

Planning and Development Department reports involvement, but no objection. The location is in the Downtown Overlay Area.

The DTE Energy — Electrical Division (DTE) reports involvement but no objection provided that a 5 foot clearance is maintained. A provision for the DTE clearance is part of the attached resolution.

All other involved City Departments, including the Public Lighting Authority and Great Lakes Water Authority (GLWA); 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 Ayers:

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 encroachments consisting of cafe seating and planters on the west side of Broadway Avenue, 100 feet wide between Gratiot Avenue, 60 feet wide and East Grand River Avenue, 60 feet wide. The sidewalk cafe seating including barriers and planters shall extend no more than 8.25 feet into Broadway Avenue from the building frontage. The pedestrian diverter planters shall be installed between the curb and a line 14.5 feet easterly of and parallel to the building line. The encroachments adjoining the property described as: Land in the City of Detroit, Wayne County, Michigan, being the northerly 17.32 feet of Lot 7 and vacated Broadway Avenue adjoining, also the southerly 39.68 feet of Lot 8 and vacated Broadway Avenue adjoining "Plan of the Section Numbered Seven in the City of Detroit by the Governor and Judges" as recorded in Liber 34, Page 544 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 expenses of the petitioner and/or property owner; and be it further

Provided, that the remaining sidewalk being a minimum of 5 feet wide from the encroachment to the curb or from the sidewalk cafe to the pedestrian diverter planters be maintained free and clear from obstruction; and be it further

Provided, that the encroachment maintains a clearance of 5 feet horizontal distance from DTE Energy electric equipment; 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 including tree planting; and be it further

Provided, That the Bedrock Real Estate Services or their assigns shall apply to the Buildings, Safety Engineering and 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 be it 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 the area being used as an Outdoor Cafe shall meet the general requirements set by the "Outdoor Cafe 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 cafe 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; and further

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 construc-

tion, maintenance, permits and use of the encroachments shall be borne by Bedrock Real Estate Services or their assigns; and further

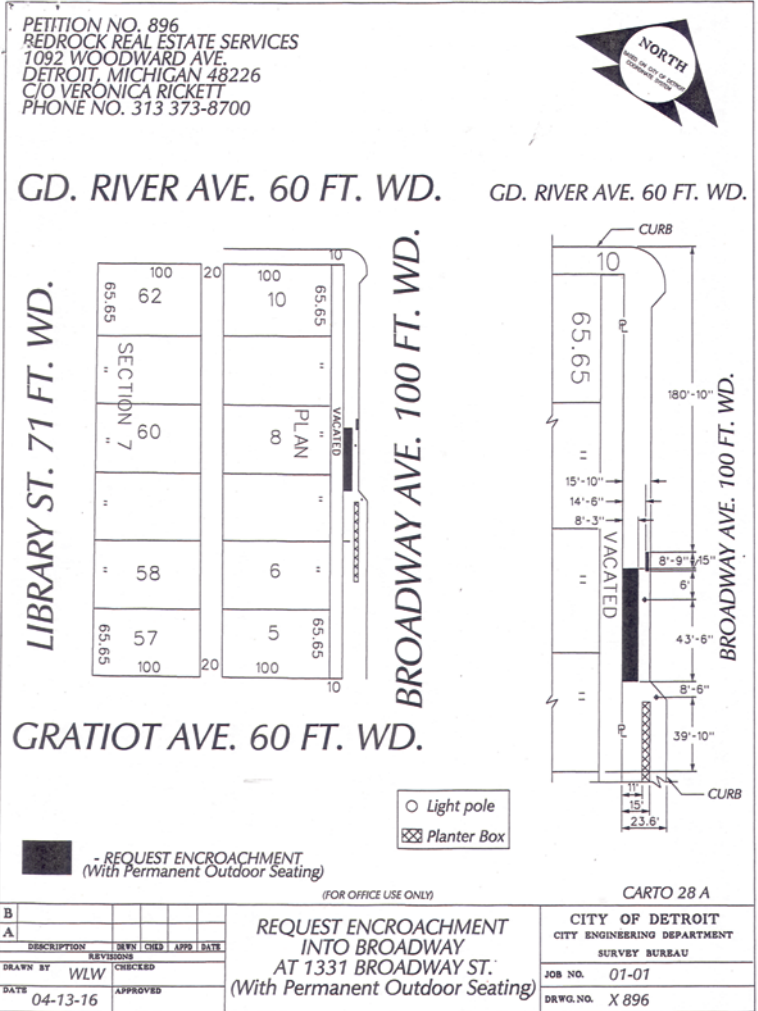
Provided, that all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments shall be borne by Bedrock Real Estate Services or their assigns. Should damages to utilities 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.



Adopted as follows:
 Yeas — Council Members Ayers, Castaneda-Lopez, Cushingberry, Jr., Leland, Spivey, Tate, and President Jones — 7.
 Nays — None.

**Department of Public Works
 City Engineering Division**
 February 3, 2017

Honorable City Council:
 Re: Petition No. 910 — Ronnish Construction Group, request to erect a canopy encroaching over the right-of-way at 65 Cadillac Square, Detroit, MI, 48226.

Petition No. 910, Ronnish Construction Group, on behalf of Farbman Group request to install and maintain an

encroachment consisting of a building canopy the west side of Bates Street, 60 feet wide, between Cadillac Square, 200 feet wide, and Farmer Street, 60 feet wide.

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

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.

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