

Adopted as follows:
 Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Scott, Tinsley-Williams, and President Hill — 8.
 Nays — None.

**Department of Public Works
 City Engineering Division**

July 31, 1998

Honorable City Council:

Re: Petition No. 3378. Henry Ford Hospital [HFHS] Master Signage Program. Requesting public right-of-way encroachments. Six-lighted hospital "ID" — directional signs in the vicinity of HFHS site at 2721 W. Grand Blvd. [NOTE: four within city rights-of-way; two at Lodge Expressway Service Drive].

Petition No. 3378 of "Henry Ford Hospital [HFHS]" as part of its 'Master Signage Program' requests permission to construct and maintain six-lighted hospital "Identification" — "directional" signs in the vicinity of HFHS site at 2721 West Grand Boulevard. Four designed HFHS signs encroach into the northern public sidewalk space, meaning the space between the lot line of the property and the street curb line, and/or median(s) of West Grand Boulevard (150 feet wide; between Poe Avenue and the John C. Lodge Expressway Service Drive).

Two designed HFHS signs encroach into the western public sidewalk space of the Lodge Expressway Service Drive. Approval for the two signs requires a permit from the Michigan Department of Transportation. [NOTES: The J. C. Lodge Expressway R.O.W. is shown on the following drawing: State Project 82-127; County Sheet No. 800; Sheet No. 34; Date: Jan., 1946.]

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

Traffic Engineering Division — DPW reports: "Involved; have no objection to the proposed encroachment of hospital direction signs in the vicinity of Henry Ford Hospital site as detailed in Petition No. 3378. According to City of Detroit code, Section 55-5-3 signs bearing commercial advertising are not allowed on the road R.O.W. Therefore, the 'Henry Ford Hospital' logo should not appear on the new signs. This is to revise our answer dated March 31, 1998. Please see the attached letter from Philip Michniacki, Project Manager, Henry Ford Hospital. [Reply by: Manilal V. Patel for Ashok M. Patel, City Traffic Engineer; date: 4-03-98; phone: (313) 833-7290.]"

Public Lighting Department (PLD) reports two separate concrete encased conduit runs, a six conduit high tension run with five 24000 volt feeders, and a distribution run with two 2400 volt feeders, street lighting and other cables, running east-west in the center island of West Grand Boulevard. Also, in the southbound (West) service drive of the Lodge, PLD reports one conduit run with high-voltage power, and street lighting facilities. PLD is unable to permit construction over any ducts at this location. PLD recommends "hand digging" and requires a minimum horizontal clearance of three feet between PLD facilities and the "HFHS" sign system installations. If damages to PLD facilities should occur, then HFHS and/or their contractors shall be liable for all incidental repairs and waives all claims for damages to the encroaching installations.

Water and Sewerage Department (DWSD) requires a 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 (and any other DWSD facilities) and the HFHS sign system installations.

In general, city departments and privately owned utility companies reported no objections to the proposed sign system placement; provided HFHS and their contractors use "care and caution" in the "open cut" of rights-of-way. They request contractors for HFHS make use of "Miss Dig" facilities before sign system installation-placement, and then become a participating member of that organization. This will minimize the chance of damage to the "HFHS" below ground electrical conduit(s).

In this encroachment petition we consulted with Buildings and Safety Engineering Department, Planning and Development Department, Public Lighting Department, and Recreation Department. All four agencies reported no objections relating to their responsibilities and/or charges under Detroit code for the HFHS sign encroachments.

I am recommending adoption of the attached resolution.

Respectfully submitted,
 SUNDAY JAIYESIMI,
 City Engineering
 City Engineering Division — DPW

By Council Member Tinsley-Williams:

Whereas, Petition No. 3378 of "Henry Ford Hospital [HFHS]" as part of its 'Master Signage Program' requests permission to construct and maintain six-lighted hospital "identification" — "directional" signs in the vicinity of HFHS site at 2721 West Grand Boulevard. Four designed HFHS signs encroach into the northern public sidewalk space, meaning the space between the lot line of the property and the street curb line, and/or

median(s) of West Grand Boulevard (150 feet wide; between Poe Avenue and the John C. Lodge Expressway Service Drive); and

