

Adopted as follows:

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

Nays — None.

**Department of Public Works  
City Engineering Division**

August 18, 2015

Honorable City Council:

Re: Petition No. 313, Bedrock Real Estate Services, request permission for a seasonal encroachment in the alley off the Z parking deck located at 1234 Library Street between Grand River and Gratiot.

Petition No. 313 — Bedrock Real Estate Services, on behalf of "1234 Library LLC", whose address is 660 Woodward Avenue, Detroit, Michigan 48226 request permission to encroach with tables, chairs, benches, planters, artwork and carts in the east-west public alley, 20 feet wide, in the block bounded by Library Street, 71 feet wide, Broadway Avenue, 100 feet wide, Gratiot Avenue, 60 feet wide and East Grand River Avenue, 60 feet wide.

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

The request is for an alley "activation" to utilize the space in a unique manner. The plans call for maintaining an accessible path for deliveries and service vehicles whenever necessary. The alley may be barricaded on a temporary basis for events including food trucks, disc jockeys and moveable tables. The petitioner has reached satisfactory arrangements with the other property owners adjoining the alley and they support the alley activation.

Provisions for sale of food and soft drinks is being made a part of the resolution. Provisions for "Outdoor Café Guidelines" are being made a part of the resolution with the understanding that the activities are in the alley, not on a sidewalk.

Traffic Engineering Division — DPW reports no objections to the requested area of encroachments. City Engineering Division — DPW reports no objection provided there is no obstruction to a continuous path for the use by wheel chairs and that City policy, provisions and requirements are followed.

The Public Lighting Department (PLD) reports no objections.

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

There is an appropriate resolution,

granting the encroachment petition, attached for consideration by your Honorable Body.

Respectfully submitted,  
RICHARD DOHERTY, P.E.

City Engineer

City Engineering Division — DPW  
By Council Member Benson:

Whereas, the City Engineering Division — DPW is hereby authorized and directed to issue permits to "1234 Library LLC" and/or his/her assignee, to install and maintain encroachments with outdoor seating areas, benches, planters, artwork and decorative lighting and other small removable items within in the east-west public alley, 20 feet wide, in the block bounded by Library Street, 71 feet wide, Broadway Avenue, 100 feet wide, Gratiot Avenue, 60 feet wide and East Grand River Avenue, 60 feet wide; also being more particularly described as follows: Land in the City of Detroit, Wayne County, Michigan being the east-west public alley, 20 feet wide, lying northerly of and adjoining the northerly line of Lots 57 through 62, both inclusive and lying southerly of and adjoining the southerly line of Lots 5 through 10, both inclusive "Plan of Section 7 of the Governor and Judges Plan" as recorded in Liber 34, Page 544 of Deeds, Wayne County Records.

Provided, That by 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 agent 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 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 if 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 dam-

aged 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, 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 when the area is being used as an Outdoor Café it shall meet the general requirements set by the "Outdoor Café Guidelines" as adopted by the City Council and guided by Section 50-2-8.1 of the City Code with some reasonable variance thereto as the activities are in an alley not on the sidewalk; and further

Provided, That the petitioner obtains all necessary licenses and permits every year from Departments having jurisdiction over the outdoor café process if the area is used in that manner; and further

Provided, That said activities are conducted under the rules and regulations of the Department of Public Works and the supervision of the Police Department.

Provided, That the sale of food or soft drinks is held under the direction and inspection of the institute of Population Health; and further

Provided, That the petitioner is responsible to obtain approval of the Michigan Liquor Control Commission, if necessary and approval from the Detroit Police Liquor License Bureau if serving liquor; and further

Provided, That the encroachments with outdoor seating areas, benches, planters and other small removable items within the right-of-way must maintain a pedestrian path is at least 6.00 feet wide; and further

Provided, That whenever necessary an accessible path for deliveries and service vehicles shall be maintained;

Provided, That the necessary permits shall be obtained from the City Engineering Division — DPW and the Buildings, Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations.

