

Provided, That said activities are conducted under the rules and regulations of the Department of Transportation, Department of Public Works and the supervision of the Detroit Police Department; and

Provided, That the sale of food and soft drinks is held under the direction and inspection of the Health Department; and

Provided, That the "Permittee" remit the required annual fee(s) to DPW/CED for issuance of a use-permit and confirm license of the establishment in compliance with the City Code; and

Provided, That the "Permittee", prior to obtaining said permit, file an Indemnity Agreement in a form approved by the Law Department, saving and protecting the City of Detroit harmless from any or all claims, damages or expenses that may arise by reason of the issuance of said permit and the faithful performance by the "Permittee" of the terms thereof; and in addition, to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and

Provided, That the filing of said Indemnity Agreement for this current year shall be construed as acceptance of this Resolution by the "Permittee"; and

Provided, That the permit is revocable at the will, whim and caprice of the City Council; and hereby expressly waives any right to claim damages or compensation for removal of encroachment, and further, that "Permittee" acquires no implied or other privileges hereunder not expressly stated herein; and

Provided, That no other rights in the public streets, alley or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the "Permittee" at any time when so directed by City Council, and that the public property so affected shall be restored to a condition satisfactory to the DPW/CED by said "Permittee" at its expense; and

Provided, That the permit shall not be assigned or transferred without a written approval of the City Council; and

Provided, That the designated outdoor seating area shall be properly identified through the use of railings in order to regulate and control the serving of liquor within the perimeter of the café; and

Provided, That the outline and location of the outdoor café is not to be different from the site plan approved by the Housing & Revitalization Department and the Department of Public Works; and

Provided, That if any tent, canopy or other enclosure is to be utilized on the subject site, the applicant shall secure prior approval from Building, Safety, Engineering & Environmental Department and the Department of Public Works/City Engineering Division; and

Provided, That the outline and location of outdoor café is not to be different from previously approved site plan by the Historic District Commission; and

Provided, That all railing equipment and fixtures shall be removed from the public right-of-way during the months of non-operation and placed in storage; and

Provided, That a certified copy of this Resolution shall be recorded with the Office of the Register of Deeds for Wayne County at the "Permittee's" expense;

Adopted as follows:

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

Nays — None.

**Housing and Revitalization Department**

May 18, 2018

Honorable City Council:

Re: Petition #313 — Checker Bar Restaurant to Establish a Temporary Outdoor Café at 124 Cadillac Square.

The above-named petitioner has requested permission for Temporary Outdoor Café Service. This service will convene every April 1st through November 30th, for a period of three (3) years from the date of your Honorable Body's approval at the above-referenced location.

The Department of Public Works/City Engineering Division (DPW/CED), who has jurisdiction over temporary encroachment on City right-of-ways, has approved this request contingent upon the petitioner's compliance with applicable City ordinance related to outdoor cafe activities, and the remittance of the annual use-permit fee to the Permit Section of the DPW/CED. The Petitioner shall remove fence and all equipment for the Outdoor Café by the end of Outdoor Café Season. **The petitioner shall secure his business license and certificate of occupancy from Buildings, Safety, Engineering & Environmental Department every year.**

The Health Department has approved this petition, subject to the petitioner's strict adherence to the 1999 Food Code, Food Law of 2000 and City Ordinance, Chapter 21. No outdoor grilling is permitted without approval from the Health Department's Food Safety Division.

Approval from the Detroit Police Liquor License Bureau is contingent upon the final action given by the City Council towards the above-referenced petition. Prior approval from the Central District Precinct does not cover serving liquor in outdoor café area until the Detroit Police Liquor License Bureau has given approval.

The Housing & Revitalization Department (H&RD) is not aware of any objections from any other City Agencies involved. It is the recommendation of H&RD that the

petitioner's request be granted, subject to the terms and conditions provided in the attached resolution.

Respectfully submitted,  
JOHN SAAD, P.E.

Engineering Services Coordinator  
By Council Member Tate:

Resolved, That the Department of Public Works-City Engineering Division (DPW/CED) is hereby authorized and directed to issue a use-permit to Checker Bar Restaurant "Permittee", whose address is at 124 Cadillac Square, Detroit, Michigan, to install and maintain an outdoor café which will convene every April 1st through November 30th, for a period of three (3) years from the date of your Honorable Body's approval, contingent upon licensee of such premises obtaining approval of the Michigan Liquor Control Commission, if necessary, and compliance with applicable City Ordinance in connection with outdoor café activities, prior to the issuance of said use-permit; and

Provided, That the café meets the regulations set by the "Outdoor Café Guidelines" as adopted by the City Council and guided by Chapter 58, Section 50-2-8.1 of the City Code; and

Provided, That the petitioner obtains all necessary licenses and permits every year from Departments having jurisdiction over the Outdoor Café process; and

Provided, That the petitioner obtains all necessary permits and Certificate of Occupancy from the Building, Safety, Engineering and Environmental Department (BSEED); and

Provided, That said activities are conducted under the rules and regulations of the Department of Transportation, Department of Public Works and the supervision of the Detroit Police Department; and

Provided, That the sale of food and soft drinks is held under the direction and inspection of the Health Department; and

Provided, That the "Permittee" remit the required annual fee(s) to DPW/CED for issuance of a use-permit and confirm license of the establishment in compliance with the City Code; and

Provided, That the "Permittee", prior to obtaining said permit, file an Indemnity Agreement in a form approved by the Law Department, saving and protecting the City of Detroit harmless from any or all claims, damages or expenses that may arise by reason of the issuance of said permit and the faithful performance by the "Permittee" of the terms thereof; and in addition, to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and

Provided, That the filing of said Indemnity Agreement for this current year shall be construed as acceptance of this Resolution by the "Permittee"; and

Provided, That the permit is revocable at the will, whim and caprice of the City Council; and hereby expressly waives any right to claim damages or compensation for removal of encroachment, and further, that "Permittee" acquires no implied or other privileges hereunder not expressly stated herein; and

Provided, That no other rights in the public streets, alley or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the "Permittee" at any time when so directed by City Council, and that the public property so affected shall be restored to a condition satisfactory to the DPW/CED by said "Permittee" at its expense; and

Provided, That the permit shall not be assigned or transferred without a written approval of the City Council; and

Provided, That the designated outdoor seating area shall be properly identified through the use of railings in order to regulate and control the serving of liquor within the perimeter of the café; and

Provided, That the outline and location of the outdoor cafe is not to be different from the site plan approved by the Housing & Revitalization Department and the Department of Public Works; and

Provided, That if any tent, canopy or other enclosure is to be utilized on the subject site, the applicant shall secure prior approval from Building, Safety, Engineering & Environmental Department and the Department of Public Works/City Engineering Division; and

Provided, That the outline and location of outdoor café is not to be different from previously approved site plan by the Historic District Commission; and

Provided, That all railing equipment and fixtures shall be removed from the public right-of-way during the months of non-operation and placed in storage; and

Provided, That a certified copy of this Resolution shall be recorded with the Office of the Register of Deeds for Wayne County at the "Permittee's" expense.

Adopted as follows:

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

Nays — None.

**Housing and  
Revitalization Department**

May 18, 2018

Honorable City Council:

Re: Petition #242 — Queens Bar Restaurant to Establish a Temporary Outdoor Café at 35 E. Grand River.

The above-named petitioner has requested permission for Temporary Outdoor Café Service. This service will