

3001 Gladstone, 18688 Glastonbury, 11765 Glenfield, 554 W. Grand Blvd., 18247 Grayfield, 17582 Greeley, 13630 Greiner, 8039 Grinnell, 8181 Grinnell, 2003 Halleck,

2075 Halleck, 17225 Hamburg, 19416 Hamburg, 19302 Hanna, 5778 Harding, 15458 Hartwell, 19339 Hawthorne, 13000 Hayes, 13012 Hayes, 13030 Hayes,

15436 Hazelridge, 3315-3319 Hogarth, 6357 Horatio, 6363 Horatio, 8310 House, 16574 Huntington, 11645 Indiana, 11694 Indiana, 18725-18727 Kelly Road, 13439 Keystone,

14431 Kilbourne, 14445 Kilbourne, 8208 W. Lafayette, 15722 Lahser, 15908 Lamphere, 16865 Lamphere, 3834 Lawndale, 1251-1253 Lawrence, 17673 Lenore, 14025 Liberal,

1216 Liddesdale, 9189 Littlefield, 4939 Livernois, 3431 Lockwood, 5750 Lonyo, 18332 Margareta, 14950 Mark Twain, 14103 Marlowe, 4105 E. McNichols, 3526 Medbury,

9925 Memorial, 17370 Meyers, 3269 Military, 6440 Miller, 8424 Minock, 12658 Monica, 12672 Monica, 13637 Monica, 40 W. Montana, 5921 Moran,

18507 Mound, 19233 Orleans, 19729 Orleans, 3316 E. Palmer, 14476 Parkgrove, 18476 Parkside, 2931 Pasadena, 3201-3203 Pasadena, 10829 Peerless, 18988 Pennington,

8058 Penrod, 2671 W. Philadelphia, 7261 Piedmont, 7290 Piedmont, 14911 Pinehurst, 7702 Prairie, 16597 Prairie, 18957 Prairie, 8166 Prest, 15369 Princeton,

9333 Ravenswood, 19160 Rogue, 2995 Rosa Parks Blvd., 15768 Steel, 17325 Strasburg, 16127 Strathmoor, 14661 Sussex, 14990 Wilfred, 13994 Winthrop, 14042 Winthrop 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, Castaneda-Lopez, Cushingberry, Jr., Leland, Sheffield, Spivey, Tate, and President Jones — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

May 19, 2015

Honorable City Council:

Re: Petition No. 513 — Sunkiss Market, request to encroach in the alley in the rear of 13535 Puritan Ave., Detroit, MI 48227.

Petition No. 513 — Sunkiss Market

request to encroach in the east-west public alley, 18 feet wide, in the block bounded by Pilgrim Avenue, 60 feet wide, Puritan Avenue, 66 feet wide, Schaefer Highway, 66 feet wide and Hartwell Avenue, 60 feet wide. The proposed encroachment is for two HVAC units.

The permission for the existing encroachment with two HVAC units is being requested in order to be compliant with Buildings and Safety Engineering and Environmental Department.

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 (TED) reports involvement, but have no objection to the petitioner's request provided certain provisions are met. The TED provisions have been made in part of the resolution.

Detroit Water and Sewerage Department (DWSD) reports no objection to the encroachment provided that the provisions for encroachments are strictly followed.

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 Ayers:

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Sunkiss Market" and/or their assigns, to install and maintain aerial encroachments with two HVAC units mounted on the roof each being 20 feet in length and extending 3.8 feet into the east-west public alley, 18 feet wide, in the block bounded by Pilgrim Avenue, 60 feet wide, Puritan Avenue, 66 feet wide, Schaefer Highway, 66 feet wide and Hartwell Avenue, 60 feet wide above property described as: Land in the City of Detroit, Wayne County, Michigan being part the east-west public alley, 18 feet wide lying South of and adjoining Lots 10 and 11 "Kirby-Sorge-Felske-Monnier Subdivision of the N. 1/2 of the N.W. 1/4 of the S.W. 1/4 of Section 17, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan" as recorded in Liber 42, Page 5 of Plats, 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 alley, and at all time, DWSD its agents or employees, shall have the right

to enter upon the alley 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 alley 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 alley 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 alley being encroached upon the petitioner agrees to pay all cost for such removal and/or relocation; and further

Provided, That a vertical clear height of 12 feet be maintained as measured from the surface grade of the alley to the bottom of the encroachment.

Provided, That the petitioner shall file with the Finance Department and/or City Engineering Division — DPW an indemnity agreement 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, All costs for the construction, maintenance, permits, and use of the pro-

ject encroachment(s) within the said public right-of-way 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-way 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 encroachment 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 encroachment with the two HVAC units lying within said area referred to herein shall be construed as acceptance of this resolution by

"Sunkiss Market" and/or their assigns; 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. 513
 SUNKISS MARKET
 13535 PURITAN AVE.
 DETROIT, MICHIGAN 48227
 C/O DANNY THWENI
 PHONE NO. 313 482-7371



PURITAN AVE. 66 FT. WD.



SCHAEFFER HWY. 66 FT. WD.

HARTWELL AVE. 60 FT. WD.

SCHAEFFER HWY. 66 FT. WD.

PURITAN AVE. 66 FT. WD.

PILGRIM AVE. 60 FT. WD.

■ - REQUEST ENCROACHMENT
 (With HVAC Units)

(FOR OFFICE USE ONLY)

CARTO 85 F

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DESCRIPTION	REVISED	ISSUED	APPROVED	REQUEST ENCROACHMENT INTO EAST/WEST ALLEY, 18 FT. WD. AT 13535 PURITAN AVE. (With HVAC Units)	
DRAWN BY	REVISIONS	CHECKED	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU		
DATE	APPROVED	JOB NO. 01-01			
02-11-15		DRWG. NO. X 513			

Adopted as follows:

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

Nays — None.