(\$14,600)	\$ 92,296
City Warming Center	\$ 19,625	— 0 —	\$ 19,625
Housing Placement Child Care	\$143,500	\$ 17,345	\$160,845
Sponsor Based Tenant Assistance/ Case Mgmt.	\$145,000	— 0 —	\$145,000
Administration/Audits	\$ 47,591	— 0 —	\$ 47,591
Totals:	\$999,412	— 0 —	\$999,412

Be It Further Resolved, That the Director of the Planning and Development Department, effective March 14, 1995, be authorized to enter into amendments of existing agreements as are necessary to implement revisions to the Innovative Funding Grant, subject to standard Finance Department procedures.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, and President Mahaffey — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

February 21, 1995

Honorable City Council:

Re: Petition No. 774, International House of Pancakes Restaurant, Requesting permission to maintain an existing encroachment part of a steel pipe hand-rail system attached to the outside face of a concrete ramp extending into public sidewalk space in front of 2701 E. Jefferson near Chene; also 'Waiver' of Detroit Code 50-4-20 requiring full width public sidewalk along the north side of E. Jefferson, east of Chene

Petition No. 774 of "W.B.B.J. Investment Company, owner of the International House of Pancakes (IHOP)", located at 2701 E. Jefferson Avenue near Chene Street, requests permission to retain an existing encroachment into the north public sidewalk space of E. Jefferson; encroachment to consist of a 1.50 inches diameter steel pipe hand-rail system attached to the outside face of a concrete handicapped ramp, and extending about 4.00 inches by 14.00 feet into the north side of E. Jefferson Avenue, 120 feet wide. [NOTE: Detroit Code 50-4-20 requires a full-width public sidewalk, meaning from the street curb to the lot line, on "Jefferson East, from Woodward to Baldwin". Therefore, City Council must approve any variance from this requirement of Detroit Code 50-4-20.]

The encroachment petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

The CED-Survey Bureau requested an

engineering plan from "Ghafari Associates Architects/Engineers, 17101 Michigan Avenue, Dearborn, MI 48126-2736, phone: 313-441-3000, FAX: 313-441-3001" on November 4, 1994.

The plan was received by Survey Bureau on November 7, 1994. However, from the plan we could not determine with certainty where or if an encroachment actually existed. Therefore, the Survey Bureau made a field investigation on November 10, 1994. The referenced steel pipe hand-rail system was attached to the outside face instead of mounted on the "top" of a concrete handicapped access ramp as shown on the 'Ghafari Associates' drawing number 36065, dated July 21, 1994. It has been determined by our field investigation that the hand-rail system is extended into the public sidewalk space about 4.00 inches by 14.00 feet (more or less).

All public right-of-way work, including maintenance, must be subject to city permits, inspection, and specifications. The petitioner (or their assigns) must obtain permits from the City Engineering Division — DPW for any public right-of-way work [in conjunction with Buildings and Safety Engineering Department, if necessary].

The requested encroachment (extension into the north public sidewalk space) was approved by the Traffic Engineering Division — DPW.

The Michigan Consolidated Gas Company, Public Lighting Department, and the Water and Sewerage Department have reported facilities in the public street right-of-way.

Should liabilities occur as a result of the placement or maintenance of the hand-rail system extending into the north

public sidewalk space the petitioner will be required to pay all claims, damages and expenses; also the petitioner waives all claims for damages to the encroaching installations.

All involved city departments and privately-owned utility companies have reported no objections to the existing steel pipe hand-rail system encroachment.

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

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

By Council Member Cockrel:

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to 'W.B.B.J. Investment Company, owner of the International House of Pancakes (IHOP)', located at 2701 E. Jefferson Avenue near Chene Street, to maintain an existing encroachment, part of a steel pipe hand-rail system attached to the outside face of a concrete ramp extending into the north public sidewalk space of E. Jefferson, 120 feet wide; said public right-of-way adjoining property described (in part) as follows:

Lot 30 of "Elmwood Park Urban Renewal Plat No. 2 of part of Private Claims 90, 14, 91, 733, 609, 9 and 454, 11 and 453, 182, 15 and 18", City of Detroit, Wayne County, Michigan as recorded in Liber 92, Pages 77 thru 82, Plats, Wayne County Records;

