

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 9.

Nays — None.

**Department of Public Works  
City Engineering Division**

August 29, 2019

Honorable City Council:

Re: Petition No. 857 — Store Capital Acquisitions, LLC, request for change in right of way along Midland Avenue adjacent to 15400 Woodrow Wilson Avenue, Detroit, MI 48238.

Petition No. 857 — Store Capital Acquisitions, LLC request for encroachment into Midland Avenue adjacent to 15400 Woodrow Wilson Avenue. Currently, and since 1936, the building located at 15400 Woodrow Wilson Avenue encroaches on Midland Avenue over an area of approximately 0.8 feet.

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

This request is for an existing and long standing building that encroaches on Midland Avenue. 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 Store Capital Acquisitions, LLC, or their assigns to install and maintain encroachments with building in Midland Avenue 60 feet wide. The Encroachment extends 0.8 feet into Midland Avenue at the southwest corner of building at 15400 Woodrow Wilson Avenue and tapering 365.5 feet to 0 feet at the southeast building corner to adjoining land known as Parcel 1:

Lot 35, Wetmore Industrial Subdivision. According to the plat thereof as recorded in Liber 66 of Plats pages 87 and 88, Wayne County Records.

Also

Part of the southwest 1/4 of fractional section 14, town 1 south, range 11 east, City of Detroit, Wayne County, Michigan, described as follows: beginning at a point north 01 degrees 38 minutes 30 seconds west, 790.36 feet from the northeast corner of the industrial terminal railroad & Woodrow Wilson Avenue; thence north 64 degrees 00 minutes 00 seconds east, 306.59; thence south 25 degrees 41 minutes 30 seconds east, 250.00 feet; thence south 64 degrees 00 minutes 00 seconds west, 418.43; thence north 01 degree 38 minutes 30 seconds west, 274.43 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 access is maintained to all fire department connections, 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, 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 construc-

tion, maintenance, permits and use of the encroachments shall be borne by Store Capital Acquisitions, LLC 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 Store Capital Acquisitions, LLC or their assigns. Should damages to utilities occur Store Capital Acquisitions, LLC or their assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

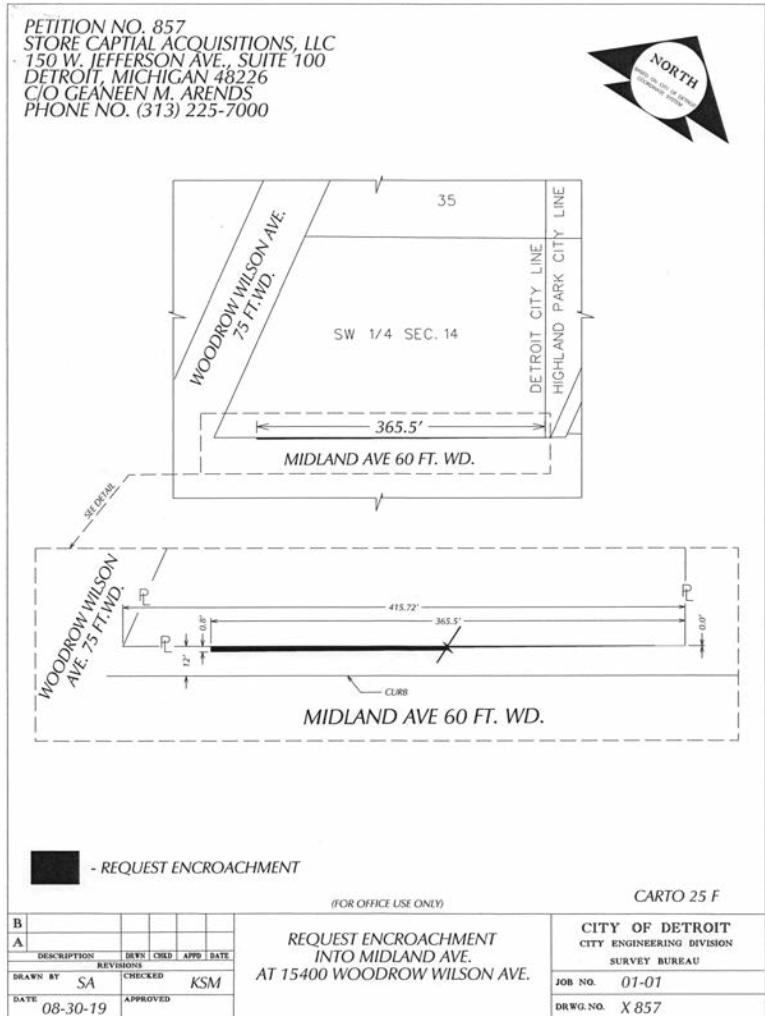
Provided, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the

