

TRUE COPY CERTIFICATE

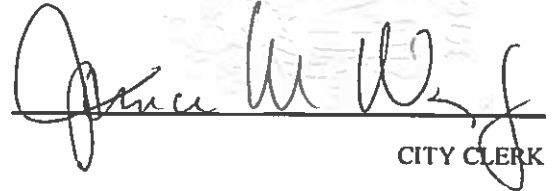
STATE OF MICHIGAN }
City of Detroit } SS

CITY CLERK'S OFFICE, DETROIT

I, Janice M. Winfrey, City Clerk of the City of Detroit, in said State, do hereby certify that the annexed paper is a TRUE COPY OF RESOLUTION adopted (passed) by the City Council at session of November 9, 20 16 and approved by Mayor November 15, 20 16 as appears from the Journal of said City Council in the office of the City Clerk of Detroit, aforesaid; that I have compared the same with the original, and the same is a correct transcript therefrom, and of the whole of such original.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of said City, at

Detroit, this 21st day of November A.D. 2016


CITY CLERK



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

16 NOV-21 PM 3:31

(94)

(JK)

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, SUITE 601
DETROIT, MICHIGAN 48226
PHONE (313) 224-3949 • TTY 711
FAX (313) 224-3471
WWW.DETROITMI.GOV

Bernard J. Youngblood
Wayne County Register of Deeds

2016397061 L: 53366 P: 843
11/21/2016 03:31 PM RES Total Pages: 7



October 18, 2016

Honorable City Council:

RE: Petition No. 1172 – Giffels Webster request an encroachment into Woodward Avenue at 620 and 630 Woodward, between East Congress St. and Cadillac Square, with the installation of canopies and café seating.

Petition No. 1172 – Giffels Webster on behalf of Bedrock Real Estate Services request to install and maintain an encroachments with a canopies and café seating on the east side of Woodward Avenue, 120 feet wide, between Congress Street, 60 feet wide and Cadillac Square, 200 feet wide.

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

The request is being made to redevelop an existing building into a mixed use building, to promote street-level activity, and to provide for a possible future outdoor café at 620-630 Woodward Avenue.

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. Planning and Development Department reports involvement as the building at 620-630 Woodward Avenue is in a Historic District, therefore the project will need Historic District Approval prior to construction.

Detroit Water and Sewerage Department (DWSD) and Great Lakes Water Authority (GLWA) report being involved, but have no objection provided the DWSD and GLWA encroachment provisions are followed. The DWSD and GLWA provisions have been made a part of the resolution.

All other involved City Departments, including the Public Lighting Department and Public Lighting Authority; also privately owned utility companies have reported no objections to the encroachment. 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

JMK/

Cc: Ron Brundidge, Director, DPW
Mayor's Office – City Council Liaison

ENTERED OCT 31 2016

- Approve

BY COUNCIL MEMBER _____

Benson

RESOLVED, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Bedrock Real Estate Services to install and maintain an encroachment for canopies and sidewalk café seating on the east side of Woodward Avenue, 120 feet wide, between Congress Street, 60 feet wide and Cadillac Square, 200 feet wide. The canopies, and sidewalk café seating (including planters, barriers, and bike racks etcetera) shall extend no more than 11 feet into Woodward Avenue from the building frontage, the full length of the property. The encroachments may occupy the area from the sidewalk to the full height of the building (63 feet 10 inches), and extend 11 feet westerly of the easterly line of Woodward adjoining the property described as: Land in the City of Detroit, Wayne County, Michigan, being Lot 54 and the North 39.33 feet of Lot 55 "A Survey of part of Section 1 (Governor and Judges) as quit claimed to the Corporation of St. Anne by A.E Hathon " as recorded in Liber 9, Page 424-5 City Records, Wayne County Records; Original Subdivision being "Plan of the Section Numbered One of the City of Detroit in the Territory of Michigan confirmed by the Governor and Judges on the 27th day of April, 1807 and ordered to be a record and to be signed by the Secretary of the Board" as recorded in Liber 34, page 550 of Deeds, 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, that prior to installation of the encroachment, the petitioner must obtain approval by the Detroit Historical Commission; and be it further

PROVIDED, that the remaining sidewalk being a minimum of 6 feet wide from the encroachment to the curb be maintained free and clear from obstruction; 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, By approval of this petition the Great Lakes Water Authority (GLWA) does not waive any of its rights to the 24 inch water main located in the Woodward Avenue right-of-way, and at all times, GLWA, 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 GLWA'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 GLWA's facilities, which could normally be expected had the petitioner not encroached into the right-of-way, shall be borne by GLWA; 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 Bedrock Real Estate Services or their 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), Detroit Historical Commission; and further

PROVIDED, that the area being used as an Outdoor Café 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; and further

PROVIDED, that the petitioner obtains all necessary licenses and permits every year from Departments having jurisdiction over the outdoor café process; 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 all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Bedrock Real Estate Services; 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 Bedrock Real Estate Services or their assigns. Should damages to utilities occur Bedrock Real Estate Services shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

