

**Department of Public Works
City Engineering Division**

September 10, 2014

Honorable City Council:

Re: Petition No. 345 — Land Inc., request to temporarily encroach into the right-of-way of Mack Avenue 120 feet wide.

Petition No. 345 — LAND, Inc., the 501 c 3 not for profit real estate subsidiary of Warren/Conner Development Coalition requests to install and maintain an encroachment with a “Bio-Swale” on the sidewalk and berm portion of the South side of Mack Avenue, 120 feet wide between Coplin Avenue, 60 feet wide, and Lakeview Avenue, 60 feet wide.

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

Traffic Engineering Division — DPW reports no objection to the requested area of encroachment, provided certain conditions are met. City Engineering Division — DPW reports no objection provided that City policy, provisions and requirements are followed. The DPW conditions are made a part of the resolution.

Detroit Water and Sewerage Department (DWSD) reports no objection to the encroachments provided that the provisions for encroachments are followed. The specific DWSD encroachment provisions are a part of this resolution.

DTE — Gas reports involvement and provisions protecting and/or providing for relocation of their services (if necessary) are included in the resolution.

All other City Departments and privately owned utility companies have reported no objections to the encroachments in the public rights-of-way.

In accord with Detroit Code (Sec. 50-1-9), an appropriate resolution, granting the encroachment petition, is attached for consideration by your Honorable Body.

Respectfully submitted,
RICHARD DOHERTY, P.E.,
City Engineer
City Engineering Division — DPW
By Council Member Jenkins:

Whereas, The City Engineering Division — DPW is hereby authorized and directed to issue permits to — LAND Inc. — Warren Conner Development Coalition and/or his/her assign, to install and maintain encroachments with a “Bio-Swale” storm water treatment system including a retention area, a raised planter section, a seating element, a grated trench drain, and a below grade connection to a catch basin within the sidewalk and berm portion of the South side of Mack Avenue, 120 feet wide between Coplin Avenue, 60 feet wide, and Lakeview Avenue, 60 feet wide; and being more particularly described follows:

Land in the City of Detroit, Wayne

County, Michigan being the northerly 14 feet of the southerly 20 feet of that part Mack Avenue, 120 feet wide, lying northerly of and adjoining the Northerly line of Lots 106, 107, 108 and 109, Except that portion of said Lots taken for the widening of Mack Avenue to 120 feet wide “Abbott & Beymer’s Mack Avenue Subdivision of the Northerly 35.98 Acres of P.C. 131, Grosse Pointe and Gtriatot Townships (Now Detroit), Wayne County, Michigan” as recorded in Liber 27, Page 35 of Plats, Wayne County Records.

Provided, That approval of this petition/request 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 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 cost 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 further

Provided, That all construction performed under this petition shall not be commence until after (5) days written notice to DWSD. Seventy-two 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, 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 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 in such event the petitioner agrees to be liable for all cost incident to the repair, replacement, or relocation of such broken or damage DWSD facilities; and further

Provided, The petition shall hold DWSD harmless for any damage to the encroaching device constructed or installed under this petition, which may be caused by the failure of DWSD’s facilities; and 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 cost for such removal and/or relocation; and further

Provided, That the surface covering the

underground portion of the encroachment shall be restored flush with the sidewalk surface and that the new sidewalk to be constructed with the project shall be to city specifications, ADA compliant; 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; and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by "LAND Inc. — Warren Conner Development Coalition" and/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 "LAND Inc. — Warren Conner Development Coalition" and/or its assigns. Should damages to any utilities occur "LAND Inc. — Warren Conner Development Coalition" and/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 acceptance of this permission, "LAND Inc. — Warren Conner Development Coalition" (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), if removal (or alteration) becomes necessary; and further

Provided, If it becomes necessary to abandon/remove and/or relocate/reroute the DTE eight (8) inch steel gas line located at 9 feet North of the South line of Mack Avenue. Please contact Michigan Gas Company Public Improvement Department: Michael Fedele at 313 389-7211 (Supervisor) or Laura Forrester at 313 389-7261 for the estimated cost

including the survey, design and drawing, said costs to be borne by the petitioner; and further

