

neering Division-DPW specifications with all costs borne by the abutting owner(s), their heir or assigns; 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, Leland, McCalister, Jr., Sheffield, Spivey, Tate, and President Jones — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

September 6, 2018

Honorable City Council:

Re: Petition No. 283 — SME, request for encroachment into the existing 50 foot wide public utility easement for the proposed building at 4255 Dequindre.

Petition No. 283 — SME on behalf of Wolverine Cold Storage Facility request for encroachments with stairwells, a concrete ramp, storm sewer roof leads, fire and domestic water service leads, a sanitary lead and a grease trap lead in Orleans Street (now an easement) 50 feet wide between Superior Street (vacated) 50 feet wide, and Canfield Avenue, 60 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 as part of project that will be a new building for Wolverine Cold Storage. This facility is being built in the Forest Park Rehabilitation Project No. 2 where a public sewer easement was created in vacated Orleans Street to service Pepsi Cola Bottling plant and future development projects. The resolution granting the easement was approved by your Honorable Body on July 11, 1990 and is recorded in J.C.C. pages 1563-65.

The request was approved by the Solid Waste Division — DPW, and City Engineering Division — DPW, and Traffic Engineering Division — DPW (TED).

Detroit Water and Sewerage Department (DWSD) reports being involved, but they have no 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 Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting all 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 SME, or Wolverine Cold Storage Company or their assigns to install and maintain encroachments with stair wells, a concrete ramp, storm sewer roof leads, fire and domestic water service leads, a sanitary lead, and a grease trap lead in Orleans Street (now an easement having been vacated by City Council on November 22, 1989 — J.C.C. pages 2682-86) 50 feet wide between Superior Street (vacated) 50 feet wide, and Canfield Avenue, 60 feet wide, further described as: Land in the City of Detroit, Wayne County, Michigan, being that part of Orleans Street (now vacated and reserved as a public sewer easement by City Council July 11, 1990 — J.C.C. pgs. 1563-65) being the westerly half of vacated Orleans Street (50 feet wide) adjoining Lot 8, vacated Willis Avenue (50 feet wide), and Lot 25, the vacated public alley (16 feet wide) and Lots 40 through 46, both inclusive; also the easterly half of vacated Orleans Street (50 feet wide) adjoining Lot 9, vacated Willis Avenue (50 feet wide), and Lot 24, the vacated public alley (16 feet wide) and Lots 47 through 53, both inclusive, all in "Stoepele's Sub-division of the South Quarter of Out Lot 3 and part of Lot 8 of the Subdivision of Out Lot 4 of the Dequindre Farm" as recorded in Liber 8 page 77 of Plats, Wayne County Records; also all that part of vacated Orleans Street (50 feet wide) having been opened and extended (on May 19, 1900) as confirmed by Recorders Court and Accepted by Common Council (May 22, 1900 — J.C.C. p. 381) through a part of Out Lot 3 of the "Plat of a Subdivision of Lot 4, Dequindre Farm" as recorded in Liber 41 of Deeds, Page 518, Wayne County Records; above said encroachments further described as:

- 1) The 4 stairwells: 1st stairwell being 5 feet by 8 feet lying easterly of and adjoining the westerly line of said vacated Orleans Street beginning 18 feet southerly of the southerly line of Canfield Avenue, 60 feet wide and ending 26 feet southerly of the southerly line of Canfield Avenue and extending 5 feet into vacated Orleans Street. 2nd stairwell being 5 feet by 8 feet lying easterly of and adjoining the westerly line of said vacated Orleans Street beginning 60 feet southerly of the southerly line of Canfield Avenue, 60 feet wide and ending 68 feet southerly of the southerly line of Canfield Avenue and extending 5 feet into vacated Orleans Street. 3rd stairwell being 5 feet by 11 feet lying easterly of and adjoining the westerly line of said vacated Orleans Street beginning 278 feet southerly of the southerly line of Canfield Avenue, 60 feet wide and ending 283 feet southerly of the southerly line of Canfield Street and extending 11 feet into

vacated Orleans Street. 4th stairwell being 5 feet by 11 feet lying easterly of and adjoining the westerly line of said vacated Orleans Street beginning 371 feet southerly of the southerly line of Canfield Street, 60 feet wide and ending 376 feet southerly of the southerly line of Canfield Avenue and extending 11 feet into vacated Orleans Street. All of the above distances southerly of the southerly line of Canfield Avenue are as measured along the westerly line of vacated Orleans Street.

2) The concrete ramp being 25 feet by 50 feet (the full width of vacated Orleans Street) and being the southerly 25 feet of the northerly 96 feet of that part of vacated Orleans Street lying southerly of the southerly line of Canfield Avenue.

3) The 5 storm sewer roof leads: 1st being 6 inch PVC running north-south and being 50 feet in length, lying 5 feet east of the west line of vacated Orleans Street beginning 10 feet south of the south line of Canfield Avenue and ending 60 feet south of the south line of Canfield Avenue. 2nd being 6" PVC running north-south and being 183 feet in length, lying 5 feet east of the west line of vacated Orleans Street beginning 97.5 feet south of the south line of Canfield Avenue and ending 280.5 feet south of the south line of Canfield. 3rd being 8 inch PVC running east-west and being 45 feet in length, lying 280.5 feet south of the south line of Canfield Avenue beginning 5 feet east of the west line of vacated Orleans Street and ending at the east line of vacated Orleans Street. 4th being 6 inch PVC running north-south and being 46 feet in length, lying 5 feet east of the west line of vacated Orleans Street beginning 283 feet south of the south line of Canfield Avenue and ending 329 feet south of the south line of Canfield Avenue. 5th being 6 inch PVC running north-south and being 70 feet in length, lying 5 feet east of the west line of vacated Orleans Street and tapering to the west line of vacated Orleans Street beginning 376 feet south of the south line of Canfield Avenue and ending 446 feet south of the south line of Canfield Avenue.

