

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**

June 9, 2020

Honorable City Council:

Re: Petition No. 734 – E & B Brewery Lofts request permission to install Universally Accessible Ramp/stairs at 1551 Winder Street.

Petition No. 734 by E & B Brewery Lofts request for an encroachment consisting of a concrete handicap ramp, stairs, railing, and perforated panel at 1551 Winder Street, on the north side of Winder Street, 50 feet wide, between Riopelle Street, 39 feet wide, and Orleans Street, 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 provide access to the building. The ramp, stairs and railing have been constructed as part of a streetscape project known as the Eastern Market District Re-Investment Project. The entire Streetscape project was constructed with all necessary City of Detroit approvals.

The request was approved by the Solid Waste Division – DPW, and City Engineering Division – DPW. DPW – Traffic Engineering Division (TED) objects to the encroachments based on clearances; however, the construction was completed in accord with City of Detroit approved plans.

Detroit Water and Sewerage Department (DWSD) reports involvement. The standard DWSD provisions for encroachments have been made a part of the resolution.

All other involved City Departments and 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 E & B Brewery Lofts or their assigns to install and maintain an encroachment consisting of a concrete handicap ramp, stairs, railing, and perforated panel at 1551 Winder Street, on the north side of Winder Street, 50 feet wide,

between Riopelle Street, 39 feet wide, and Orleans Street, 50 feet wide. Location of the encroachments described as follows: land in the City of Detroit, Wayne County, Michigan being part of Winder Street, more particularly described as: Commencing at the northwest corner of the intersection of Orleans Street (50 feet wide) and Winder Street, (50 feet wide) platted as Elm Street in "Town Plat of A. Dequindre Farm", as recorded in Liber 10, of Deeds, Page 715, Wayne County Records, Wayne County, Michigan; thence S62°51'26"W 73.31 feet along the northerly right-of-way line of said Winder Street to the Point of Beginning; thence S27°08'34"E 5.99 feet; thence "S62°51'26"W 43.23 feet; thence N27°08'34"W 5.99 feet; thence N62°51'26"E 43.23 feet along the northerly right-of-way line of said Winder Street to the Point of Beginning, containing 258 square feet, more or less, being a part of said Winder Street, City of Detroit, Michigan. The encroachments further described as follows: ramp/stairs, railing, and perforated panel: 43.23 feet long, 5.99 feet wide and ramp/stairs ranging from sidewalk grade to 3 feet above sidewalk grade; also with the railing ranging from sidewalk grade to 3 feet above the grade of the ramp; also with the perforated panel ranging from sidewalk grade to 4 feet above the grade of the ramp.

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 DWSD requires a vertical clearance of 18 feet above grade for maintenance access and repair, and be it further

Provided, That all construction per-

formed 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, E & B Brewery Lofts 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 E & B Brewery Lofts 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 E & B Brewery Lofts or their

assigns. Should damages to utilities occur E & B Brewery Lofts 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, That E & B Brewery Lofts 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 E & B Brewery Lofts or their assigns of the terms thereof. Further, E & B Brewery Lofts 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 filing of said indemnity agreement and construction of the encroachments shall be construed as acceptance of this Resolution by the "permittee"; and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by E & B Brewery Lofts, or their assigns; and further

Provided, This resolution or part thereof is revocable at the will, whim or caprice of the City Council, and E & B Brewery Lofts 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. 734
 E&B BREWERY LOFTS
 1551 WINDER ST.
 DETROIT, MI 48207
 JAMES J. PELLERITO
 PHONE NO. (313) 782-4993

ADELAIDE ST. 50 FT.WD.

WINDER ST. 50 FT.WD.

FISHER FREEWAY

FISHER FREEWAY

(FOR OFFICE USE ONLY)

CARTO 39 D

B							
A	DESCRIPTION	DRAWN	CHECKED	APP'D	DATE	REQUEST ENCROACHMENT TO INSTALL UNIVERSALLY ACCESSIBLE RAMP/STAIRS AT 1551 WINDER STREET.	
	DRAWN BY	SA	CHECKED	KSM		CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
	DATE	03-12-19	APPROVED			JOB NO. 07-01 DRWG. NO. X 734	

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**
 June 9, 2020

Honorable City Council:
 Re: Petition No. 817 – Premier Grow, LLC request to vacate and convert to easement the public alley between Glendale Avenue and Fullerton Avenue, west of Stout Avenue.
 Petition No. 817 – Premier Grow, LLC request to vacate and convert to ease-

ment the public alley (16 ft. wide) between Glendale Avenue (50 ft. wide) and Fullerton Avenue (66 ft. wide), west of Stout Avenue (50 ft. wide).

The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The request is being made to improve the safety of adjacent property owners and discontinue a non-functioning alley.

The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW, and City Engineering – DPW.

Detroit Water and Sewerage Department (DWSD) has no objection to the vacation and conversion to utility ease-