

Barbour Middle School/Joyce Elementary School campuses adjacent to Indian Village; the Emergency Manager of DPS proposes to accept an offer from the same purchaser for both properties for conversion to mixed-use development, despite opposition by members of the Board of Education who have indicated that the proposed purchaser has a history of purchasing large properties, with the announced intent of rehabilitation, that have not then been returned to productive use but have rather caused sustained blight;

Now, Therefore Be It

Resolved, That the Detroit City Council hereby strongly urges the Emergency Manager of the Detroit Public Schools to reevaluate its policies regarding the disposition surplus school properties to consider additional factors beyond that of highest bid amount such as the development histories of prospective buyers, and to, if possible, entertain new offers of purchase from prospective buyers with proven track record for redeveloping school buildings; and that these factors be contemplated in the case of the proposed sale of both the former Burton School building and the Barbour complex; and

Be It Further

Resolved, That the entities charged with monitoring and eliminating blight in the city, including the City of Detroit's Buildings, Safety Engineering and Environmental Department and the Detroit Land Bank Authority will aggressively and diligently track and vigilantly monitor these sales to deter purchasers of properties from inflicting further negative effect on the city' neighborhoods by not engaging in the re-development of these important properties in a timely and efficient manner; and

Be It Finally

Resolved, That a copy of this resolution be forwarded to Jack Martin, Emergency Manager of the Detroit Public Schools, Governor Rick Snyder, Mayor Mike Duggan and the Detroit Land Bank Authority.

Adopted as follows:

Yeas — Council Members Castaneda-Lopez, Cushingberry, Jr., Jenkins, Leland, Sheffield, Spivey, Tate, and President Jones — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

June 12, 2014

Honorable City Council:

Re: Petition No. 2799 — Giffels Webster, on behalf of 1145 Griswold Street LLC, request an aerial encroachment over the Public Alley in the block bounded by State Street, Michigan Avenue, Griswold Avenue and Shelby Street; amended to also

request the City Engineering Division/DPW investigate the installation of an "Up Lighting System" within the public rights-of-way adjacent to 1145 Griswold.

Petition No. 2799 of Giffels Webster, 28 W. Adams, Suite 1200, Detroit, Michigan 48226 on behalf of 1145 Griswold Street LLC, 401 S. Washington Square, Suite 102, Lansing, Michigan 48933, respectfully request an "aerial encroachment easement" across the east-west public alley, 20 feet wide, in the block bounded by State Street, 69 feet wide, Michigan Avenue, 100 feet wide, Griswold Avenue, 90 feet wide, and Shelby Street, 60 feet wide, in order to install and maintain a pedestrian bridge connecting a newly renovated 1145 Griswold to the existing parking garage at 150 Michigan Avenue.

Additionally, during the investigation of said aerial encroachment, the petitioner has since amended Petition No. 2799 to also request the City Engineering Division/DPW investigate the installation of an "Up Lighting System" within the public right-of-way adjacent to 1145 Griswold Street.

The "Up Lighting System" will be proposed to include the installation of eight (8) — 8" Diameter; Drive-over in-ground heavy gauge stainless steel floodlights, into the deck of existing areaways. Four (4) will be installed no more than 2.8 feet at center into the Griswold Street right-of-way, while still providing 10 feet of clear pedestrian passage. Four (4) will also be installed approximately 2.2 feet at center into the southerly right-of-way of State St., also, maintained 10 feet clear pedestrian passage. The flood lights consist of a pressed glass, faceted reflector, sealed in place, at grade, designed to bear pressure loads up to 4400 lbs.

The proposed 20 foot x 6 foot x 14 foot pedestrian bridge "aerial encroachment easement" being within the east-west public alley, 20 feet wide, in the block bounded by State Street, 69 feet wide, Michigan Avenue, 100 feet wide, Griswold Street, 90 feet wide, and Shelby Street, 60 feet wide, will span over the public alley with a bottom elevation of approximately 18 feet over the finished grade of said public alley connecting 1145 Griswold to the existing parking garage at 150 Michigan Avenue.

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

The City of Detroit Planning and Development Department/Historic District Commission (P&DD/HDC) reports that the requested encroachments are within the Capital Park Historic District. The P&DD/HDC has determined that the scope of work is appropriate and has issued a "Certificate of Appropriateness" to 1145 Griswold Street LLC. Therefore,

P&DD/HDC has no objections to the requested encroachments.

The Traffic Engineering Division — DPW reports no objections with the requested encroachment(s) provided that a minimum of 10 feet clear margin is accommodated between the curb and the proposed “Up Lighting System” encroachment and provided that any alteration to sidewalk is constructed in accordance with City of Detroit standards and approved by the City Engineering Division — DPW. Also, that the requested pedestrian bridge encroachment within the public alley shall be a minimum of 16.00 feet above the alley surface, and shall be fully cantilevered (no support permitted from the ground).

