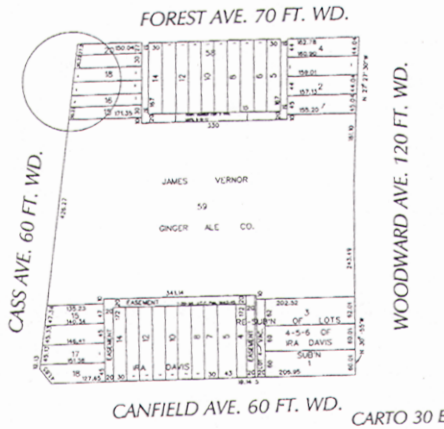
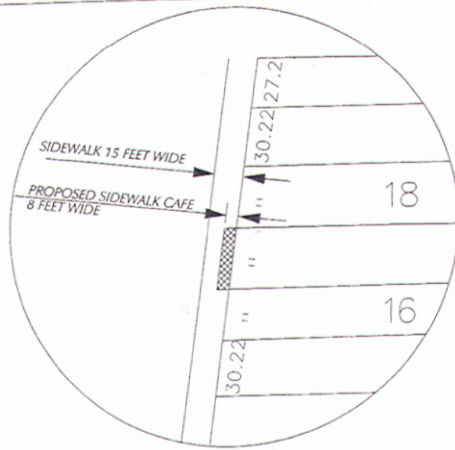


PETITION NO. 2286
 CHARLES ROY
 (Cass Cafe)
 4620 CASS AVE.
 DETROIT, MICHIGAN 48201
 PHONE NO. 313 244 4056



- AREA OF ENCROACHMENT

B				
A				
DESCRIPTION	DRWN	CHKD	APPD	DATE
SEALN BY	REVISE		CHECKED	
KSM				

REQUEST TO ENCROACH
 INTO CASS AVE.
 8 FT. WITH SIDEWALK CAFE

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-07
 DRWG. NO. X 2286

Adopted as follows:

Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 9.

Nays — None.

**Department of Public Works
 City Engineering Division**

October 3, 2012

Honorable City Council:
 Re: Petition No. 2246 — Bronx Bar, request for encroachment for permanent Outdoor Café at Bronx bar located at 4476 Second Avenue, Detroit, MI 48201.

Petition No. 2246 of "Bronx Bar" at 4467 Second Avenue, Detroit, MI 48201 request to install and maintain certain encroachments at the southeast corner of Prentis Avenue, 60 feet wide, and Second

Avenue, 100 feet wide. This encroachment is to address the permanent changes to the right-of-way to accommodate the outdoor café seating with a deck and building extension into the public right-of-way.

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

The Traffic Engineering Division — DPW (TED) report involvement, but have no objection to the petitioner's request for the encroachment into Second Avenue with a deck as shown on the proposed plan submitted to TED, provided that a minimum of 6.00 feet wide clear sidewalk shall be maintained from any and all

obstructions present at all times through the property located at 4476 Second Avenue.

The Public Lighting Department (PLD) reports no structure or barricades can be built over PLD installations or on existing utility easement areas. As per PLD requirements, any structure propose to be built shall maintain 10 feet horizontal clearance from the overhead PLD lines and installations, also any structure proposed to be built shall maintain a minimum of 3.00 feet horizontal clearance and 12 feet vertical clearance from PLD man-holes and conduit banks. The contractor will be liable for and damages to any PLD underground Facilities. PLD requires unrestricted easement rights with 24 hours heavy vehicles access to the requested area of encroachment.

Detroit Water and Sewerage Department (DWSD) report no objection to the encroachment provided that the provision for encroachment is strictly followed.

All other involved City departments and privately owned utility companies request the petitioner(s) make use of "Miss Dig" facilities before the construction of the railing, concrete curb, and brick pavers.

All other City Departments and privately owned utility companies have reported no objections. Provisions protecting utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
RICHARD DOHERTY, P.E.,
City Engineer

City Engineering Division — DPW
By Council Member Jenkins:

Whereas, Petition No. 2246 of "Bronx Bar" address is 4476 Second Avenue, request for to install and maintain the encroachment of outdoor café seating with a deck, canopy (over deck), building extension (stairwell) and private/opaque fencing at the corner of Second Avenue 100 feet wide, and Prentis Avenue, 60 feet wide. This encroachment is to address the permanent changes to the right-of-way to accommodate the existing issues with encroachments into the rights-of-way; and be it further

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Bronx Bar and/or their assign", to install and maintain encroachments into Second and Prentis Avenues with outdoor café seating with a deck, canopy (over deck), building extension (stairwell), private/opaque fencing and all other encroachments lying within the East 8.00 feet of Second Avenue, 100 feet wide, south of Prentis Avenue, 60 feet wide, and the South 4.00 feet of Prentis Avenue, 60 feet wide, east of Second Avenue, 100 feet wide, adjacent to the following described property:

Lying within the Southeast corner of Second Avenue, 100 feet wide, and Prentis Avenue, 60 feet wide, adjacent to the 41.91 feet by 49.80 feet of Lot 16 in the "Subdivision of Block Number 99 Cass Farm" recorded September 3, 1870, as recorded in Liber 1, Page 2727 of Plats, Chy File 12221 Wayne County Records;

Whereas, Approval of this petition/resolution only gives permission for the encroachment of the deck, canopy (over deck), building extension (stairwell), private/opaque fencing and all other encroachments lying within said area. Any other procedures or approvals from other Governmental Agencies (such as Buildings and Safety Engineering, Health Department, Liquor Commission, Historic Commission and etc...) to conduct full use of said encroachment area for the sidewalk café must be followed and is not part of this petition/resolution; and be it further

