

Whereas, A certificate of compliance, which expires October 1, 2009, has been issued for 500 Temple;

Whereas, Pursuant to Section 5-7-1 of the 1984 Detroit City Code, a Group "A" Cabaret business license is required for an establishment open to the public which sells or serves alcoholic beverages with or without food, and either allows dancing with or without live entertainment, or provides three (3) or more live entertainers at one time with or without dancing;

Whereas, B&SE Business License Center records indicate that Olympia Entertainment, Inc., has applied for a Group "A" Cabaret license for the location;

Whereas, The use of this location for dance or entertainment is permitted subject to compliance with all relevant state codes and rules and City ordinances;

Whereas, After investigation and review, the Detroit Police Department Liquor License Unit, on behalf of the Chief of Police, has recommended the approval of the transfer of the liquor license, with a dance and entertainment permit, to Olympia Entertainment, Inc., for 500 Temple;

Whereas, A review of available records did not reveal any MLCC violations at the location within the preceding twelve (12) months;

Whereas, Upon City Council's approval of the transfer of the liquor license, with a dance and entertainment permit, to Olympia Entertainment, Inc., the location will be approved for patron dancing and entertainment on the premises;

Whereas, Pursuant to Sections 916(1) and (2) of the Liquor Control Code, being MCL 436.1916(6)(1) and (2), the issuance of a dance or entertainment permit does not allow for adult entertainment, such as topless activity, in a licensed establishment;

Whereas, Due to the fact that this request for approval of the issuance of a new dance and entertainment permit does not concern an activity permit for a nonconforming use under the Detroit Zoning Ordinance, Chapter 61 of the 1984 Detroit City Code, the consideration of this petition at this time is not affected by the Temporary Moratorium approved and extended by resolution of City Council on January 27, 2009; and

Whereas, The Detroit City Council has considered the Local Approval Notice requesting approval of the transfer of ownership of a Class "C" liquor license, with a dance and entertainment permit, from 450 Temple, Inc., to Olympia Entertainment, Inc., for a Group "A" Cabaret at the Masonic Temple, at 500 Temple Street.

Now therefore it is

Resolved, Pursuant to Section 916(10)(b) of the Michigan Liquor Control Code, being MCL 436.1916(10)(b), that the Detroit City Council approves the transfer

of ownership of the liquor license with a dance and entertainment permit from 450 Temple, Inc., to Olympia Entertainment, Inc., for a Group "A" Cabaret at 500 Temple Street; and

It is further

Resolved, That a copy of this Resolution, and the City Clerk's certification of this approval of MLCC Request ID Number 440404, be forwarded to the Michigan Department of Labor and Economic Growth, Liquor Control Commission, 7150 Harris Drive, P.O. Box 30005, Lansing, MI 48909-7575, the Detroit Police Department, Liquor License Unit, 7310 Woodward, Detroit, MI 48202 and the Buildings and Safety Engineering Department Business License Center, 105 Coleman A. Young Municipal Center, Detroit, MI 48226.

Adopted as follows:

Yeas — Council Members S. Cockrel, Jones, Kenyatta, Reeves, and President Conyers — 5.

Nays — Council Member Watson — 1.

**Department of Public Works
City Engineering Division**

February 18, 2009

Honorable City Council:

Re: Petition No. 3009 — Hubert Massey Murals, LLC request for encroachment of a monument/statue within the West Grand Boulevard right-of-way south of Warren Avenue.

Petition No. 3009 of "Hubert Massey Murals, LLC" whose address is 2267 Oakman Boulevard, Detroit, Michigan 48238 request permission to install a monument/statue to encroach into West Grand Boulevard, 200 feet wide, 33.00 feet from the West northbound curb lane and South 60.00 feet of the South right-of-way line of West Warren Avenue, 100 feet wide. This monument will recognize and honor individuals who have contributed to the Chadsey/Condon Community. This project is part of a city-wide public art initiative supported by The Skillman Foundation, Chase Bank, and Kresge Foundation.