The Public Lighting Department (PLD) requires a minimum horizontal clearance of 3-feet 6-inches and a vertical clearance of 1'-0" must be maintained from their facilities. The PLD reports having man-holes, underground street lighting, traffic signal and communication circuits running in the proposed area requested for encroachment. The petitioner will be liable for any damages to any PLD installations. Also, the PLD will require underground and overhead easement rights 24 hours for heavy vehicles for maintenance of PLD installations.

The Detroit Water and Sewerage Department (DWSD) has no objection to the proposed encroachment(s) provided that a horizontal clearance of 5-feet is maintained between the proposed “Up Lighting System” and DWSD facilities and that a minimum clearance of 16.00 feet be maintained between bottom of the proposed aerial pedestrian bridge encroachment and the surface of the alley to allow access by maintenance vehicles and the petitioner abides by all of the terms and conditions of the attached resolution.

SBC/Ameritech reports that the petitioner must maintain access to its man-holes and conduit, in order to perform maintenance.

The Petitioner or its assigns must obtain permits from the City Engineering Division-DPW for any street openings, backfill, surface restoration, barricade, or occupancy of city rights-of-way to install and/or maintain the encroachments. The Petitioner will be required to become a participating member of the “MISS DIG” organization. This will minimize the chance of damage to the “Up Lighting System”.

The installation, renovation or adjustments of areaways or vaults must be approved by the City Engineering Division — DPW and built to City of Detroit specifications, prior to any work commencing.

City Engineering Division — DPW also requires the Petitioner to submit certified “as built” drawings, a map and survey,

showing the exact location of the completed encroachment(s).

All other involved City departments and privately owned utility companies have reported no objections to the proposed encroachments. Where appropriate, provisions protecting utility installations are part of the 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:

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to “1145 Griswold LLC” (the Petitioner), 401 S. Washington Square, Suite 102, Lansing, Michigan 48933, to install and maintain the aerial encroachment of a pedestrian bridge connecting the newly renovated 1145 Griswold to the existing parking garage at 150 Michigan Avenue. The proposed 20 foot x 6 foot x 14 foot pedestrian bridge will span over the public alley with a bottom elevation of approximately 18.00 feet over the finished grade of the public alley; also, the installation and maintenance of an “Up Lighting System” within the public right-of-way adjacent to 1145 Griswold Street, which is proposed to include the installation of eight (8) — 8” Diameter; Drive-over in-ground heavy gauge stainless steel floodlights, into the deck of existing areaways. Four (4) will be installed no more than 2.8 feet at center into the Griswold Avenue right-of-way, four (4) to be installed approximately 2.2 feet at center into the southerly right-of-way of State Street, both maintaining 10 feet of clear pedestrian passage adjacent to the following described property(s):

Which “**Aerial Encroachment Easement**” is generally identified as:

Within the east-west public alley, 20 feet wide, in the block bounded by State Street, 69 feet wide, Michigan Avenue, 100 feet wide, Griswold Avenue, 90 feet wide, and Shelby Street, 60 feet wide, being a three dimensional easement over said public alley for overhead bridge between City of Detroit elevation 184.49 and City of Detroit elevation 202.91 lying within that portion of the public alley, 20 feet wide, adjacent to back of Lots 51 and 80 all in “Section 8 of Governor and Judge’s Plan”, according to the Plat recorded in Liber 34 of Deeds, Page 543, and also being adjacent to the North line of “Michigan Avenue Parking Facility Condominium Plan No. 981 as recorded in Wayne County Records.

More particularly described as: Commencing at the intersection of the North Line of Michigan Avenue (100 Feet Wide and the West line of Griswold Avenue, (90 Feet Wide) said point also

being the Southeast corner of Lot 1 of the Subdivision of Lot 49, "Section 8, Governor and Judge's Plan as recorded in Liber 163 of Deeds, Page 120, Wayne County Records; Thence N.33°09;39"W., 119.24 Feet along the West line of Griswold Street to the intersection of the South line of 20 Feet Wide Public Alley and the West line of Griswold Street; Thence S.89°50'20"W., 114.81 Feet along said South line also being the North Line of "Michigan Avenue Parking Facility Condominium Plan No. 981 to the point of beginning said point being 32.37 Feet West of the Northeast corner of Lot 51; thence continuing S.89°50'20"W., 6.00 Feet along said North line of Lot 51; Thence N.00°10'31"W., 20.62 Feet to a point on the South line of lot 80; Thence N.89°50'20"E., 6.00 Feet along said South line; thence S.00°10'31"E., 20.62 Feet to the point of beginning and containing 124 Square Feet.

