

Adopted as follows:

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

Nays — None.

**Department of Public Works
City Engineering Division**

December 11, 2015

Honorable City Council:

Re: Petition No. 845 — Keith Parker, request permission to install three creative Kef Parker's bus shelters in the Franklin Park area of the Cody/Rouge community.

Petition No. 845 — Keith Parker requests to install and maintain an encroachment consisting of three creative bus shelters in Plymouth Road, 86 feet wide, and Evergreen Road, 120 feet wide, near the intersection of the two streets.

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

The request is being made to provide sheltered seating for bus riders and to beautify the neighborhood.

Traffic Engineering Division — DPW (TED), reports being involved and approves provided certain conditions are met. City Engineering — DPW (CED) reports being involved and approves provided that Buildings and Safety Engineering and Environmental Department (BSEED) reviews and approves of the structural design. The TED and CED conditions have been made a part of the attached resolution.

Detroit Water and Sewerage Department (DWSD) reports being involved, but has not objection provided the DWSD encroachment provisions are followed. The DWSD 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
By Council Member Benson:

RESOLVED, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Keith Parker and/or The Franklin Park Association and/or their assigns to install and maintain encroachments for three creative bus shelters with solar panels and planters on Plymouth Road, 86 feet wide, and Evergreen Road, 120 feet wide, near the intersection of the

two streets. The three locations being further described as follows:

1) On the south side of Plymouth Road, 86 feet wide, being 56 feet east of the east line of Evergreen Road, 120 feet wide, and extending easterly 12.5 feet, the shelter also being approximately 10 feet in height and 5 feet wide and adjacent to property described as: Lots 9 and 10 and south 9 feet of vacated Plymouth Road adjoining "Frischkorn's Evergreen Village, a Subdivision of the N.W. 1/4 of Section 35, T.1S.,R.10E. City of Detroit, Wayne County, Michigan" as recorded in Liber 68, Page 23 of Plats, Wayne County Records.

2) On the west side of Evergreen Road, 120 feet wide, being 58 feet south of the south line of Plymouth Road, 86 feet wide, and extending southerly 12 feet, the shelter also being approximately 10 feet in height and 5 feet wide and adjacent to property described as: Lot 12 "Maple's Woods Subdivision, being a Subdivision of E.1/4 of E. 1/2 of N.E. 1/4 of Section 34, T.1S.,R.10E. City of Detroit, Wayne County, Michigan" as recorded in Liber 62, page 14 of Plats, Wayne County Records.

3) On the north side of Plymouth Road, 86 feet wide, being 66.5 feet west of the west line of Evergreen Road, 120 feet wide, and extending westerly 12 feet, the shelter also being approximately 10 feet in height and 5 feet wide and adjacent to property described as: Lot 271 "Maple's Park Subdivision No. 1 of part of the E. 1/2 of the S.E. 1/4 of Section 27, T.1S.,R.10E. Redford Township (Now Detroit), Wayne county, Michigan" as recorded in Liber 54, Page 39 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, That the minimum sidewalk being 6 feet wide be maintained free and clear from obstruction; and be it further

PROVIDED, That the structural design of the bus shelters be approved by Buildings and Safety Engineering and Environmental Department (BSEED); 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 of 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 rights-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 for the encroachment; and be it further

PROVIDED That Keith Parker and/or The Franklin Park Association and/or their assigns shall apply to the Buildings and Safety Engineering 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 and Safety Engineering Department. The encroachments shall be con-

structed 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 Keith Parker and/or The Franklin Park Association and/or their assigns; 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 Keith Parker and/or The Franklin Park Association and/or their assigns. Should damages to utilities occur Keith Parker and/or The Franklin Park Association and/or their assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

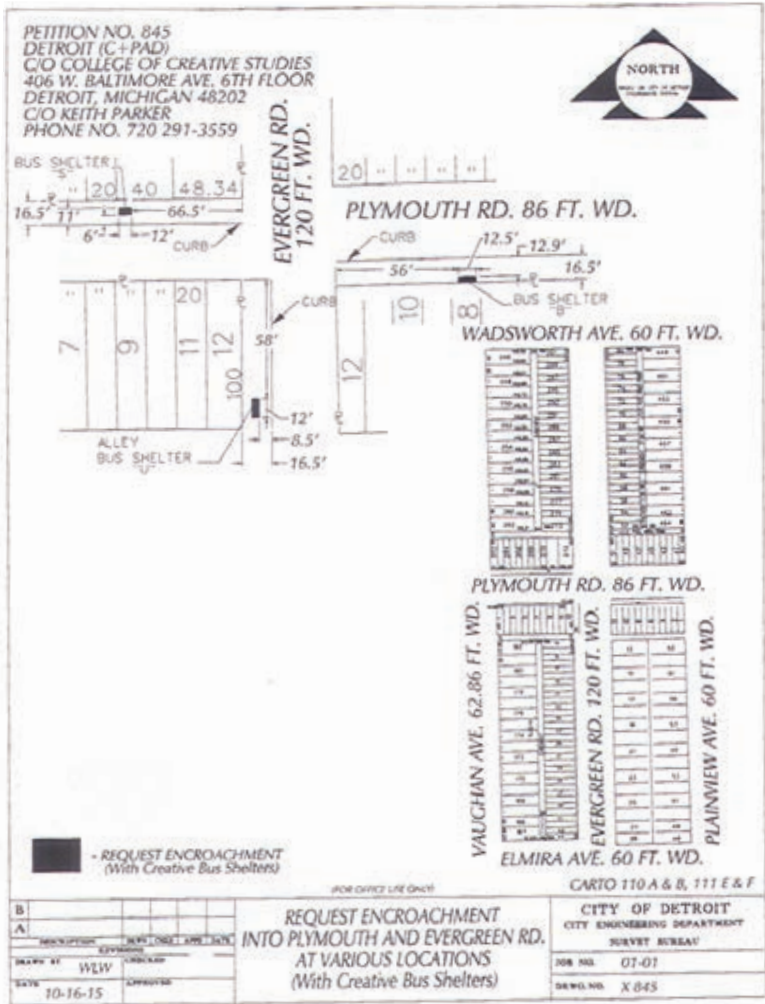
PROVIDED, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division – DPW; and further

PROVIDED, That Keith Parker shall file with the Finance Department and/or City Engineering Division – DPW an indemnity in the 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 Keith Parker Center of the terms thereof. Further, Keith Parker shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

PROVIDED, This resolution is revocable at the will, whim or caprice of the City Council, and Keith Parker and/or The Franklin Park Association 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.



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

*WAIVER OF RECONSIDERATION (No. 4), per motions before adjournment.

Permit

Honorable City Council:
 To your Committee of the Whole was referred Petition of Running Flat (#721), request permission to hold "Red Wing Run" at the Joe Louis Arena on September 10, 2016 from 9:00 a.m. to 11:00 a.m., with temporary street closures on Steve Yzerman Drive from W. Jefferson Ave. to Bates St., Atwater and St. Aubin. After careful consideration of

the request, your Committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,
SCOTT BENSON
 Chairperson

By Council Member Benson:
 Resolved, That subject to the approval of the concerned departments, permission be and is hereby given to Petition of Running Flat (#721), request permission to hold "Red Wing Run" at the Joe Louis Arena on September 10, 2016 from 9:00 a.m. to 11:00 a.m., with temporary street closures on Steve Yzerman Drive from W. Jefferson Ave. to Bates St., Atwater and St. Aubin.
 Provided, That said activities are conducted under the rules and regulations of the concerned departments and the