Whereas, Two designed HFHS signs encroach into the western public sidewalk space of the Lodge Expressway Service Drive. Approval for the two signs requires a permit from the Michigan Department of Transportation. [NOTE: The J. C. Lodge Expressway R.O.W. is shown on the following drawing: State Project: 82-127; County Sheet No. 800; Sheet No. 34; Date: Jan., 1946.]; and

Whereas, Traffic Engineering Division — DPW reports: "Involved; have no objection to the proposed encroachment of hospital direction signs in the vicinity of Henry Ford Hospital site as detailed in Petition No. 3378. According to City of Detroit code, Section 55-5-3 signs bearing commercial advertising are not allowed on the road R.O.W. Therefore, the 'Henry Ford Hospital' logo should not appear on the new signs. This is to revise our answer dated March 31, 1998. Please see the attached letter from Philip Michniacki, Project Manager, Henry Ford Hospital. [Reply by: Manilal V. Patel for Ashok M. Patel, City Traffic Engineer; date: 4-03-98; phone: (313) 833-7290]"; and

Whereas, One letter addressing Traffic Engineering Division — DPW concerns is part of Petition No. 3378 as follows:

Received via fax April 01, 1998 16:24 From: HFHS CORP FACILITIES [Letterhead]
HENRY FORD HEALTH SYSTEM

Corporate Facilities
1 Ford Place, 4A
Detroit, MI 48202-8450
(313) 874-4580 Office
(313) 874-4035 Fax

Mr. Ashok Patel
City of Detroit
Street and Traffic Division, DPW
1301 E. Warren
Detroit, Michigan 48207

Subject: Henry Ford Health System/City of Detroit. Petition No. 3378.

Dear Mr. Patel:

In response to our phone conversation today regarding Petition No. 3378 for placement of signs within City of Detroit right-of-way areas surrounding Henry Ford Hospital (HFH). You said that this petition was denied by your Department because City policy does not allow placement of the signs in the right-of-way with the names or logo of private companies. The two signs that you refer to are #16 and #17, proposed for the greenbelt on West Grand Boulevard. According to our conversation, there was no objection to any of the other signs and their location except #16 and #17.

I have a revised drawing of sign #16 and #17 with the name Henry Ford Hospital Campus removed. All remaining signs with the HFHS or HFH name or logo will be placed on the Hospitals property. With HFH name removed on the two signs, you stated that you would be able to approve the petition as noted. I ask if you could notify Ms. Lu San Pedro of the City Engineering Department who has been assigned this project of your approval and a copy for my records.

Should you have any questions, please contact me at (313) 874-4572.

Sincerely,

[Signature] Philip J. Michniacki,
Project Manager

Cc: M. Khlyavich, L. San Pedro, File; and

Whereas, City Engineering Division — DPW consulted with Buildings and Safety Engineering Department, Planning and Development Department, Public Lighting Department, and Recreation Department. With respect to their responsibilities delegated in Detroit Code, all four of the city agencies reported no objections to the proposed HFHS sign encroachments; therefore be it

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to the "Henry Ford Health System [HFHS]" to install and maintain a privately owned hospital "identification-directional" sign system, consisting of four signs illuminated by electrical power, encroaching within city rights-of-way, in the vicinity of "Henry Ford Hospital" site described (in part) as follows:

Land in the City of Detroit, Wayne County, Michigan being a part of Quarter Section 55 of the Ten Thousand Acre Tract lying westerly of and abutting the west line of the limited access right-of-way of the John C. Lodge Expressway; also lying easterly of and abutting

the easterly line of "Lothrop and Duffield Boulevard Park Subdivision of part of Quarter Section 55, Ten Thousand Acre Tract, lying North of West Grand Boulevard," City of Detroit, Wayne County, Michigan as recorded in Liber 28 of Plats, Page 1, Wayne County Records; lying southerly of and abutting the southerly line of "Irving Place Subdivision of Quarter Section 55 of Ten Thousand Acre Tract in Town 1 South, Range 11 East, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 11 of Plats, Page 5, Wayne County Records; also lying northerly of and abutting the northerly line of West Grand Boulevard (150 feet wide); also being parts of Lots 27 through 42; and all of Lots 1 through 26, 43, 44 and 45, and the reversionary interest in the adjoining vacated public street and alleys of "Lothrop and Duffield Boulevard Park Subdivision of part of Quarter Section 55, Ten Thousand Acre Tract, lying North of West Grand Boulevard," City of Detroit, Wayne County, Michigan as recorded in Liber 28 of Plats, Page 1, Wayne County Records; commonly known as part of the "Henry Ford Hospital" site (also known as part of 2721 West Grand Boulevard;