Provided, That "LAND Inc. — Warren Conner Development Coalition" and/or its assigns shall file with the Finance Department and/or City Engineering Division — DPW an indemnity 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 "LAND Inc. — Warren Conner Development Coalition" of the terms thereof. Further, "LAND Inc. — Warren Conner Development Coalition" and/or its assigns shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

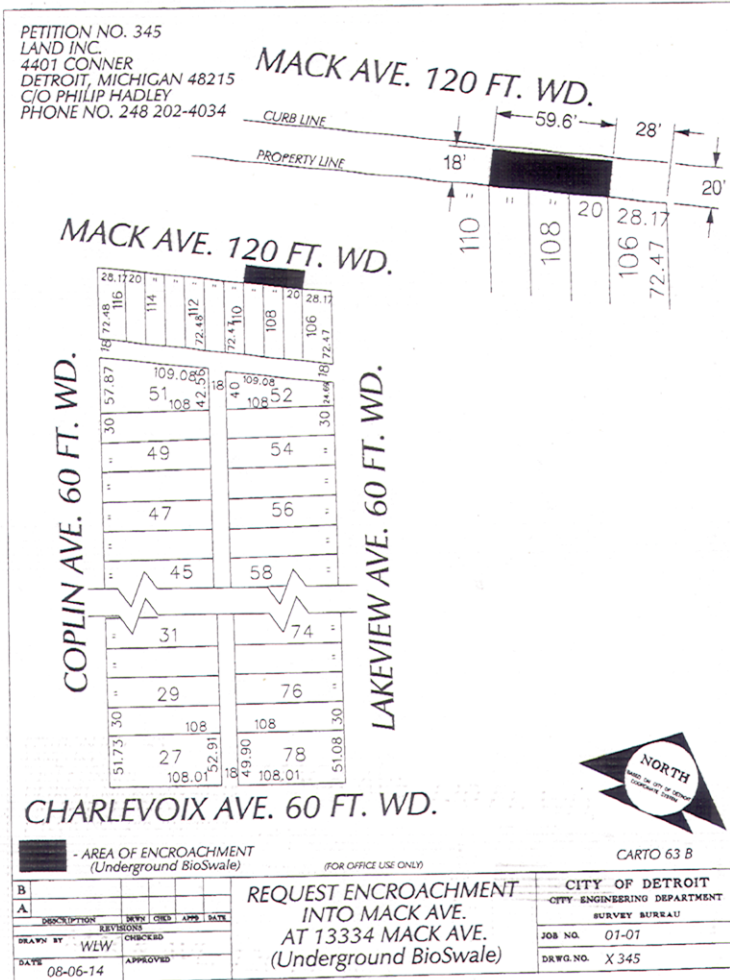
Provided, The property owned by "LAND Inc. — Warren Conner Development Coalition" and the encroachment shall be subject to proper zoning or regulated use (board of Zoning Appeals Grant); and further

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 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 "LAND Inc. — Warren Conner Development Coalition" 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 this encroachment will be/shall be assigned under "LAND Inc. — Warren Conner Development Coalition"; and further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution and indemnity agreement with the Wayne County Register of Deeds.



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**

September 16, 2014

Honorable City Council:

Re: Petition No. 2824 — Los Galanes Restaurant, requesting for a permanent outdoor café for 3362 Bagley, Detroit, MI 48226.

Petition No. 2824 — Tres Galanes Corp. on behalf of Los Galanes Restaurant, located at 3362 Bagley Avenue, Detroit, MI 48226 request to install and maintain certain encroachments on the east side of Twenty-third Street, 60 feet wide, lying north of Bagley

Avenue. This encroachment is for year-round outdoor café seating with a canopy roof, wrought iron railing and posts anchored in the sidewalk.

The petition was referred to the City Engineering Division — DPW for investigation (utility clearance and review) and report. This is our report.

The request was approved by the Solid Waste Division — DPW. The Traffic Engineering Division — DPW reports involvement, but have no objection to the petitioner's request for the encroachment into Twenty-third Street with an outdoor café, provided that a 6.00 feet wide minimum clear sidewalk width shall be maintained in front of the encroachment at all times; and relocation of an existing "No Parking" sign.

Detroit Water and Sewerage Department reports no objection to the encroachment provided that the provisions