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 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 Store Capital Acquisitions, LLC 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.



Adopted as follows:  
Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 9.  
Nays — None.

**NEW BUSINESS**

**Permit**

Honorable City Council:

To your Committee of the Whole was referred Petition of Quicken Loans Inc. (#1029) "Quicken Loans Carnival". After consultation with the Mayor's Office and all other City Departments, and careful consideration of the request, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,

SCOTT BENSON

Chairperson

By Council Member Benson:

Resolved, That permission be and is hereby granted to Petition of Quicken Loans Inc. (#1029) "Quicken Loans Carnival" on 2200 Woodward Ave. on October 2, 2019 from 5:00 p.m. to 8:00 p.m. each day with temporary closures of Witherall from Montcalm to Elizabeth, and further

Provided, That the Buildings, Safety Engineering and Environmental Department is hereby authorized to waive the zoning restrictions on said property during the period of the event, and further

Provided, That said activity is conducted under the rules and regulations of the concerned departments and the supervision of the Police Department, and in compliance with applicable ordinances, and further

Provided, That the petitioner secures a temporary use of land permit which will include the erection of any mechanical devices and temporary structures. An inspection of electrical work is required prior to opening the facility to the public, and further

Provided, That the required permits be secured should any tents or temporary installations such as Liquefied Petroleum Gas Systems be used, and further

Provided, That if tents are to be used, the petitioner shall comply with all sections of Fire Marshal Division Memorandum #3.2 regarding "Use of Tents for Public Assembly," and further

Provided, That the petition complies with the provisions of Ordinance 503-H regarding festival permits and carnival licenses, and further

Provided, That such permission is granted with the distinct understanding that petitioner assumes full responsibility for any and all claims, damages or expenses that may arise by reason of the granting of said petition, and further

Provided, That site be returned to its original condition at the termination of said activity, and further

Provided, That this resolution is revocable at the will, whim or caprice of the City Council.

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 9.

Nays — None.

\*WAIVER OF RECONSIDERATION (No. 19) Per motions before adjournment.

**Permit**

Honorable City Council:

To your Committee of the Whole was referred Petition of Techstars, (#1082) "Techstars Detroit Demo Day". After careful consideration of the request, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,

SCOTT BENSON

Chairperson

By Council Member Benson:

Resolved, That permission be and is hereby granted to Petition of Techstars, (#1082) "Techstars Detroit Demo Day" on 119 State Street on October 1, 2019 from 11:00 a.m. to 8:00 p.m. each day with temporary closures on Shelby Street, and further

Provided, That the Buildings, Safety Engineering and Environmental Department is hereby authorized to waive the zoning restrictions on said property during the period of the event, and further

Provided, That said activity is conducted under the rules and regulations of the concerned departments and the supervision of the Police Department, and in compliance with applicable ordinances, and further

Provided, That the petitioner secures a temporary use of land permit which will include the erection of any mechanical devices and temporary structures. An inspection of electrical work is required prior to opening the facility to the public, and further

Provided, That the required permits be secured should any tents or temporary installations such as Liquefied Petroleum Gas Systems be used, and further

Provided, That if tents are to be used, the petitioner shall comply with all sections of Fire Marshal Division Memorandum #3.2 regarding "Use of Tents for Public Assembly," and further

Provided, That such permission is granted with the distinct understanding that petitioner assumes full responsibility for any and all claims, damages or expenses that may arise by reason of the granting of said petition, and further

Provided, That site be returned to its original condition at the termination of said activity, and further

Provided, That this resolution is revocable at the will, whim or caprice of the City Council.