Encroachment(s) to consist of installing and maintaining a privately owned "identification-directional" sign system. The encroachments are shown on design drawings prepared for HFHS by Corbin Design and GBKB Associates of Traverse City, MI. Four designed HFHS signs encroach into the northern public sidewalk space, meaning the space between the lot line of the property and the street curb line, and/or median(s) of West Grand Boulevard (150 feet wide; between Poe Avenue and the John C. Lodge Expressway Service Drive). [NOTES: This resolution permits only the four HFHS signs within city rights-of-way. Two designed HFHS signs encroach into the western public sidewalk space of the Lodge Expressway Service Drive. Approval for two signs requires a permit from the Michigan Department of Transportation. Below is a table of the public rights-of-way encroachments (*John C. Lodge Expressway R.O.W. is under State M-DOT jurisdiction.*);

Sign Type "PD" means "Primary Directional" sign Type "SD" means "Secondary Directional" [design drawings prepared by HFHS by Corbin Design/GBKB Associates of Traverse City, MI]

"AG" means "above ground", "UG" means "under ground"

Sign #	R/W Margin	Detail	R/W Location	Encroachment-Placement	Power
11A	15.00 feet wide western public sidewalk space	C PD2	Lodge Service Drive, S. of Bethune [Ease.] State jurisdiction [See J. C. Lodge Expwy. R.O.W. Drwg; State Project: 82-127; County Sheet No. 800; Sheet No. 34; date: Jan., 1946]	AG part of sign (stone, masonry and brick) is 9.14 feet height — 7.00 feet width — 2.00 feet depth; UG part of sign consists of masonry/concrete and 1 footing (8.33' by 3.33' by 0.83') buried 3.50 feet — AG Location: about 3.00 feet from western edge of public sidewalk; the sign faces north.	Internal electric Illumination
12	22.00 feet wide western public sidewalk space	C PD2	Lodge Service Drive, N. of W. Grand Blvd. State jurisdiction [See J. C. Lodge Expwy. R.O.W. Drwg; State Project: 82-127; County Sheet No. 800; Sheet No. 34; date: Jan., 1946]	AG part of sign (stone, masonry and brick) is 9.14 feet height — 7.00 feet width — 2.00 feet depth; UG part of sign consists of masonry/concrete and 1 footing (8.33' by 3.33' by 0.83') buried 3.50 feet — AG Location: about 3.00 feet from western edge of public sidewalk; the sign faces north.	Internal electric Illumination
13	20.00 feet wide northern public sidewalk space	B PD2	West Grand Blvd., W. of Lodge Freeway City jurisdiction West Grand Blvd. (150 feet wide)	AG part of sign (stone, masonry and brick) is 9.14 feet height — 7.00 feet width — 2.00 feet depth; UG part of sign consists of masonry/concrete and 1 footing (8.33' by 3.33' by 0.83') buried 3.50 feet — AG Location: approximate center between existing iron fence and northern edge of public sidewalk; the sign faces east.	Internal electric Illumination

Sign #	R/W Margin	Detail	R/W Location	Encroachment-Placement	Power
14	20.00 feet wide northern public sidewalk space	B PD2	West Grand Blvd., E. of Poe Avenue City jurisdiction West Grand Blvd. (150 feet wide)	AG part of sign (stone, masonry and brick) is 9.14 feet height — 7.00 feet width — 2.00 feet depth; UG part of sign consists of masonry/concrete and 1 footing (8.33' by 3.33' by 0.83') buried 3.50 feet — AG Location: approximate center between existing iron fence and northern edge of public sidewalk; the sign faces east.	Internal electric illumination
16	15.00 feet wide center island Blvd. median	A SD	West Grand Blvd., W. of Poe Avenue City jurisdiction West Grand Blvd. (150 feet wide)	AG part of sign is 6.50 feet height — 5.17 feet width — 0.91 foot depth with 2-4" square aluminum posts; UG part of sign consists of 2-12" diameter concrete footings buried 3.00 feet — AG Location: about 5.00 feet from southern curb face of center island; the sign faces west.	Surface electric illumination
17	30.00 feet wide center island Blvd. median	A SD	West Grand Blvd., E. of Poe Avenue City jurisdiction West Grand Blvd. (150 feet wide)	AG part of sign is 6.50 feet height — 5.17 feet width — 0.91 foot depth with 2-4" square aluminum posts; UG part of sign consists of 2-12" diameter concrete footings buried 3.00 feet — AG Location: about 5.00 feet from southern curb face of center island; the sign faces west.	Surface electric illumination