Which "Up Lighting System Encroachment" is generally identified as:

Land in the City of Detroit, County of Wayne, State of Michigan, being all of Lot 80 and that part of Lot 79 being described as: Beginning at the Northwesterly corner of Lot 79; thence South along the Westerly line of said Lot 79, 58.64 feet; thence North 73 degrees 13 minutes East along the Northerly line of a brick wall on said Lot, 37.12 feet to the Westerly line of Griswold; thence North 32 degrees 54 minutes West along the Westerly line of Griswold; thence North 32 degrees 54 minutes West along the Westerly line of Griswold Street, 56.94 feet to the Southerly line of State Street; thence West along the Southerly line of State Street 4.58 feet to the Point of Beginning, "Plat of Section 8 of Governor and Judge's Plan", of the City of Detroit, as recorded in Liber 34, Page 543 of Deeds, Wayne County Records.

Provided, That the requested pedestrian bridge encroachment within the public alley shall be a minimum of 16.00 feet above the alley surface, and shall be fully cantilevered (no support permitted from the ground); and further

Provided, That a minimum horizontal clearance of 3-feet 6-inches and a vertical clearance of 1'-0" be maintained from the Public Lighting Department facilities (PLD); and further

Provided, That the Petitioner shall be liable for any damages to any PLD installations. Also, the PLD will require underground and overhead easement rights 24 hours for heavy vehicles for maintenance of PLD installations; and further

Provided, That a horizontal clearance of 5-feet is maintained between the proposed "Up Lighting System" and the Detroit Water and Sewerage Department (DWSD) facilities and that a minimum clearance of 16.00 feet be maintained

between bottom of the proposed aerial pedestrian bridge encroachment and the surface of the alley to allow access by DWSD maintenance vehicles; and further

Provided, That the DWSD forces shall have free and easy access to the water main and/or sewer facilities at all times to permit proper operation, maintenance and if required, alteration or repair of the water main and/or sewer facilities; and further

Provided, Should the water main and/or sewer facilities be broken or damaged as a result of any action on the part of the petitioner or assigns, then in such event the petitioner or assigns shall be liable for all costs incident to the repair of such broken or damaged water main and appurtenances, and waives all claims for damages; and further

Provided, That "1145 Griswold Street LLC" or its assigns shall apply to the Buildings, Safety Engineering and Environmental Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance and installation of encroachments such work shall be according to detailed permit application drawings submitted to the City Engineering Division — DPW prior to any public right-of-way construction; and further

Provided, That the encroachments shall be constructed and maintained under their rules and regulations of the City Engineering Division — DPW; 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, surveying, permits and use of the encroachments shall be borne by "1145 Griswold Street LLC" 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 "1145 Griswold Street LLC" or its assigns. Should damages to utilities occur "1145 Griswold Street LLC" 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, "1145 Griswold Street LLC" (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 "1145 Griswold Street LLC" 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 "1145 Griswold Street LLC" of the terms thereof. Further, "1145 Griswold Street LLC" shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

Provided, That the owner shall be required by the Law Department in conjunction with the Finance Department — Risk Management Division to present proof of financial capability (bonds and insurance; the City of Detroit shall be named as coinsured therein) to pay any claims, damages or expenses that may arise as a result of the installation, maintenance or use of an overhead pedestrian walkway bridge system across public street right-of-way. To protect the city in the event of owners' default, a surety bond in a penal sum sufficient to pay the City of Detroit cost to remove or alter the overhead pedestrian walkway bridge system (if such removal or alteration becomes necessary) shall be maintained by owner. Also, the owner shall maintain said surety bond indefinitely (with no expiration date). The petitioner shall be unable to obtain a release from said surety bond as long as the overhead pedestrian walkway bridge system is built across the public right-of-way. The "City Engineering Division — Street Design Bureau" in conjunction with the Traffic Engineering Division — DPW (if necessary) shall be responsible for determining the amount of said surety bond, and then to transmit the information to the Finance Department; and further

Provided, The property owned by "1145 Griswold Street LLC" and the encroachment shall be subject to proper zoning or regulated use (Board of Zoning Appeals Grant); and further

Provided, That said permits issued by the City Engineering Division — DPW and the Buildings, Safety Engineering and Environmental 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 building encroachments in public rights-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 Petitioner

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 petitioner does hereby bind itself thereunto, and accept said permits on the conditions hereby imposed, and in the event said Petitioner shall contest the validity of said Charter, or Code(s), or ordinance(s), or resolution, or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; 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