Encroachment to consist of an existing part of a 0.125 foot diameter steel pipe hand-rail system attached to the outside face of a concrete handicapped ramp, extending into the north public sidewalk space of E. Jefferson Avenue about 0.33 foot by 14.00 feet. (NOTE: E. Jefferson Avenue at this location is 120 feet wide; the north public sidewalk space, meaning the public right-of-way space between the property line and the curb face, is about 14.55 feet wide.) Said encroaching part of the steel pipe hand-rail system being a site modification of that shown on the plan prepared by "Ghafari Associates Architects/Engineers, 17101 Michigan Avenue, Dearborn, MI 48126-2736, phone: 313-441-3000, FAX: 313-441-3001"; drawing number 36065; sheet number 1 of one; dated July 21, 1994; abutting the above described property; and further

Provided, The petitioner shall make application to the Buildings and Safety Engineering Department for a building permit. The steel pipe hand-rail system encroachment shall be installed and maintained in accord with plans submitted to and approved by the Buildings and Safety Engineering Department. All

costs for plan review, inspection, and building permits shall be paid by the petitioner; and further

Provided, The steel pipe hand-rail system owner (at the time of applying for 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 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 encroachment; and further

Provided, That such use of north public sidewalk space shall be under the rules and regulations of the City Engineering Division - DPW (in conjunction with the Buildings and Safety Engineering Department if necessary), and the Traffic Engineering Division — DPW. The City of Detroit retains all rights and interests in said above described area of public street right-of-way. Further, the city and all utility companies retain their rights to establish, maintain, inspect and service any utilities within or over said north public sidewalk space; and further

Provided, That the property owned by the petitioner and adjoining the herein above described part of public street right-of-way shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant); and further

Provided, All costs for the construction, maintenance, permits and use of the steel pipe hand-rail system encroachment within public street right-of-way shall be borne by the petitioner; and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located in the public right-of-way, by the acceptance of this permission, the encroachment 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 Division — DPW (in conjunction with Buildings and Safety Engineering Department, if necessary) at the encroachment owner's expense; and further

Provided, The maintenance of the encroaching part of the steel pipe hand-rail system shall be subject to city permits, inspection, and specifications. Further, the petitioner shall pay all costs to maintain the encroaching part of steel pipe hand-rail system. (NOTE: 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 any encroaching part of the steel pipe hand-rail system extending into public street right-of-way. The maintenance of said encroachment(s) shall comply with the rules and regulations of the City Engineering Division — DPW (in conjunction with Buildings and Safety Engineering Department, if necessary) and Traffic Engineering Division — DPW; 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 Division — DPW (in conjunction with Buildings and Safety Engineering Department, if necessary) at the permittee's sole cost and expense; and further

Provided, That said permits issued by the City Engineering Division — DPW and/or the 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 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 resolu-

tion(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, 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 be it further

Resolved, That the Detroit City Council hereby grants a 'waiver' under Detroit Code Sec. 50-4-20 of the requirement to construct and maintain "full width" public sidewalk(s) along "Jefferson East, from Woodward to Baldwin," only in front of that part of Lot 30 (of "Elmwood Park Urban Renewal Plat No. 2 of part of Private Claims 90, 14, 91, 733, 609, 9 and 454, 11 and 453, 182, 15 and 18," City of Detroit, Wayne County, Michigan as recorded in Liber 92, Pages 77 thru 82, Plats, Wayne County Records;) property addressed as (part of) 2701 E. Jefferson Avenue, commonly known as "The International House of Pancakes Restaurant (IHOP)"; also only for the purpose of permitting the existing steel pipe hand-rail system encroachment grant (described above in this resolution); and further

Provided, That this public sidewalk width waiver grant is conditional and shall not be assigned or transferred without the written approval of the City Council; and further

Provided, The terms and conditions of the indemnity agreement (referenced above in the "encroachment" portion of this resolution) shall equally apply to this public sidewalk width waiver grant; 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 Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, and President Mahaffey — 8.

Nays — None.

Department Of Public Works

March 7, 1995

Honorable City Council:

Re: Federal-Aid Surface Transportation Program. Traffic Signal Modernization or Installation @ 18 Locations. Project No. STPG. 9492 (091). State Agreement No. 95-0015.