

Resolved, That the Director of the Planning and Development Department, or his authorized designee, is authorized to execute a quit claim deed and other such documents necessary or convenient to effect transfer of the Property to the Purchaser consistent with this resolution; and be it further

Resolved, That the following Property Sales Services Fees be paid from the sale proceeds pursuant to the City's Property Management Agreement with the Detroit Building Authority ("DBA"): 1) Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) shall be paid to the DBA from the sale proceeds, Six Hundred Forty and 00/100 Dollars (\$640.00) shall be paid to the DBA's real estate brokerage firm from the sale proceeds and 3) customary closing costs up to Two Hundred and 00/100 Dollars (\$200.00) shall be paid from the sale proceeds; and be it further

Resolved, That the P&DD Director, or his authorized designee, is authorized to execute any required instruments to make and incorporate technical amendments or changes to the quit claim deed (including but not limited to corrections to or confirmations of legal descriptions, or timing of tender of possession of particular parcels) in the event that changes are required to correct minor inaccuracies or are required due to unforeseen circumstances or technical matters that may arise prior to the conveyance of the Property, provided that the changes do not materially alter the substance or terms of the transfer and sale; and be it finally

Resolved, That the quit claim deed will be considered confirmed when executed by the P&DD Director, or his authorized designee, and approved by the Corporation Counsel as to form.

**EXHIBIT A**

**LEGAL DESCRIPTION**

N THEODORE E 20 FT 1, 2 & W 4 FT OF 3 VAC ALLEY LYG N OF & ADJ SD LOTS WREFORDS SUB L10 P85 PLATS, WCR 15/76 LOTS 26 & 27 GRUNOW & PATTERSONS CONCORD AVE SUB L17 P25 PLATS, WCR 15/77 12,826 SQ FT

Street Address: 6631 Theodore.  
Property Tax Parcel number: 15000514-5

Adopted as follows:

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

Nays — None.

**Department of Public Works  
City Engineering Division**

June 26, 2019

Honorable City Council:

Re: Petition No. 856 — Greektown Preservation Society, request a Seasonal Outdoor Café Permit on Monroe Street between Beaubien Street and St. Antoine Street.

Petition No. 856 — Greektown Preservation Society, request for an encroachment with the existing wood decks installed in the parking bays on the north side of Monroe Avenue, 50 feet wide between Beaubien Street, 60 feet wide and St. Antoine Street, 50 feet wide.

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

The Greektown Preservation Society is making the request as part of the proposed changes to the outdoor café seating at this location. The plans call for the sidewalk cafés to be adjacent to the buildings with the decking area to be used for pedestrian travel. The individual restaurants will submit their requests for the seasonal outdoor cafés.

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

The DWSD encroachment 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 Tate:

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to the Greektown Preservation Society for an encroachment with the existing wood decks installed in the parking bays on the north side of Monroe Avenue, 50 feet wide between Beaubien Street, 60 feet wide and St. Antoine Street, 50 feet wide further described as:

Land in the City of Detroit, Wayne County, Michigan being part of Monroe Avenue lying southerly of the southerly line of Lots 140, 141 and 142 "Plat of part of L. Beaubien Farm in the City of Detroit as surveyed into town lots for the proprietors" as recorded in Liber 6 of City Records, pages 475-478 Wayne County Records; also lying southerly of Lots 6, 7, 8 and 9 said lots north of and adjoining Monroe "Plat of the Antoine Beaubien Farm" as recorded in Liber 27, Page 197 of Deeds, Wayne County Records; more particularly described as follows:

(Parking bay 1) Commencing at the southwest corner of Lot 139 of "Plat of part of L. Beaubien Farm in the City of Detroit as surveyed into town lots for the proprietors" as recorded in Liber 6 of City Records, pages 475-478 Wayne County Records; thence N59°59'30"E 78.37 feet;

thence S30°00'30"E 9.00 feet to the point of Beginning; thence N59°59'30"E 70.00 feet; thence S79°22'43"E 13.18 feet; thence S59°59'30"W 90.00 feet; thence N19°21'43"E 13.18 feet to the point of beginning.

(Parking bay 2) Commencing at the southwest corner of Lot 139 of "Plat of part of L. Beaubien Farm in the City of Detroit as surveyed into town lots for the proprietors" as recorded in Liber 6 of City Records, pages 475-478 Wayne County Records; thence N59°59'30"E 218.37 feet; thence S30°00'30"E 9.00 feet to the point of Beginning; thence N59°59'30"E 140.00 feet; thence S79°22'43"E 13.18 feet; thence S59°59'30"W 160.00 feet; thence N19°21'43"E 13.18 feet to the point of beginning.

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 each business wishing to install a modified outdoor seating would be required to maintain 6 feet wide clear sidewalk that is ADA compliant in front of the outdoor seating area at all times. The petitioner shall also be responsible for maintaining the wooden decking in good condition for pedestrian access at all times, and further

Provided, That access is maintained for Fire Department vehicles to all fire hydrants, buildings and Fire Department Connections, and further

Provided, That any area being used as an Outdoor Café shall obtain City Council permission and shall meet the general requirements set by the "Outdoor Café Guidelines" as adopted by the City Council and guided by Section 50-2-20 (a/k/a code 1964 § 58-2-8.1) of the City Code; and 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 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, Greektown Preservation Society 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 Greektown Preservation Society 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 Greektown Preservation Society or their assigns. Should damages to utilities occur Greektown Preservation Society 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

