

Tireman, 3214-3216 Tuxedo, 19431 Vaughan, 8126 Walden, 15415 Westbrook and 14906 Winthrop;

11667 Wisconsin, 12317 Wisconsin, 14216 Wisconsin, 14831 Wisconsin, 14874-14876 Wisconsin, 16638 Woodbine, 18244 Woodbine, 19417 Woodbine, 15372 Woodingham and 19200 Woodingham, for the purpose of giving the owner or owners the opportunity to show cause why said structure should not be demolished or otherwise made safe, and further

Resolved, That the Director of the Buildings, Safety Engineering and Environmental Department be and is hereby requested to have his department represented at said hearings before this Body.

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Cushingberry, Jr., Leland, Sheffield, Spivey, Tate, and President Jones — 9.

Nays — None.

Department of Public Works City Engineering Division

June 12, 2015

Honorable City Council:

Re: Petition No. 402 — Mike Babby, request to continue parking on the berm in front of 19300 Schoolcraft.

Petition No. 402 of Mike Babby whose address is 19300 Schoolcraft Avenue, Detroit, Michigan 48223 request to install and maintain encroachment with berm parking on Schoolcraft Avenue in front of his business. The request is being made to provide safe and secure parking for customers.

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

Detroit Water and Sewerage Department (DWSD) reports having facilities in the encroachment area, but has no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution.

Traffic Engineering Division — DPW (TED), reports being involved and approves provided certain conditions are met. The TED conditions have been made a part of the attached resolution.

Comcast and SBC Telecommunications — report involvement; and provisions protecting all utilities in the encroachment area are a part of the resolution. All other involved City departments and privately owned utility companies reported no objections.

I am recommending adoption of the attached resolution.

Respectfully submitted,

RICHARD DOHERTY, P.E.

City Engineer
City Engineering Division — DPW

By Council Member Benson:

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits Mike Babby whose address is 19300 Schoolcraft Avenue, Detroit, Michigan 48223 for an encroachment with berm parking on the north side of Schoolcraft Avenue, 96 feet wide, between Westwood Avenue, 60 feet wide and Grandville Avenue, 70 feet wide adjoining property described as: Land in the City of Detroit, Wayne County, Michigan being Lots 1 and 2 "B.E. Taylor's Brightmoor-Vetal Subdivision lying South of Grand River Avenue, being a part of the S.W. 1/4 of Section 23, T1S., R.10E., Redford Township (Now Detroit), Wayne County, Michigan" as recorded in Liber 51, Page 51 of Plats, Wayne County Records.

Provided, That if there is any cost for the removing and/or rerouting of any utility facilities, it shall be done at the expense of the petitioner and/or property owner; and be it further

Provided, By approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the right-of-way, and at all times, DWSD, its agents or employees, shall have the right to enter upon the right-of-way 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 caused by the encroachment 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 right-of-way, 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 right-of-way 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 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 right-of-way being encroached upon the petitioner agrees to pay all costs for such removal and/or relocation; and be it further

Provided, That the contractor call MISS DIG 72 hours prior to starting any underground construction where they plan the underground encroachment; and be it further

Provided, That the petitioner shall be responsible at his/her expense to install/maintain continuous concrete stoppers for separation of vehicular and pedestrian usage as shown on DPW — Traffic Engineering Division Sketch #2A (attached) showing the layout of the berm parking. The petitioner shall be responsible at his/her expense, to construct/modify the berm surface as per City standards. Petitioner shall be responsible to remove curb along the edge of the berm parking to allow for entry/exit. Petitioner shall be responsible for maintaining the berm surface and for the removal of snow from the berm area, at his/her expense. The petitioner shall be responsible, at his/her expense to install/maintain parking control signs and pavement markings associated with the berm parking as per City standards. The City reserves the right to revoke the approval of the berm parking if it is determined to be in the best interest of the City of Detroit or in case of the petitioners failure to comply with the terms and conditions stipulated in the approval of the berm parking. This request is approved only for parallel parking. On street parking along the stretch adjacent to the berm parking will not be permitted.

Provided, That the Mike Babby or his assigns shall apply to the Buildings and Safety Engineering 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 of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division — DPW prior to any public right-of-way construction; 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; also in accord with plans submitted to and approved by these departments; including the Public Lighting Department (if necessary), and the Traffic Engineering Division — DPW (if necessary); and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Mike Babby; 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 Mike Babby or his assigns. Should damages to utilities occur Mike Babby or his assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

Provided, That Mike Babby 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 Mike Babby of the terms thereof. Further, Mike Babby shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; 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 Mike Babby 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 further

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