Hubert Massey Murals LLC intends to build and install monument/statue to honor individuals within the community. This monument/statue will be made out of high quality Granite rock and have a petroglyphy carving on it that will sit upon a stone pedestal. The monument/statue will be approximately 8.00 feet in height and will extend approximately 42-inches below grade/ground; also the monument will have a width and length of 24-inches.

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

The Detroit Water and Sewerage Department (DWSD) report that there is an existing storm sewer in the island location, however, DWSD has no objection to

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the requested encroachment provided that the petitioner follow DWSD's provisions for the encroachment.

The Public Lighting Department (PLD) reports that no structure or barricades can be built over PLD installations or on existing utility easement areas. As per PLD requirements, any structures proposed to be built shall maintain 4'1/2" horizontal clearance from the PLD conduit bank and manholes, also 12" horizontal clearance for the overhead PLD lines and installations. The contractor should take necessary precautions not to damage PLD manholes and conduit banks, if they plan to use heavy earth moving equipment. The contractor will be liable for any damages to any PLD underground facilities. PLD require unrestricted easement rights with 24 hours heavy vehicles access to the requested area.

All other involved City departments and privately owned utility companies reported no objections or that satisfactory arrangements have been made.

Respectfully submitted,

JESSY JACOB

City Engineer

City Engineering Division—DPW

By Council Member Reeves:

Whereas, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Hubert Massey Murals, LLC" at 2267 Oakman Boulevard, Detroit, Michigan 48238 to install and maintain a monument/statue approximately 8.00 feet in height and will extend approximately 42-inches below grade/ground; also the monument will have a width and length of 24-inches encroaching into the public rights-of-way being nearby or adjoining property described as follows;

Land in the City of Detroit, Wayne County, Michigan being adjacent to and adjoining Lot 1 of "Amended Plat of Lots 1, 2 & 3 of Block 11, Lots 1 & 71 of Block 12, Lots 22 to 54, both inclusive, of Block 13 & Lots 25 to 33, both inclusive, of Block 14 of Bela Hubbard's Subdivision of all the rear concession of P.C. 77 lying North of Canfield Avenue", City of Detroit, Wayne County, Michigan as recorded in Liber 25, Page 70 of Plats; being 88.0 feet West of the West property line lying within the public right-of-way and/or the boulevard of West Grand Boulevard, 200 feet wide.

Provided, That nothing in this resolution shall be construed as giving any authority, permission or grant to the permittee for any part of the encroaching of the monument/statue to be placed upon and/or below the surface or underground rights of privately owned property. Enforcement of violations of fire safety regulations and building codes is the responsibility of the Fire Marshal and the Buildings and Safety Engineering Department. The petitioner

shall apply to the Buildings and Safety Engineering Department for approval and permits to place the monument/statue on privately owned property (if necessary); and further

Provided, That by approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the street and at all time, DWSD, its agent or employees shall have right to enter upon the street to maintain, repair, alter, service, inspect, or install its facilities. All cost incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection by DWSD shall be borne by the petitioner. All costs associated with gaining access to DWSD's facilities which could normally be expected had the petitioner not encroached into the street shall borne; and further

Provided, That all construction performed under this petition shall not be commenced until after (5) days written notice to DWSD. Seventy-two (72) hours notice shall also be provided in accordance with P.A. 53, 1974, as amended, utilizing the MISS Dig one call system; and further

Provided, It is the intention of this resolution to authorize the City Engineering Division - DPW (prior to the issuance of "encroachment" permits) to require the permit applicant to perform any reasonable task to protect public property interests including, but not limited to, the submission of engineering plans (containing construction details and distances from property lines) of the proposed encroaching monument/statue. The City Engineering Division - DPW shall require the permit applicant to secure approval(s) of said plans from the Various Departments. Also, the City Engineering Division - DPW may require the permit applicant to secure approval(s) of said plans from Wayne County, the State of Michigan, other city departments (including commissions, authorities, corporations, councils, boards, contractors, and agencies whenever applicable) and/or utility companies; whether Wayne County, the State of Michigan, other city departments and/or utility companies are specifically enumerated in this resolution or not; and further

Provided, Said monument/statue encroachment shall be maintained under the rules and regulations of the City Engineering Division - DPW, the Department of Buildings and Safety Engineering (if necessary), and the Fire Marshal (if necessary); and further

