



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.

The DTE Energy — Gas division (DGT-Gas) reports involvement but no objection. A provision protecting DTE-Gas is part of the attached resolution.

All other involved City Departments, including 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 Farman Group or their assigns 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, 560 feet wide. The building canopy being 17 feet and 11 inches in length shall extend no more than 7 feet into Bates Street from the building property line, and the vertical clearance shall be 9 feet 2 inches. The encroachment adjoining the property described as: Land in the City of Detroit, Wayne County, Michigan, being the southerly 17.92 feet of the northerly 40.17 feet of Lot 41 "Plan of Section Numbered Six in the City of Detroit, Territory of Michigan confirmed unanimously by the Governor and Judges on the 27th day of April, 1807 and ordered to be a record and signed by the Governor and attested by the Secretary of the Board" as recorded in Liber 34, Page 545 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 bottom of the aerial encroachment canopy shall have a minimum vertical under clearance of 9 feet 2 inches; and be it further

Provided, that DTE Energy gas mains and service lines remain accessible for repair or replacement; and that if there is any cost for the removing and/or rerouting of any DTE Energy gas lines, 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 damag-

ing, 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 home 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 home 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 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 Farman Group 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 all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Farbman Group 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.