4) A fire suppression water lead running east-west the full width of vacated Orleans Street and lying 410 feet south of the south line of Canfield Avenue.

5) A domestic water service lead running east-west the full width of vacated Orleans Street and lying 408 feet south of the south line of Canfield Avenue.

6) A sanitary water lead running east-west from the west line of vacated Orleans Street and extending to 30 feet east of the west line of vacated Orleans Street and lying 363 feet south of the south line of Canfield Avenue.

7) A grease trap lead running east-west running east-west the full width of

vacated Orleans Street and lying 375 feet south of the south line of Canfield Avenue.

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 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 the petitioner maintain the DWSD required clearance of 18 feet above grade for maintenance access and repair, 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, SME, or Wolverine Cold Storage Company 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; and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by SME, or Wolverine Cold Storage Company 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 SME, or Wolverine Cold Storage Company or their assigns. Should damages to utilities occur SME, or Wolverine Cold Storage Company 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 condi-

tion satisfactory to the City Engineering Division — DPW; and further

Provided, That SME, or Wolverine Cold Storage Company or their assigns shall file with the Department of Public Works - City Engineering Division an indemnity agreement 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 of SME, or Wolverine Cold Storage Company or their assigns of the terms thereof. Further, SME, or Wolverine Cold Storage Company or their assigns shall agree to pay all claims, damages or expenses that may arise out of the use, repair and maintenance of the proposed encroachments; and further

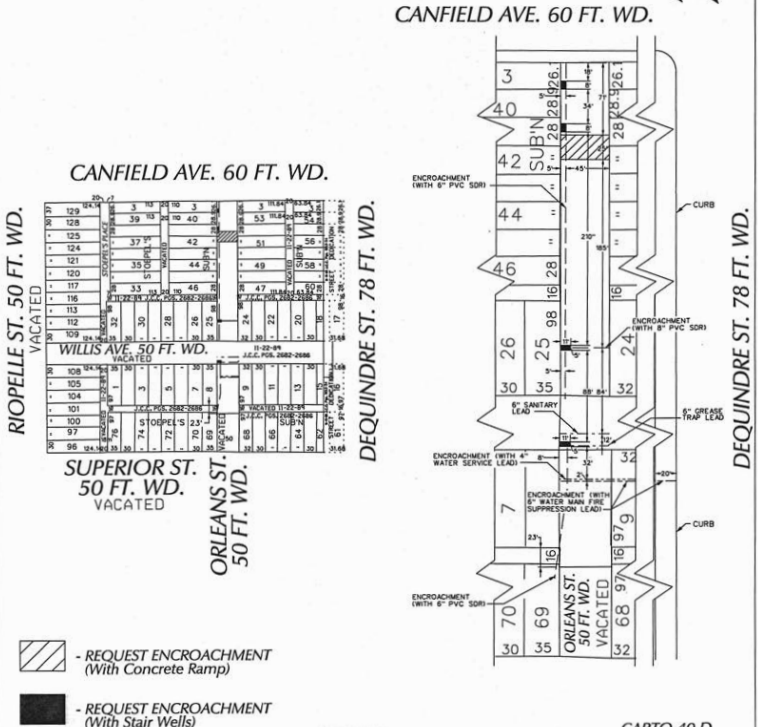
Provided, That construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and SME, or Wolverine Cold Storage Company 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 be it 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. 283
 S.M.E.
 43980 PLYMOUTH OAKS BLVD.
 PLYMOUTH, MICHIGAN 48170
 C/O KIRT ANDERSEN P.E.
 PHONE NO. 734 454-9900 EXT. 1157



- REQUEST ENCROACHMENT (With Concrete Ramp)
- REQUEST ENCROACHMENT (With Stair Wells)

(FOR OFFICE USE ONLY)				CARTO 40 D
B				
A	REQUEST ENCROACHMENT A PORTION OF ORLEANS ST. 50 FT. WD. AND DEQUINDRE ST. 78 FT. WD. IN THE AREA BOUND BY SUPERIOR, RIOPELLE ST., CANFIELD AVE. AND DEQUINDRE ST.			CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU
DESCRIPTION	ISSN	CHER	APPR.	DATE
REVISIONS				
DRAWN BY	W/LW	CHECKED	KSM	
DATE	05-08-18	APPROVED		
				JOB NO. 01-01
				DRWG. NO. X 283

Adopted as follows:
 Yeas — Council Members Ayers, Benson, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 8.
 Nays — None.

Dangerous Structures

Honorable City Council:

In accordance with Section 12-11-28.4 of the Building Code, hearings were held for the purpose of giving the owner or owners the opportunity to show cause why certain structures should not be demolished or otherwise made safe. After careful consideration of same, your Committee recommends that action be taken as set forth in the following resolution.

Respectfully submitted,
 SCOTT BENSON
 Chairperson

By Council Member Benson:

Resolved, That the findings and determination of the Buildings, Safety Engineering and Environmental Department that certain structures on premises known as 1800 18th, 18976 Albion, 19551 Alcoy, 1903 Bassett, 15934 Beaverland, 6362-64 Beechton, 4399 Berkshire, 7409 Brace, 20259 Bradford and 3464 Buckingham, as shown in proceedings of September 11, 2018 (J.C.C. page), are in a dangerous condition and should be removed, be and are hereby approved, and be it further

Resolved, That the Buildings, Safety Engineering & Environmental Department be and it is hereby authorized and directed to take the necessary steps for the removal of dangerous structures at 6362-64 Beechton, 7409 Brace, and 3464 Buckingham, and to assess the costs of