

of property located at 17188 Pierson, an area of land measuring approximately 5,532 square feet and zoned R-1 (Single Family Residential District), to S & G Global Ventures, LLC, a Georgia Limited Liability Company, for the sales price of \$3,150.00.

Since that time the purchaser has failed to comply with the terms of the sale.

Therefore, your Honorable Body is requested to authorize the Planning and Development Director to cancel the sale due to nonpayment of the sales price.

Respectfully submitted,
MARJA M. WINTERS

Deputy Director

By Council Member Jenkins:

Resolved, That the Offer to Purchase property, located on an area of land measuring approximately 5,532 square feet and zoned R-1 (Single Family Residential District), described on the tax rolls as:

a/k/a 17188 Pierson

submitted by S & G Global Ventures, LLC, a Georgia Limited Liability Company, for the amount of \$3,150.00, be cancelled due to nonpayment of sales price, and be it further,

Resolved, That the Planning and Development Department Director or his authorized designee is hereby authorized to declare the sale to S & G Global Ventures, LLC, a Georgia Limited Liability Company, be cancelled and the deposit in the amount of \$320.00 forfeited.

Adopted as follows:

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

Nays — None.

Planning & Development Department

September 26, 2012

Honorable City Council:

Re: Correction of Purchase Price — (N) Frederick, between St. Aubin and Dubois, a/k/a 2125, 2131, 2137-39, 2143-45, 2151 and 2157 Frederick.

On May 1, 2012, (Detroit Legal News, September 5, 2012, Page 9), your Honorable Body authorized the sale of property located at 2125, 2131, 2137-39, 2143-45, 2151 and 2157 Frederick, property on an area of land measuring approximately 180 x 145 feet and zoned R-3 (Low Density Residential District) submitted by Albert Barrow, for the sale price of \$1,800.00.

In error, the purchase price was stated incorrectly.

Your Honorable Body is requested to amend the authority to sell, to show the correct purchase price of \$1,620.00 for the sale.

Respectfully submitted,
MARJA M. WINTERS

Deputy Director

By Council Member Jenkins:

Resolved, That the Offer to Purchase

property, located on an area of land measuring approximately 180 x 145 feet and zoned R-3 (Low Density Residential District), described on the tax rolls as:

a/k/a 2125, 2131, 2137-39, 2143-45, 2151 and 2157 Frederick

submitted by Albert Barrow, for the sales price of \$1,800.00, be amended to reflect a correct purchase price of \$1,620.00, and be it further

Resolved, That the Planning and Development Department Director or his authorized designee is hereby authorized to issue a Quit Claim Deed for the described property to reflect the correct purchase price.

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. 2555 & 2572 — Charles Roy, request for outdoor café seating at Cass Café located at 4620 Cass Avenue, Detroit, Michigan.

Petition No. 2555 & 2572 of "Charles Roy" whose address is 4620 Cass Avenue, request to install and maintain an encroachment of an outdoor café seating area. The petitioner request to maintain encroachments into Cass Avenue, 60 feet wide, 8.00 feet by 30.22 feet with railing, concrete curb, and brick pavers between Forest Avenue, 70 feet wide, and Canfield Avenue, 60 feet wide. This encroachment is to address the permanent changes to the right-of-way to accommodate the outdoor café seating.

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 8.00 feet into Cass Avenue 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 4620 Cass Avenue.

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

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.

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. 2555 & 2572 of "Charles Roy" whose address is 4620 Cass Avenue, requesting for an encroachment of an outdoor café seating area. The petitioner request to maintain encroachments into Cass Avenue, 60 feet wide, 8.00 feet by 30.22 feet with railing, concrete curb, and brick pavers between Forest Avenue, 70 feet wide, and Canfield Avenue, 60 feet wide. This encroachment is to address the permanent changes to the right-of-way to accommodate the outdoor café seating; and be it further

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Charles Roy and/or his assign", to install and maintain encroachments into Cass Avenue with railing, concrete curb, and brick pavers all encroachments lying within the East 8.00 feet by 30.22 feet of Cass Avenue, 60 feet wide between Forest Avenue, 70 feet wide, and Canfield Avenue, 60 feet wide, adjacent to the following described property:

Lying within Cass Avenue, 60 feet wide, between Forest Avenue, 70 feet wide, and Canfield Avenue, 60 feet wide, adjacent to Lot 17 in the "Stimson's Subdivision of Park Lots 55, 56, 57, and 58" J.F. Munro August 23, 1869 as recorded in Liber 1, page 246, Plats, Wayne County Records;

Whereas, Approval of this petition/resolution **only** gives permission for the encroachment of the railings, concrete curb, brick pavers, chairs, tables, and use. Any other procedures or approvals from other Governmental Agencies (such as 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 if at any time in the future the petitioner shall request removal and/or relocation of DWSD's facilities in the street being encroached upon the petitioner agrees to pay all costs for such removal and/or relocation; and be it further

Provided, That a minimum of 6.00 feet wide of sidewalk is clear at all times 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 with 24 hours heavy vehicles access to the requested area of encroachment; and be it further

Provided, That petitioner, "Charles Roy and/or assign" shall make application to the Buildings and Safety Engineering Department for a building permit (if necessary). The project (railings, concrete curb, brick pavers, chairs, tables, and 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 Street; and further

Provided, All costs for the construction, maintenance, permits, and use of the project encroachment(s) within 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 landscaping 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

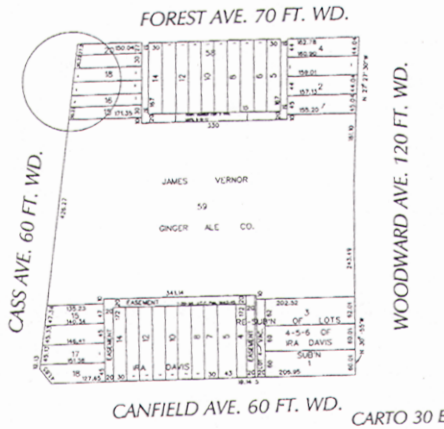
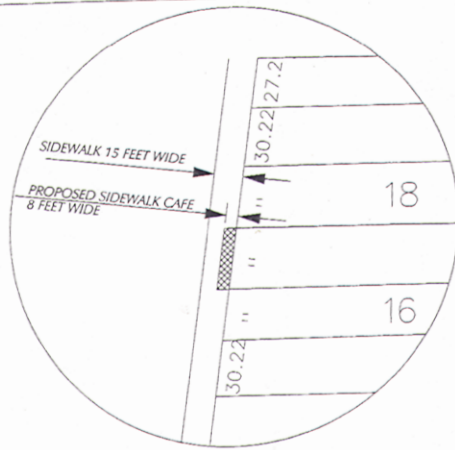
Provided, This resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein;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

Provided, The installation and maintenance of encroachments [that is, the project with railings, concrete curb, brick pavers, chairs, tables, and use] referred to herein shall be construed as acceptance of this resolution by "Charles Roy 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.

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



- AREA OF ENCROACHMENT

CANFIELD AVE. 60 FT. WD.

CARTO 30 E

B				
A				
DESCRIPTION	DRWN	CHGD	APPD	DATE
SEALN BY	REVISEN		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