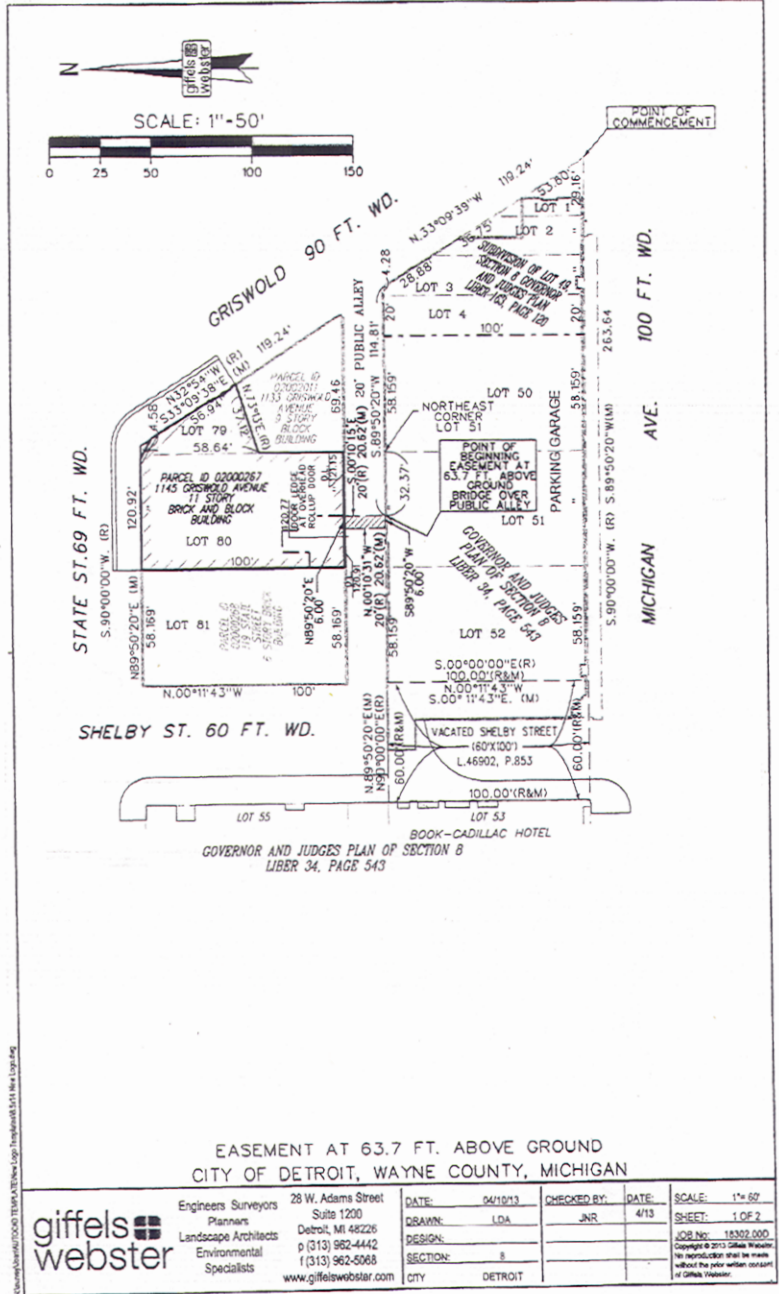
Provided, This resolution is revocable at the will, whim or caprice of the City Council, and the Petitioner "1145 Griswold Street LLC" acquires no implied or other privileges hereunder not expressly stated herein, however, there shall be no revocation or termination of the permit to allow the Encroachment without a resolution from the Detroit City Council directing such revocation or termination before revoking such permit, the City Council may consider engineering reports and studies from City departments and "1145 Griswold Street LLC"; and further

Provided, That the owner and/or their contractor, shall submit two copies of "as built" drawing(s) sealed by a professional engineer registered in the State of Michigan to the City Engineering Division — DPW within 30 days after installing the public right-of-way encroachments; subject to city specifications, permits and inspections. Said "as built" drawing(s) shall furnish a complete means of identifying and ascertaining the precise position of every part of the "encroachments" with courses, distances, and depth throughout (containing City of Detroit datum), so that it may be determined with certainty where any portion of the "encroachment" has been built. Copies of the certified "as built" map(s) and survey(s) shall be an "appendix" to the City Council resolution. City Engineering Division — DPW shall record (or cause to be recorded) one copy of the "appendix" in the Wayne County Register of Deeds; and further

Provided, The owner shall apply to and become a participating member of the "Miss Dig" organization; 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.



Adopted as follows:

Yeas — Council Members Castaneda-Lopez, Cushingberry, Jr., Jenkins, Leland, Sheffield, Spivey, Tate, and President Jones — 8.
Nays — None.