Provided, Henry Ford Health System, a Michigan non-profit corporation, shall apply to the Buildings and Safety Engineering Department for a building permit before erecting any signs (with electric power illumination) extending into the northern public sidewalk space and/or median center-islands of West Grand Boulevard (150 feet wide) and/or the limited access right-of-way of the John C. Lodge Expressway. [NOTES: Said "sign erection" permits, issued by Buildings and Safety Engineering Department, shall be subject to the review and approval of the following city agencies: City Engineering Division — DPW, Traffic Engineering Division — DPW, Public Lighting Department, Water and Sewerage Department, and Recreation Department; in conjunction with Michigan Department of Transportation, if necessary.]; and further

Provided, The underground electric power to the sign(s) system encroachment shall be installed to conform to the National Electrical Code as adopted by the Michigan Public Service Commission. HFHS electrical power installations within public rights-of-way shall be according to specifications, permits and inspection of Public Lighting Department (in conjunction with Buildings and Safety Engineering Department); and further

Provided, Whenever it becomes necessary to open-cut a public street, bore, jack, occupy or barricade city rights-of-way for construction or sign system placement, such work shall be according to detailed permit application drawings (to be submitted by HFHS and/or their contractors, subject to city department review and stamp approvals; including approval from the Michigan Department of Transportation, if necessary) prior to any public right-of-way construction; and further

Provided, HFHS sign system installation(s) and maintenance shall be according to the specifications of the Public Lighting Department (PLD), including the minimum horizontal clearance of three feet between PLD facilities and the proposed sign system components. [NOTES: PLD is unable to permit construction over any PLD ducts at the Lodge Expressway. PLD recommends "hand digging" in the center islands of

West Grand Boulevard and/or within the Lodge Expressway limited access right-of-way.] Also, HFHS sign system installation(s) shall be 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 HFHS sign system installations; and further

Provided, That all public rights-of-way shall be maintained safe and convenient for public travel. The petitioner, HFHS, 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 sign components. The installation and maintenance of said encroachment(s) shall comply with the rules and regulations of the City Engineering Division — DPW and Traffic Engineering Division — DPW (in conjunction with Buildings and Safety Engineering Department, Water and Sewerage Department, Public Lighting Department, and Recreation Department); and further

Provided, All costs for the construction, maintenance, permits and use of said sign system encroachment(s) shall be borne by HFHS. If damages to utilities occur, then HFHS and/or their contractors shall be liable for all incidental repairs and waives all claims for damages to the encroaching installation(s). Also, the use and/or operation of said "identification-directional" sign system shall comply with the rules and regulations of the Traffic Engineering Division — DPW (including conformity with the Michigan Manual of Uniform Traffic Control Devices); and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located in city 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 and/or alteration, if their removal and/or alteration becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Division — DPW at "HFHS", the sign system owner', expense; and further

Provided, The petitioner, "HFHS", 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, 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 encroachments; and further

Provided, That no rights in the public streets, alleys, designated boulevards, or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at the expense of HFHS 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 at HFHS' expense; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and HFHS hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that HFHS acquires no implied or other privileges hereunder not expressly stated herein; and further

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

Provided, That any permits necessary to work in the rights-of-way under the jurisdiction of the State of Michigan shall be obtained from the Michigan Department of Transportation; and further

Provided, The placement and maintenance of sign system encroachments in city rights-of-way shall be construed as acceptance of the terms and conditions of this resolution by "HFHS". Notwithstanding the fact that the filing of the indemnity agreement and the securing of the necessary permit(s) referred to above in this resolution are stipulations of this encroachment (permission) grant; 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 Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Scott, Tinsley-Williams, and President Hill — 8.

Nays — None.