

no objection provided the provisions included in this resolution are met.

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 Wayne State University or their assigns to install and maintain encroachments within the right of way, located within 3rd Street, 164 ft wide, further described as: Land in the City of Detroit, Wayne County, Michigan;

1. 8" Drainage Pipe with standard 3 catch basins, within the westerly part of 3rd Street. 164 ft. wide, being approx. 9.7 ft. east of the westerly right of way line of 3rd Street, beginning from a point that is 195 ft. south from the southwest corner of the intersection of Kirby Street, 60 ft. wide, and 3rd Street, and extends south 284.9 ft. ranging in depth from 18" in depth at the south end and 36" at the north end. From said point being 284.9 ft. south of the southwest corner of the intersection of Kirby Street, 60 ft. wide, and 3 Street and extending 9.7 ft. east of the property line, the drainage line will pivot southwest and continue to a point that is on the westerly line of 3rd Street being 298.9 ft. south from the southwest corner of the intersection of Kirby Street, 60 ft. wide, and 3rd Street. Further described as being within lot 31 of "Plat of Subdivision of the Crane Farm" as recorded in Liber, Page 117 of Plats, Wayne County Records; and within lots 9 through 12 or "Plat of the Subdivision of Block No. 31 Crane Farm" as recorded in Liber 12, P.20 of Plats, Wayne County Records, and that, part of Merrick Avenue originally vacate with reserve of a utility easement by Detroit City Council on May, 10th, JCC 1966, pages 1325-1329, and vacated "outright" by Detroit City Council on June 13th, 2017, JCC page 1193, and all being dedicated for public: right of way by Detroit City Council on February 25th, 1964, JCC page 379.

Provided, That if there is any cost for the removing and/or rerouting of any util-

ity 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, Wayne State University 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 Wayne State University 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 Wayne State University or their assigns. Should damages to utilities occur Wayne State University 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 Wayne State University 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 Wayne State University or their assigns of the terms thereof. Further, Wayne State University 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 Wayne State University 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.

ANTHONY WAYNE DRIVE 164 FT. WD.

KIRBY ST. 60 FT. WD.

WARREN AVE. 30 FT. WD.

FOURTH AVE. 50 FT. WD.

FIFTH AVE. 50 FT. WD.

313' 8" DRAINAGE PIPE DEPTH 18" TO 24" WITH 3 CATCH BASINS

LEGEND

- REQUEST ENCROACHMENT
- PUBLIC RIGHT OF WAY

TABLE

REVISION	DATE	BY	CHKD	APPD	DATE
1	01-11-2022	SA	JD		

CITY OF DETROIT
ENGINEERING DIVISION
SURVEY BUREAU
JOB NO. 01-01
DRWG. NO.

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**

February 10, 2022

Honorable City Council:

Re: Petition No. x2022-42 — King and Cochrane, LLC, request for the outright vacation of the public alley located between Cochrane Street, M. L. King Jr., Trumbull Avenue, and Sycamore Street.

Petition No. x2022-42 — King and Cochrane, LLC, request for the outright vacation of the public alley located between Cochrane Street, 65 ft wide, M. L. King Jr., various width, Trumbull Avenue, 100 ft. wide, and Sycamore Street, 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 made as part of a consolidation of property by adjacent owners.

Traffic Engineering Division – DPW, and City Engineering – DPW, have no objection provided that the provisions listed within this resolution are met.