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by "1234 Library LLC" 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 relo-

cate their existing utility facilities located in close proximity to the encroachments shall be borne by "1234 Library LLC" and/or its assigns. Should damages to any utilities occur "1234 Library LLC" 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 within the public rights-of-way, by acceptance of this permission, "1234 Library LLC" (owners) for themselves, or their assigns, (by acceptance of permits for construction near underground utility lines, conduits, people mover facilities 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 "1234 Library LLC" 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 "1234 Library LLC", of the terms thereof. Further, "1234 Library LLC" 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

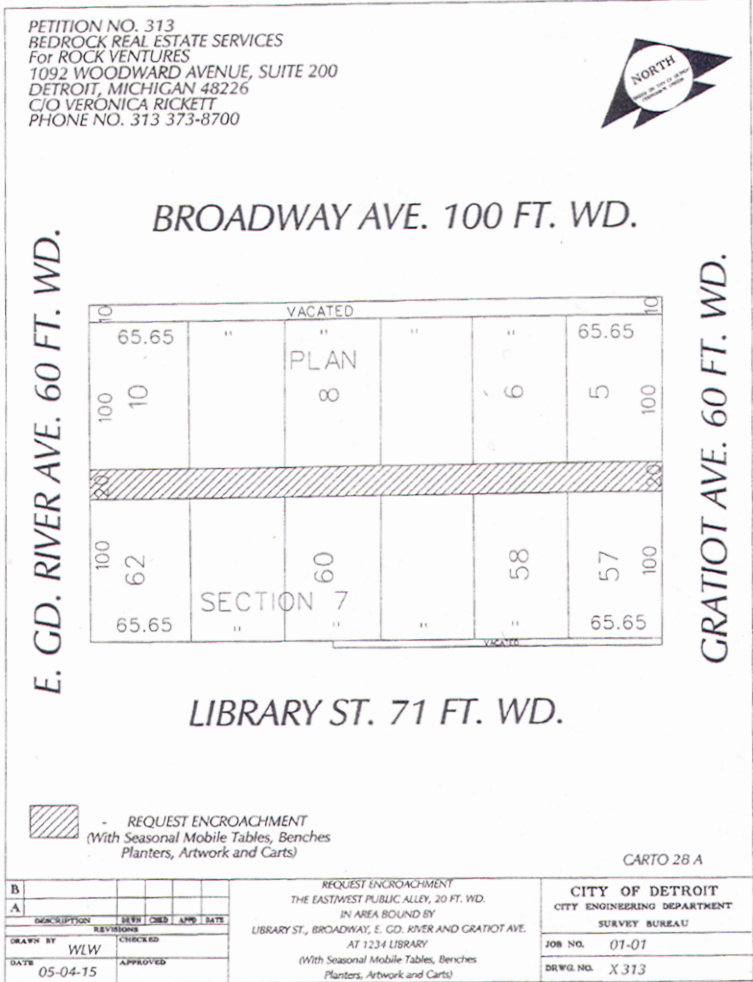
Provided, The property owned by "1234 Library LLC", and the encroachment shall be subject to proper zoning or regulated use (board of Zoning Appeals Grant); and further

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 "1234 Library LLC" 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 "1234 Library LLC", 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.



Adopted as follows:  
 Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Cushingberry, Jr., Jenkins, Sheffield, Spivey, Tate, and President Jones — 8.  
 Nays — None.

Council Member Ayers left her seat.

**Finance Department  
 Purchasing Division**  
 August 6, 2015

Honorable City Council:  
 The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):  
**87341 — 100% City Funding — To Provide Executive Protection Services to**

the Mayor — Contractor: Ronald Fleming  
 — Location: 19328 Sussex, Detroit, MI 48235 — Contract Period: July 1, 2015 through June 30, 2016 — \$45.43 per hour — Contract Amount: \$94,500.00. **Police.**

Respectfully submitted,  
**BOYSIE JACKSON**  
 Chief Procurement Officer  
 Finance Dept./Purchasing Div.

By Council Member Benson:  
 Resolved, That Contract No. **87341** referred to in the foregoing communication dated August 6, 2015, be hereby and is approved.

Adopted as follows:  
 Yeas — Council Members Benson, Cushingberry, Jr., Castaneda-Lopez, Sheffield, Spivey, Tate, and President Jones — 7.  
 \*WAIVER OF RECONSIDERATION (No. 1), per motions before adjournment.