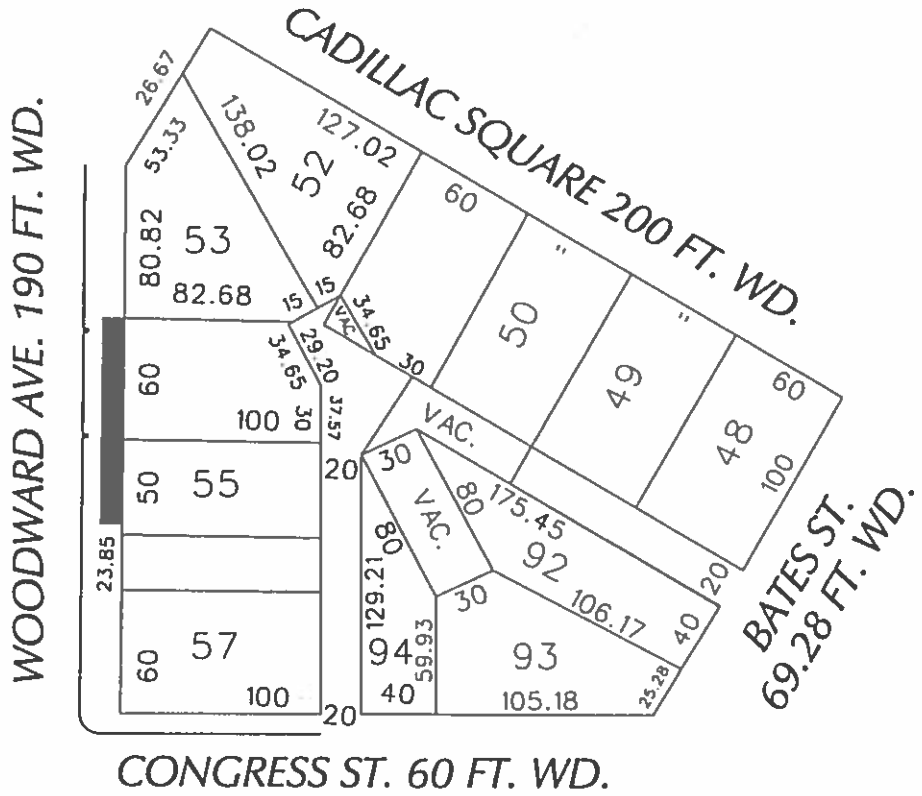
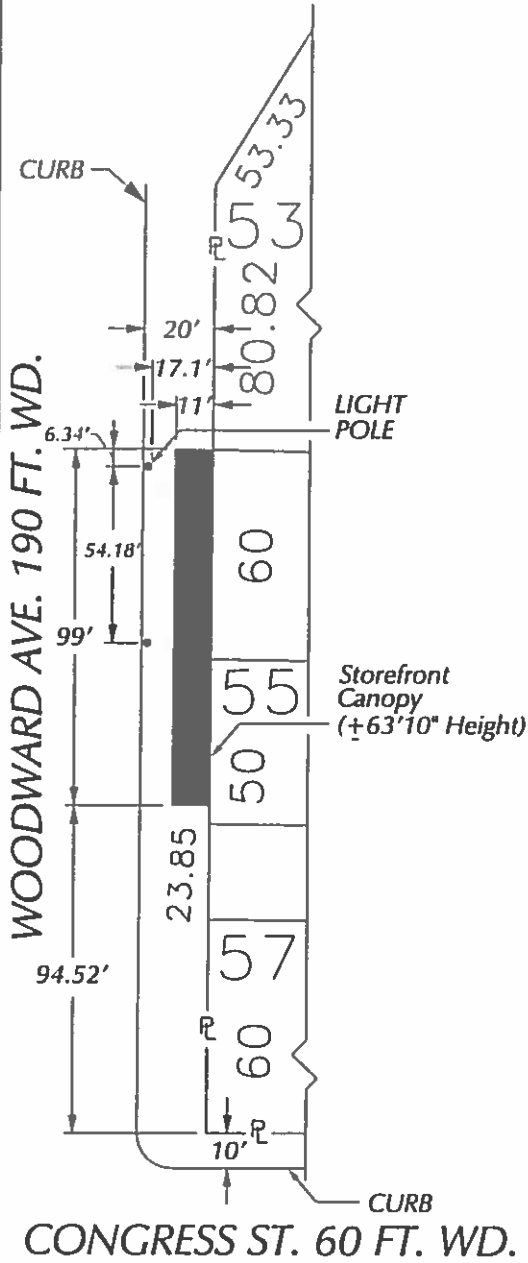
PROVIDED, that no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall 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 Bedrock Real Estate Services 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.

PETITION NO. 1172
 GIFFELS WEBSTER
 28 W. ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 C/O DEIRDRE CLEIN
 PHONE NO. 313 962-4442



 - REQUEST ENCROACHMENT
 (With Storefront Canopy
 and Cafe' Seating)

(FOR OFFICE USE ONLY)

CARTO 28 F

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	06-14-16	APPROVED			

**REQUEST ENCROACHMENT
 INTO WOODWARD
 AT 620 - 630 WOODWARD AVE.
 (With Storefront Canopy
 and Cafe' Seating)**

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BURBAU	
JOB NO.	01-01
DRWG. NO.	X 1172

**ADOPTED AS FOLLOWS
COUNCIL MEMBERS**

#94

		YEAS	NAYS
Janee	AYERS	✓	
Scott	BENSON	✓	
Raquel	CASTANEDA-LOPEZ	✓	
*George	CUSHINGBERRY, JR.	✓	
Gabe	LELAND	✓	
Mary	SHEFFIELD	✓	
Andre	SPIVEY	✓	
James	TATE	✓	
Brenda	PRESIDENT JONES	✓	
*PRESIDENT PRO TEM			
		9	0