

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland and Tate — 5.

Nays — Council Members McCalister, Jr., Sheffield, Spivey and President Jones — 4.

Department of Public Works

March 6, 2020

Honorable City Council:

Re: Petition No. 1080: Detroit Sports Bar and Grill, 1570 Woodward, requests permission to provide Outdoor Café Service. This service will be seasonal, and will convene Opening Day through November 15th, yearly with yearly administrative review, from the date of your Honorable Body's approval.

The Department of Public Works (DPW) who has jurisdiction over temporary encroachment in the public right-of-way, for Outdoor Cafe use, has approved this request contingent upon the petitioner's compliance with applicable City ordinance related to outdoor café activities and the remittance of the annual use-permit fee to the DPW.

The Detroit Health Department (DHD) has approved this petition, subject to the petitioner's strict adherence to the 199 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 Department of Public Works/Traffic Engineering Division (DPW/TED) has approved this request contingent upon the petitioner's compliance with provided DPW/TED instructions.

The Legislative Policy Division has reviewed the petitioner's request and issued their approval with no objections.

It is the recommendation of DPW that the petitioner's request be granted subject to the terms and conditions provided in the attached Resolution and that this service will convene Opening Day through November 15th yearly with yearly administrative review from the date of your Honorable Body's approval.

Respectfully submitted,

CHISARA BROWN

City Planner, Grants

By Council Member Benson:

Resolved, That the Department of Public Works is hereby authorized and directed to issue a Use-permit to Detroit Sports

Bar and Grill, Detroit "permittee", whose address is at 1570 Woodward, Detroit, MI 48226, to install and maintain an outdoor café, which will convene Opening Day through November 15th, yearly with yearly administrative review 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 adapted by the City Council and guided by Chapter 43 Article 8, Sec. 43-8-21, 43-8-23 of the City Code; and

Provided, That the petitioner obtains all necessary licenses and permits needed to create an outdoor café in the City of Detroit annually 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 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 fees 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 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 constructed 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 herby 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 spaces 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 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;

Provided, That the designated outdoor seating area shall be properly identified through the use of clear delineation 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 DPW; 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; and

Provided, That all physical barriers and fixtures shall be removed from the public right-of-way during the months of non-operation and placed in storage.

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**

March 3, 2020

Honorable City Council:

Re: Petition No. 968 — Global Resource Center LLC, request for encroachment into Park Avenue (60 feet wide) right-of-way.

Petition No. 968 — Giffels Webster on behalf of Global Resource Center LLC request for encroachment with non-standard pavement (brick pavers). The encroachment area is on the east side of Park Avenue, 60 feet wide, between the north and south lines of Columbia Street (now an easement) 50 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 to enhance the streetscape as part of the Little Caesars Global Resource project.

The request was approved by the Solid Waste Division — DPW, City Engineering Division — DPW, and Traffic Engineering — DPW (TED) with TED provisions that are a part of the resolution.

Detroit Water and Sewerage Department (DWSD) reports involvement, but 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 Global Resource Center LLC. or their assigns to install and maintain an encroachment with non-standard pavement (brick pavers) on the east side of Park Avenue, 60 feet wide, between the north and south lines of Columbia Street (now an easement) 50 feet wide, and described as: Part of Park Avenue, 60 feet wide, as platted in "A Plat of Park Lots 84, 85, and 86 as subdivided May 7th, 1835" as recorded in Liber 7, Page 27 of Plats, Wayne County Records; Beginning at the northwest corner of Lot 35 of above said "Plat of Park Lots 84, 85, and 86" L.7, P. 27 Deeds, WCR; thence N30°W 50.00 feet to the southwest corner of Lot 50 of above said "Plat of Park Lots 84, 85, and 86" L.7, P. 27 DWCR; thence S60°W 12.40 feet; thence S30°E 50.00 feet; thence N60°E 12.40 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 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