

Not Adopted as follows:

Yeas — None.

Nays — Council Members Benson, Durhal, III, Johnson, Santiago-Romero, Tate, Waters, Whitfield-Calloway, Young, II and President Sheffield — 9.

FAILED.

**Department of Public Works
City Engineering Division**

May 20, 2022

Honorable City Council:

Re: Petition No. x2022-168 — 7303 West McNichols LLC, request for the below grade encroachment of foundation footings and frost slabs on the south side of West McNichols Road, the west side of Monica Street, and the north side of the public alley lying south of and adjacent to 7303-7355 West McNichols Road.

Petition No. x2022-168 — 7303 West McNichols LLC, request for the below grade encroachment of foundation footings and frost slabs on the south side of West McNichols Road, 66 ft. wide, the west side of Monica Street, 50 ft. wide, and the north side of the public alley, 18 ft. wide, lying south of and adjacent to 7303-7355 West McNichols Road.

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

The request is being made as part of the mixed-use development under the related permit SPR2020-00086.

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

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.

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 Santiago-Romero:

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to 7303 West McNichols LLC or their assigns to install and maintain encroachments within the right of way, located on the south side of West McNichols Road, 66 ft. wide the west side of Monica Street, 50 ft. wide, and the north

side of the public alley, 18 ft lying south of and adjacent to 7303-7355 West McNichols Road, further described as: Land in the City of Detroit, Wayne County, Michigan;

1. Wall and Column footings, extending no further than 1.5 ft. into the south side of West McNichols Road, 66 ft. wide, lying northerly of and adjacent to lots 7 through 18 of "Marshall Michaelson & Kohn Subdivision" as recorded in Liber 33, Page 46 or Plats, Wayne County Records.

2. Wall and Column footings, extending no further than 1.5 ft. into the west side of Monica Street, 50 ft. wide, lying easterly of and adjacent to lot 18 of "Marshall Michaelson & Kohn Subdivision" as recorded in Liber 33, Page 46 of Plats, Wayne County Records.

3. Wall and Column footings, extending no further than 1.5 ft. into the north side of the public alley, 18 ft., wide, lying southerly of and adjacent to lots 7 through 9, lot 16 and lot 18 of "Marshall Michaelson & Kohn Subdivision" as recorded in Liber 33, Page 46 of Plats, Wayne County Records.

4. Frost slab, extending no further than 3 ft. and being no wider than 8 ft. within the north side of the public alley, 18 ft. wide, lying southerly of and adjacent to lot 18 of "Marshall Michaelson & Kohn Subdivision" as recorded in Liber 33, Page 46 of Plats, Wayne County Records.

5. Frost slabs, extending no further than 3 ft. and being no wider than 8 ft. within the south side of West McNichols Road, 66 ft. wide, lying northerly of and adjacent to lot 8, lots 11-12, lot 14, and lot 18 of "Marshall Michaelson & Kohn Subdivision" as recorded in Liber 33, Page 46 of Plats, Wayne County Records.

6. Frost slab, extending no further than 3 ft. and being no wider than 8 ft. within the west side of the Monica Street, 50 ft. wide, lying easterly of and adjacent to lot 18 of "Marshall Michaelson & Kohn Subdivision" as recorded in Liber 33, Page 46 of Plats, Wayne County Records.

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 a minimum 6 feet wide clear unobstructed sidewalk shall be maintained for pedestrian traffic at all times, 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 excess 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, 7303 West McNichols LLC 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 7303 West McNichols 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 7303 West McNichols LLC or then assigns. Should damages to utilities occur 7303 West McNichols 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, That 7303 West McNichols 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 7303 West McNichols LLC or their assigns of the terms thereof. Further, 7303 West McNichols 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

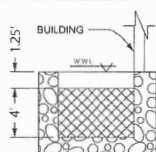
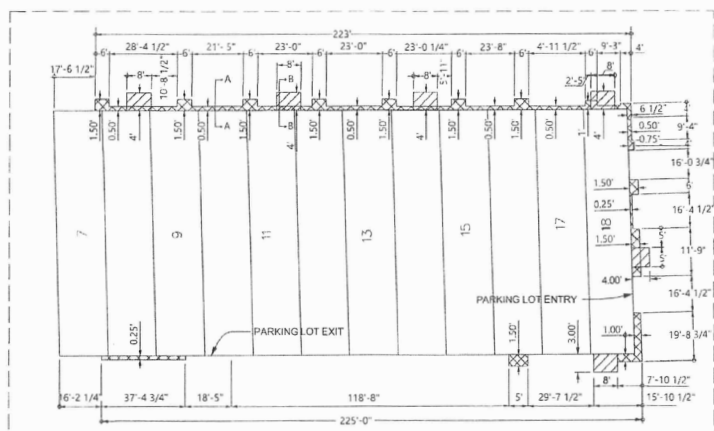
Provided, That construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and 7303 West McNichols LLC acquires no implied or other privileges hereunder not expressly stated herein; and further

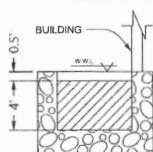
Provided, That the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and be it further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

MAP-22-09
x2022-168



SECTION A-A



SECTION B-B

LEGEND



PROPOSED SUBSURFACE ENCROACHMENT FOR WALL & COLUMN FOOTINGS. SURFACE AREA VARIES AS DIMENSIONED IN DRAWING. ENCROACHMENTS TO BEGIN 1.25 FT BELOW GRADE AND EXTEND TO DEPTH OF 4 FT BELOW GRADE.



PROPOSED SUBSURFACE ENCROACHMENT FOR ENTRY SLAB. SURFACE AREA VARIES AS DIMENSIONED IN DRAWING. ENCROACHMENTS TO BEGIN 0.50 FT BELOW GRADE AND EXTEND TO DEPTH OF 4 FT BELOW GRADE.

(FOR OFFICE USE ONLY)

CARTO 90 A

B				
A	REGION OF SOME ALLEY ENCROACHMENTS	KJ	JD	3/23/22
DESCRIPTION				
REVISIONS				
DRAWN BY	KJ	CHECKED	SA	
DATE	2-21-22	APPROVED	JD	

**MULTIPLE ENCROACHMENTS AT
7303 W MCNICHOLS IN THE BLOCK
BOUND BY W MCNICHOLS RD,
MONICA AVE, GROVE AVE, AND
PRAIRIE AVE.**

**CITY OF DETROIT
CITY ENGINEERING DIVISION
SURVEY BUREAU**

JOB NO.
DRWG. NO. 01-01

Adopted as follows:

Yeas — Council Members Benson, Durhal, III, Johnson, Santiago-Romero, Tate, Waters, Whitfield-Calloway, Young, II and President Sheffield — 9.

Nays — None.

**Department of Public Works
City Engineering Division**

May 20, 2022

Honorable City Council:

Re: Petition No. x2022-169 — DFC QALICB, Inc, request for the below grade encroachment of a drainage pipe and electrical conduits within the public alley lying east of and adjacent to the parcel commonly known as 8324 Woodward Avenue.

Petition No. x2022-169 — DFC QALICB, Inc, request for the below grade encroachment of a drainage pipe and electrical conduits within the public alley, 20 ft. wide, lying east of and adjacent to the parcel commonly known as 8324 Woodward Avenue.

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

The request is being made as part of the development of a new multi-purpose building known as Detroit People's Food Commons.

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