

**Department of Public Works
City Engineering Division**

July 10, 2000

Honorable City Council:

Re: Petition No. 2536 — MNP Corporation C/O DeRemer and Associates, PC, to request to encroach on Meldrum in the area of Mack and Beaufait.

Petition No. 2536 "MNP Corporation, 6440 Mack Avenue, Detroit, Michigan 48207 in C/O DeRemer and Associates, PC" request to install and maintain encroachments, a maximum of 6.00' into the public rights-of-way at a depth of 12.00', footings and foundations, for new building additions, into portions of Meldrum Avenue, 60 feet wide, and Beaufait Avenue, 70 feet wide, between Mack Avenue and Benson Avenue.

The petition was referred to the City Engineering Division — DPW for investigation and report. This is our report.

The Traffic Engineering Division — DPW reports no objections with the requested encroachments provided that the vertical clearance of the encroachment be a minimum of the proposed 12 feet below grade and the horizontal offset into the rights-of-way shall be limited to the proposed 6 feet.

The Detroit Water and Sewerage Department (DWSD) reports there are DWSD water mains and sewers in the above mentioned streets. Minimum clearances must be maintained and the provisions of the attached resolution must be followed.

All other involved City departments and privately owned utility companies have reported no objections to the encroachments 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,
SUNDAY JAIYESIMI
City Engineer

By Council Member K. Cockrel, Jr.:

Whereas, The City Engineering Division — DPW is hereby authorized and directed to issue permits to The "MNP Corporation", at 6440 Mack Avenue, Detroit, Michigan 48207, to install and maintain proposed encroachment(s) adjacent to the following described property:

Land in the City of Detroit, County of Wayne, Michigan, in the block bounded by Meldrum Avenue, 60 feet wide, Beaufait Avenue, 70 feet wide, Benson Avenue, 60 feet wide and Mack Avenue, 66 feet wide, described as lying westerly of and abutting the west line of Lots 18, 19, 20, 32, 33, 34, 35, and lying easterly of and abutting the east line of Lots 47, 48 and 49 of "Walker and Radcliffe's Subn. Of that part of Out Lots 24 and 25 and of Lots 9 and

10 Whipple's Subn. Of Out Lots 26 and 27 Meldrum Farm, between Meldrum and Beaufait Aves. and North of Berlin St.", Detroit, Michigan, as recorded in Liber 25, Page 83, Plats, Wayne County Records;

Provided, The MNP Corporation 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 MNP Corporation 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 MNP Corporation or its assigns. Should damages to utilities occur the MNP Corporation 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 in the public rights-of-way, by the acceptance of this permission, the MNP Corporation (owners) for themselves, or their assigns, (by acceptance of permits for construction near underground utility lines, conduits, or mains) waive 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 MNP Corporation shall apply to become a participating member of the "MISS DIG" organization (if necessary); and further

Provided, That the MNP Corporation 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 MNP Corporation of the terms thereof. Further, the MNP Corporation 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 MNP Corporation 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 MNP Corporation acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment permits 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, Mahaffey, Tinsley-Talabi, and President Hill — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

July 5, 2000

Honorable City Council:

Re: Petition of The Pilot Corporation, (#2873) requesting permission to install and maintain five (5) non-standard driveway openings within the public sidewalk space in the block of Clark Street, W. Fort Street, McKinstry Avenue and Wabash Railroad.

The "Pilot Corporation", 5508 Lonas Road, Knoxville, Tennessee 37909, is requesting permission to encroach in order to install and maintain five (5) non-standard commercial driveway(s) within the public sidewalk space of Clark Street, 70 feet wide, and McKinstry Avenue, 60 feet wide, between West Fort Street and Wabash Railroad [one curb cut opening about 93'-8" in length (including radii) along Clark Street; one curb cut opening about 282'-2" in length (including radii) along Clark Street' one curb cut opening about 120'-0" in length (including radii)

along Clark Street; one curb cut opening 246'-11" in length (including radii) along McKinstry Avenue; one curb cut opening 91'-11" in length (including radii) along McKinstry Avenue; NOTE: The maximum commercial driveway curb cut opening without City Council approval is generally, 50 feet in length, including the turning radii.] Pilot Corporation must agree to hold the city harmless from claims, damages and expenses to install and maintain the non-standard driveway(s).

The petition was referred to the City Engineering Division — DPW for investigation and report. This is our report.

The Pilot Corporation is proposing to develop a site located at West Fort and Clark Street(s) for the purpose of a truck stop/travel center. All involved city departments and privately owned utility companies have reported no objections to this request.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

By Council Member S. Cockrel:

Whereas, The City Engineering Division — DPW is hereby authorized and directed to issue permits to The "Pilot Corporation", 5508 Lonas Road, Knoxville, Tennessee 37909, to install and maintain five (5) proposed encroachment(s) within the following public sidewalk space [meaning the space between the lot line of the property and the curb line]:

Part of Private Claim 47, City of Detroit, Wayne County, Michigan, described as; Beginning at the intersection of the southeasterly right-of-way line of Fort Street, 100 feet wide, with the northeasterly right-of-way line of McKinstry Avenue, 60 feet wide; thence N.59°57'30"E., 341.01 feet along said southeasterly right-of-way line to a point on the southwesterly right-of-way line of Clark Street, 70 feet wide, thence S.27°40'00"E., 75 feet 4 inches, to a point of approach; thence 23 feet 8 inches (approach width) to a point, then continue to a point 128 feet 3 inches along said line, then 167 feet 2 inches (approach width) to a point, then along said line 479 feet 6 inches to a point, then 40 feet 0 inches along said line to a point (approach width 40 feet 0 inches wide) then 97 feet 9 inches along said line to point on northwesterly right-of-way line of the Wabash Railroad, 60 feet wide; thence S.61°54'55"W., 339.32 feet, along said northwesterly railroad right-of-way line to said northeasterly right-of-way line of McKinstry Avenue and thence N.27°44'50"W., 618 feet 8 inches, along said northeasterly right-of-way line to a point then along said line 196 feet 11 inches (approach width) to a point; thence along said line 83 feet 10 inches to a