Whereas, 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 agents or employees, shall have the right to enter upon the street to maintain, repair, alter, service, inspect, or install its facilities. All costs 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 be borne by DWSD; and be it 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 be it further

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

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

Provided, That the petitioner shall hold DWSD harmless for any damages to the encroaching device constructed or

installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

Provided, That a minimum of 6.00 feet wide of sidewalk is clear at all time from any obstruction within said area (such as poles, fire hydrants, and parking meters); and be it further

Provided, That any structure propose to be built shall maintain 10 feet horizontal clearance from the overhead PLD lines and installations, also any structure proposed to be built shall maintain a minimum of 3.00 feet horizontal clearance and 12 feet vertical clearance from PLD man-holes and conduit banks. The contractor will be liable for and damages to any PLD underground Facilities. PLD requires unrestricted easement rights within 24 hours heavy vehicles access to the requested area of encroachment; and be it further

Provided, That petitioner, "Bronx Bar and/or their assign" shall make application to the Buildings and Safety Engineering Department for a building permit (if necessary). The outdoor café seating project (the deck), canopy (over deck), building extension (stairwell), private/opaque fencing and all other encroachments use) encroachments shall be installed and maintained in accord with plans submitted to and approved by Buildings and Safety Engineering Department and/or City Engineering Division. All cost for plan review, inspection, and building permits shall be paid by the petitioner; and further

Provided, That the petitioner shall file with the Finance Department and/or City Engineering Division — DPW an indemnity agreement or attach to this resolution in a 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 faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages, or expenses that may arise out of the maintenance of the proposed encroachments; and further

Provided, That such use of the public rights-of-way shall be under the rules and regulations of the City Engineering Division in conjunction with the Buildings and Safety Engineering Department (if necessary). The City of Detroit retains all rights to establish, maintain, inspect, and service any utilities within or over said public streets; and further

Provided, All costs for the construction, maintenance, permits, and use of the project encroachment(s) within the said public right-of-ways shall be borne by the petitioner. The installation and 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, If it becomes necessary to repair or replace the utilities located or to be located in the public right-of-ways, by the acceptance of this permission, the project encroachment(s) 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, 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 outdoor café seating project encroachment(s) 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, 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 right-of-ways 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 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, these permits shall immediately become void; and further

Provided, This resolution 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

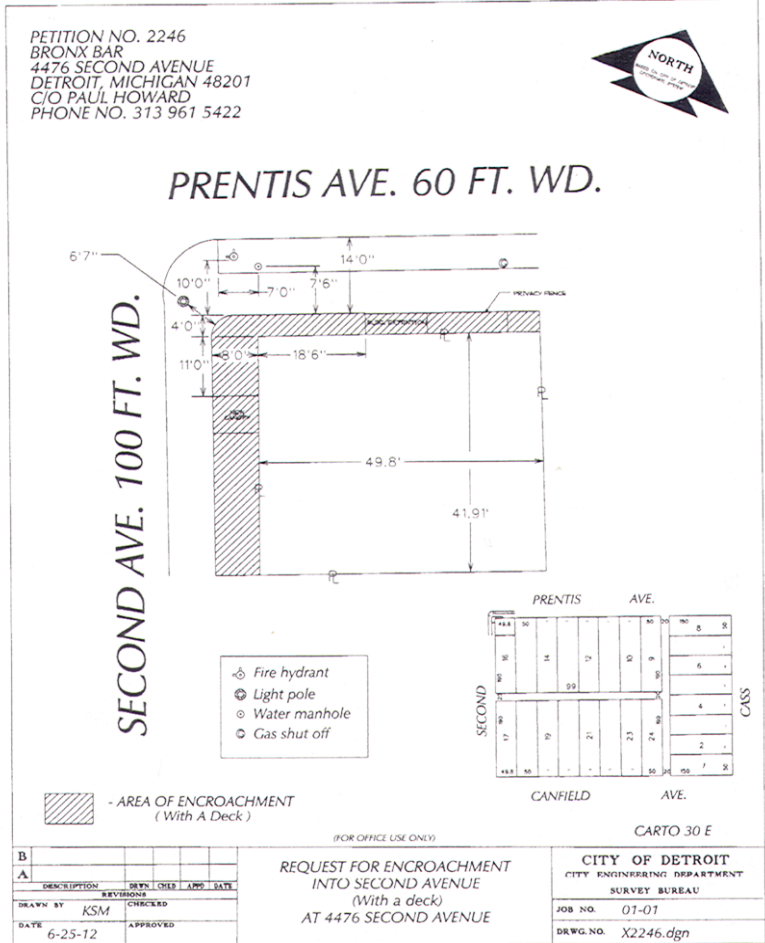
permittee acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, The installation and maintenance of encroachments [that is, the outdoor café seating project with the deck, canopy (over deck), building extension (stairwell), private/opaque fencing and all other encroachments lying within said area and use] referred to herein shall be construed as accep-

tance of this resolution by "Bronx Bar and/or assign"; and further

Provided, That the project encroachment(s) 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 and indemnity agreement (if attached) with the Wayne County Register of Deeds.



Adopted as follows:
Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 9.
Nays — None.

Planning & Development Department
October 11, 2012
Honorable City Council:
Re: Related to Petition #694 —
(Corrected) Resolution Approving

the amending of an Industrial Facilities Tax Exemption Certificate, on Behalf of Milton Manufacturing, Inc. at 301 E. Grixdale, Detroit, MI 48203, in Accordance with Public Act 198 of 1974 as amended.
On October 11, 2012, a public hearing in connection with approving the amending of an Industrial Facilities Tax Certificate for the above-captioned property was held before your Honorable Body. All interested persons and organizations were given an