



Adopted as follows:

Yeas — Council Members K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Tinsley-Talabi, and President Hill — 7.

Nays — None.

\*WAIVER OF RECONSIDERATION (No. 10) per motions before adjournment.

**Department of Public Works  
City Engineering Division**

April 18, 2000

Honorable City Council:

Re: Petition No. 2530 — Detroit Athletic Club ("DAC") — requesting to encroach into public rights-of-way and renewal of temporary closure of Randolph St. at Madison Ave. for expansion of its parking facilities.

Petition No. 2530 of "Detroit Athletic Club" (the "DAC") request to encroach into

the north-south public alley, 20 ft. wd., (12-caissons below the surface) between Madison and E. Adams west of Brush and the south side of E. Adams (below the surface) between John R. and Brush to install new footings, foundations, support and a buttress to the existing foundation in order to facilitate the expansion of the existing parking structure. Also, the DAC requests the renewal of the temporary closing of Randolph, 39.48 ft. wd., north of Madison granted by Resolution of Honorable City Council April 27, 1988, J.C.C. pgs. 1020-1023.

The request was approved by the Solid Waste Division and the Traffic Engineering Division of DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

The DAC intends to commence construction of a three-story vertical addition to the existing parking deck, adding space for approximately 340 passenger vehicles within the DAC site. The footings and foundations of the present parking deck are not adequate to bear the weight of the vertical addition, and new footings, foundations and supports must be added to the east and west sides of the parking deck to accommodate the addition. The construction also requires strengthening of existing footings and foundations at the northwest and northeast corners of the existing parking deck.

The encroachment into the Adams Street right-of-way will be approximately 2.8 feet, and will not affect the surface of the right-of-way after construction. The encroachment(s) into the north-south public alley, 20 feet wide, will be less than 3.3 feet at the location of each of 12 caissons, leaving a 17-foot width for passage of alley traffic and one caisson at the north end of the alley encroaching 4.5 feet into the alley.

The Detroit Edison Company (DeCo) reports no objections to the encroachments into the north-south public alley. DeCo Steam Division has facilities within the Adams Street right-of-way. However, the requested encroachment will maintain the proper vertical and horizontal clearance from any and all DeCo steam lines.

The Detroit Water and Sewerage Department (DWSD) reports there is a 15"x20" sewer within the north-south, public alley, 20 ft. wd. But, have no objections to the requested encroachments provided that petitioner abandons the sewer and constructs a new manhole.

The City of Detroit retains all rights and interests in the temporarily closed public street. City departments and private utility companies retain their access rights in the temporarily closed public street.

All other City departments and privately owned utility companies have reported no objections to the encroachments and the renewal of the temporary closure or that satisfactory arrangements have been made. Where appropriate, provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
WILLIAM TALLEY  
for SUNDAY JAIYESIMI  
City Engineer

By Council Member Tinsley-Talabi:

Resolved, That City Engineering Division — DPW is hereby authorized and directed to issue permits to the "Detroit Athletic Club" for the renewal of the temporary closure (as adopted by your Honorable Body April 27, 1988 J.C.C. pgs. 1020-23) of Randolph Street, 39.48 feet wide, lying between and abutting the

north line of Madison Avenue (90 and 200 feet wide) and the south line extended westerly of lot 69 of the "Map of Houghton's Section of the Brush Farm, as subdivided into lots by J. Almy" in June 1835 as recorded in Liber 7, Page 174 Deeds, City of Detroit Records: on a temporary basis to expire on June 1, 2005:

Provided, The petitioner shall follow the same rules, regulations, stipulations and provisions of the temporary street closing as approved by Detroit City Council April 27, 1988 J.C.C. pgs. 1020-23; and be it further

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to the "Detroit Athletic Club" and/or their assigns to install and maintain twelve underground caissons with footings extending into the westerly side of the north-south public alley, 20 feet wide, west of Brush between E. Adams and Madison; also, to install and maintain a underground buttress to existing foundation extending into the southern right-of-way of E. Adams Avenue, 60 feet wide, west of Brush Street; said public rights-of-way adjoining property described (in part) as follows:

