

Adopted as follows:

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

Nays — Council President Jones — 1.

**Department of Public Works
City Engineering Division**

June 14, 2016

Honorable City Council:

Re: Petition No. 517 — Exotic Cars, request for berm parking at 14500 W. Seven Mile Road at the corner of Hubbell.

Petition No. 517 of Exotic Cars whose address is 14500 W. Seven Mile Road, Detroit, Michigan 48235, request to install and maintain encroachment with berm parking on Strathmoore Avenue on the side of their business. The request is being made to provide additional parking.

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

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

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

DTE Energy Gas, 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 to the Exotic Cars for an encroachment with berm parking on the west side of Strathmoore Avenue, 75 feet wide, north of West Seven Mile Road, 96 feet wide, and south of Cambridge Avenue adjoining property described as: Land in the City of Detroit, Wayne County, Michigan being Lot 207 Except Seven Mile Road as widened "San Bernardo Park being a subdivision of the W. 1/2 of the W. 1/2 of the S.E. 1/4 of Section 6, T1S., R11E. Greenfield Township, Wayne County, Michigan" as recorded in Liber 48, Page 61 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 damage 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 (painted yellow) for separation of vehicular and pedestrian usage as shown on DPW — Traffic Engineering Division Sketch Petition #0517 (attached) showing the layout of the berm parking. The berm use is for employee parking only. This request is approved only for parallel parking, for up to five vehicles at a time keeping the required clearance from fire hydrant and stop sign as shown on the attached drawing. 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. It shall be the petitioner's responsibility to maintain at all times a minimum 6 feet wide clear sidewalk in the area of the encroachment. 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 petitioner's failure to comply with the terms and conditions stipulated in the approval of the berm parking; and further

Provided, That the "Exotic Cars" or its assigns shall apply to the Buildings, Safety Engineering and Environmental Department for a building permit prior to any construction. Also, if its 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, Safety Engineering and Environmental 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 "Exotic Cars"; 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 "Exotic Cars" or its assigns. Should damages to utilities occur "Exotic Cars" or its assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

Provided, That "Exotic Cars" 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 "Exotic Cars" of the terms thereof. Further, "Exotic Cars" 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

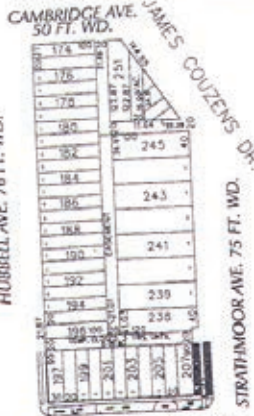
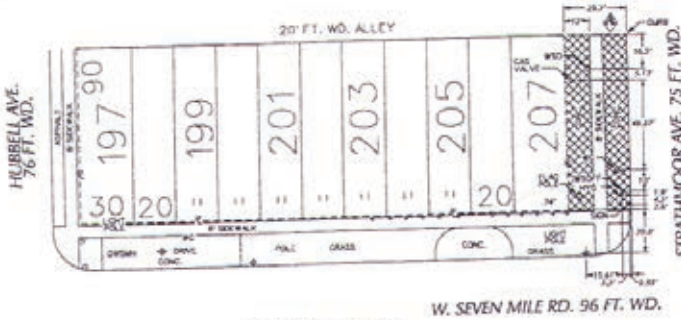
Provided, This resolution is revocable at the will, whim or caprice of the City Council, and "Exotic Cars" acquires no implied or other privileges hereunder not expressly stated herein; and further

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 and indemnity agreement with the Wayne County Register of Deeds.

PETITION NO. 517
 EXOTIC CARS
 14500 W. SEVEN MILE RD.
 DETROIT, MICHIGAN 48235
 C/O TONI KADA
 PHONE NO. 313 345-1000

"REVISED"



REQUESTED BERM USE
 (For Parking Only)

W. SEVEN MILE RD. 96 FT. WD.
 (FOR OFFICE USE ONLY)

CARTO 87 E

B				
A	DATE	BY	CHKD	APP'D
	10-26-15	WLW		

REQUEST BERM USE
(For Parking Only)
INTO STRATHMOOR AVE.
AT 14500 W. SEVEN MILE RD.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRAWG. NO.	X 517