



Adopted as follows:
Yeas — Council Members Ayers, Benson, Castaneda-Lopez, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 8.
Nays — None.

**Department of Public Works
City Engineering Division**

May 4, 2021

Honorable City Council:

Re: Petition No. 1418 — Hubbard Vernor Limited Dividend Housing Association, LLC request for the encroachment for landscaping and bicycle racks into West Vernor Hwy., Palms Street, and Hubbard Street.

Petition No. 1418 — Hubbard Vernor

Limited Dividend Housing Association, LLC request for the encroachment for landscaping and bicycle racks into West Vernor Hwy., 66 ft. wide, Palms Street, 50 ft. wide, and Hubbard Street, 56 ft. wide.

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

This request is being made to service new development located at 4000 West Vernor Highway.

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

Detroit Water and Sewerage Department (DWSD) reports being involved, but

they have no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution. DTE has reported involvement and provisions protecting DTE 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 hereby authorized and directed to Issue permits to Hubbard Vernor Limited Dividend Housing Association, LLC or their assigns to install and maintain encroachment for the following landscaping areas, being located 6 ft. south of the northerly boundary of West Vernor

1. Highway, 66 ft. wide, and located between the curb line and property line for the property commonly known as 4000 West Vernor Highway. Nine (9) landscaping areas will be located on West Vernor Highway, each having a dimension of 4' x 10'.

2. Landscaping areas, being located 7 ft. west of the easterly boundary of Palms Avenue, 50 ft. wide, and located between the curb line and property line for the property commonly known as 4000 West Vernor Highway. Three (3) landscaping areas will be located on Palms Avenue, each having a dimension of 4' x 10'.

3. Landscaping areas, being located 8 ft. west of the westerly boundary of Hubbard Street, 56 ft. wide, and located between the curb line and property line for the property commonly known as 4000 West Vernor Highway. Two (2) landscaping areas will be located on Hubbard Street, each having a dimension of 4' x 10'.

4. Bike Racks, being located 6 ft. south of the northerly boundary of West Vernor Highway, 66 ft. wide, and located between the curb line and property line for the property commonly known as 4000 West Vernor Highway. Four (4) bike rack areas will be located on West Vernor Highway, each being a loop shaped rack that will be seated in the concrete 1 ft. below grade for stabilization

Provided, That the bike racks be installed parallel to West Vernor Highway; that bicycles secured to the racks are orientated east/west so not to obstruct the pathway for pedestrian traffic.

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 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 Hubbard Vernor Limited Dividend Housing Association, LLC or their assigns; And Further

Provided, That the Hubbard Vernor Limited Dividend Housing Association, LLC or their assigns provide as-built drawings of their installation and the relationship to other utility infrastructure to the Department of Public Works — City Engineering Division; 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 Hubbard Vernor Limited Dividend Housing Association, LLC or their assigns. Should damages to utilities occur Hubbard Vernor Limited Dividend Housing Association, 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 prop-

erty affected shall be restored to a condition satisfactory to the City Engineering Division — DPW; And Further

Provided, That Hubbard Vernor Limited Dividend Housing Association, LLC 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 Hubbard Vernor Limited Dividend Housing Association, LLC or their assigns of the terms thereof. Further, Hubbard Vernor Limited Dividend Housing Association, LLC 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 all cost for the construc-

tion, maintenance, permits and use of the encroachments shall be borne by Hubbard Vernor Limited Dividend Housing Association, LLC, or their assigns; and further

Provided, That construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

Provided, This resolution or part thereof is revocable at the will, whim or caprice of the City Council, and Hubbard Vernor Limited Dividend Housing Association, 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.