(A) 12-Caissons: Lying easterly of and abutting the east line of Lots 42, 47, 50, 53, 56 and 59 of the "Map of Houghton's Section of the Brush Farm, as subdivided into lots by J. Almy" in June 1835 as recorded in Liber 7, Page 174 Deeds, City of Detroit Records; together with

(B) 1-Buttress: Abutting the north line of vacated Randolph Street 39.48 ft. wd. (vacated March 22, 1989 J.C.C. Pg. 693) between East Adams and Madison Avenues of the "Map of Houghton's Section of the Brush Farm, as subdivided into lots by J. Almy" in June 1835 as recorded in Liber 7, Page 174 Deeds, City of Detroit Records;

Encroachments to consist of twelve underground footings and one buttress to existing underground footings associated with the expansion of the existing "Detroit Athletic Club Parking Structure" the encroachment into the Adams Street right-of-way will be approximately 2.8 feet, and will not affect the surface of the right-of-way after construction. The encroachment(s) into the north-south public alley, 20 feet wide, will be less than 3.3 feet at the location of each of 12 caissons, leaving a 17-foot width for passage of alley traffic and one caisson at the north end of the alley encroaching 4.5 feet into the alley; and further

Provided, The Detroit Athletic Club shall abandon the 15"x20" sewer within the north-south alley and construct a new manhole in accordance with plans submitted by a registered engineer and approved by the Detroit Water and Sewerage Department prior to any construction; and further

Provided, That the encroachment into the Adams Avenue right-of-way shall maintain the proper clearance from any and all Detroit Edison facilities; and further

Provided, That Detroit Athletic Club or its assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, whenever it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for construction of encroachments such work shall be according to detailed permit application drawings prior to any public right-of-way construction; and further

Provided, That the necessary permits shall be obtained from the City Engineering Division — DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; also in accord with plans submitted to and approved by these departments; including the Public Lighting Department (if necessary), the Water and Sewerage Department (if necessary), and the Traffic Engineering Division — DPW (if necessary); and further

Provided, That all costs for the construction, maintenance, permits and use of the encroachments shall be borne by the Detroit Athletic Club or its assigns; and further

Provided, That all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments, shall be borne by the Detroit Athletic Club or its assigns. Should damages to utilities occur the Detroit Athletic Club or its assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located within the public rights-of-way, by acceptance of this permission, the Detroit Athletic Club (owners) for themselves, or their assigns, (by acceptance of permits for construction near underground utility lines, conduits, or mains) waives all claims for damages to the encroaching installations and agree to pay all costs incurred in their removal (or alteration), if removal (or alteration) becomes necessary; and further

Provided, That the Detroit Athletic Club shall apply to become a participating member of the "MISS DIG" organization (if necessary); and further

Provided, That the Detroit Athletic Club shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance

of the permits and the faithful or unfaithful performance by the Detroit Athletic Club of the terms thereof. Further, the Detroit Athletic Club shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

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

Provided, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed 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; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and the Detroit Athletic Club 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 K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Tinsley-Talabi, and President Hill — 7.

Nays — None.

\*WAIVER OF RECONSIDERATION (No. 11) per motions before adjournment.

#### **Department of Public Works City Engineering Division**

April 24, 2000

Honorable City Council:

Re: Petition No. 1442 — West Village Association/St. John Riverview Hospital, requests the closing of certain public alleys in the area of E. Lafayette, Seyburn and Van Dyke Place.

Petition No. 1442 of "West Village Association / St. John Riverview Hospital" requests the conversion of the north-south public alley, 20 feet wide, east of Seyburn and south of Van Dyke Place, the north-south, 20 feet wide & east-west, 30 feet wide, public alley(s) west of Seyburn and south of East Lafayette into private easement(s) for public utilities.

The request was approved by the Solid Waste Division - DPW, and the Traffic Engineering Division - DPW. The petition was referred to the City Engineering Division - DPW for investigation (utility review) and report. This is our report.