Provided, Whenever it becomes necessary to open-cut, drill, bore, jack, occupy or barricade public rights-of-way for addi-

tional test holes or maintenance of the monument/statue installation(s), 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 (including, if necessary, adjustments or removals); and further

Provided, That construction under this petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the direction of DWSD, be borne petition; and further

Provided, That if DWSD facilities located within the street and/or alley break or be damaged as the result of any action on the part of the petitioner, then in such event the petitioner agrees to be liable for all cost incident to the repair, replacement or relocation of such broken or damaged DWSD facilities; and further

Provided, That the petitioner shall hold DWSD harmless for any damage to the encroaching device constructed or install under this petition, which may be caused by the failure of DWSD facilities; and further

Provided, That at any time in the future the petitioner shall request removal and/or relocation of DWSD's facilities in the street or alley being encroached upon the petitioner agrees to pay all costs for such removal and/or relocation; and further

Provided, All costs for the construction, maintenance, permits and use of the encroaching monument/statue 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 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 petitioner(s) for themselves, their heirs or assigns, waive claims for any damages to the encroaching installation and agree to pay the costs incurred in the removal, if the removal becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Division - DPW at the petitioner's expense; and further

Provided, That the encroaching monument/statue shall be installed and maintained with a secure materials. 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 monument/statue. The installation and maintenance

of said encroachments shall comply with the rules and regulations of the City Engineering Division - DPW and Traffic Engineering Division - DPW; and further

Provided, The petitioner shall file with the Finance Department and/or City Engineering an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims that may arise there from. 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 any claims, damages or expenses that may arise as a result of the monument/statue 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 encroachments 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 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 thereafter 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 resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, issued permits shall immediately become void; and further

Provided, That the grade shall be maintained in original condition after installation of the monument/statue; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and permittee waives any right to

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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 "Miss Dig" to comply with Michigan Public Act 53 of 1974, "Protection of Underground Facilities (460.701 - 460.718)"; and further

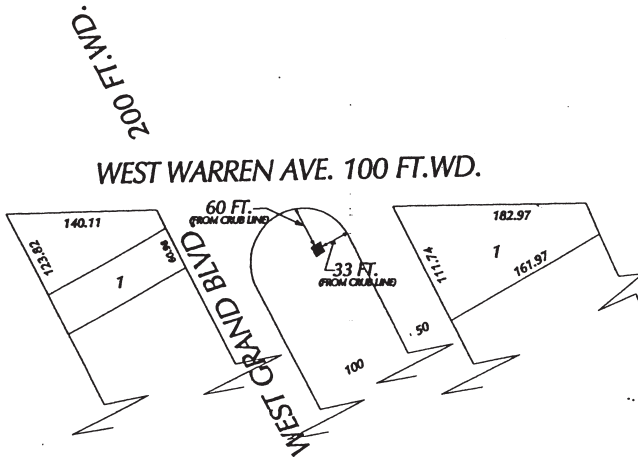
Provided, That filing of the indemnity

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.

PETITION NO. 3009
HUBERT MASSEY MURALS, LLC
2267 OAKMAN BLVD.
DET., MI. 48238
PHONE NO. 313-737-7396
FAX NO. 313-935-0714



NOTE: PLEASE REVIEW ATTACHED DRAWING FOR MORE DETAILS ON MONUMENT IF YOU HAVE ADDITIONAL QUESTIONS PLEASE CONTACT THE PETITIONER.

AREA OF ENCROACHMENT (MONUMENT WITH FOUNDATIONS)

(FOR OFFICE USE ONLY)

CARTO 20C

B				
A				
DESCRIPTION	REV	CHKD	APP	DATE
REVISIONS				
DRAWN BY	NP	CHECKED		
DATE	10-15-08	APPROVED		

REQUEST TO ENCROACH INTO W. GRAND BLVD. 200 FT. WD. WITH A MONUMENT SOUTH OF WEST WARREN AVE. 100 FT. WD.

CITY OF DETROIT
CITY ENGINEERING DEPARTMENT
SURVEY BUREAU
JOB NO. 01-01
DRWG. NO. x3009.dgn