

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 Innovative Acquisitions LLC or their assigns to install and maintain various encroachments within Washington Blvd., 195 ft. wide, Grand River Avenue, 60 ft. wide, State Street, 60 ft. wide, and the public alley, 20 ft. wide, bounded by Grand River Ave., Washington Blvd., State St., and vacated Park Pl., further described as: Land in the City of Detroit, Wayne County, Michigan;

1. Non-Standard Paving — to be constructed along the westerly berm area of Washington Blvd., 195 ft. wide, lying easterly of and adjacent to lots 5 through 10 of "Section 10 of the Governor's and Judge's Plan" as recorded in Liber 34, Page 553 of deeds, Wayne County Records.

2. Non-Standard Paving — to be constructed along the southerly berm area of Grand River Ave., 60 ft. wide, lying northerly of and adjacent to lot 10 of "Section 10 of the Governor's and Judge's Plan" as recorded in Liber 34, Page 553 of deeds, Wayne County Records.

3. Non-Standard Paving — to be constructed along the northerly berm area of State St., 60 ft. wide, lying southerly of and adjacent to lot 5 of "Section 10 of the Governor's and Judge's Plan" as recorded in Liber 34, Page 553 of deeds, Wayne County Records.

4. Non-Standard Paving — to be constructed within the public alley, 20 ft. wide, lying westerly of and adjacent to lots 8 through 10 and the northerly 22 ft. of lot 7 of "Section 10 of the Governor's and Judge's Plan" as recorded in Liber 34, Page 553 of deeds, Wayne County Records.

5. Planter Boxes — to be constructed in two locations along the westerly part of Washington Blvd., 195 ft. wide, lying easterly of and adjacent to lots 5 through 10 of "Section 10 of the Governor's and Judge's Plan" as recorded in Liber 34, Page 553 of deeds, Wayne County Records. Said planter boxes are to be installed no less than 3 ft. from the property line to allow

adequate pedestrian access and 6 ft. from any utility pole or traffic sign. Said planter boxes are described being 28"L x 28"W x 28"H and shall stand freely (unsecured to the pavement) in their approved locations outside of the Washington Blvd. entry way to the structure at 1249 Washington Blvd.

6. Planter Boxes — to be constructed in two locations along the southerly berm area of Grand River Ave., 60 ft. wide, lying northerly of and adjacent to lot 10 of "Section 10 of the Governor's and Judge's Plan" as recorded in Liber 34, Page 553 of deeds, Wayne County Records. Said planter boxes are to be installed to allow adequate pedestrian access, no less than 3 ft. from the street curb, and 6 ft. from any utility pole or traffic sign. Said planter boxes are described being 28"L x 28"W x 28"H and shall stand freely (unsecured to the pavement) in their approved locations outside of the Grand River side entry way to the structure at 1249 Washington Blvd.

7. Planter Boxes — to be constructed in 11 locations along the north and south sides of the public alley, 20 ft. wide, lying westerly of and adjacent to lots 8 through 10 and the northerly 22 ft. of lot 7 of "Section 10 of the Governor's and Judge's Plan" as recorded in Liber 34, Page 553 of deeds, Wayne County Records. Said planter boxes are to be installed no less than 3 ft. from the property line to allow adequate access through the alley. Said planter boxes are described being 28"L x 28"W x 28"H and shall stand freely (unsecured to the pavement) in their approved locations on either side of the alley.

8. Landscaping Beds — to be constructed along the westerly part of Washington Blvd., 195 ft. wide, lying easterly of and adjacent to lots 5 through 10 of "Section 10 of the Governor's and Judge's Plan" as recorded in Liber 34, Page 553 of deeds, Wayne County Records. Said landscaping areas are to be installed no less than 3 ft. distance from any street curb line, or ADA crosswalk. Said landscaping areas are to be built with a 6" to 8" curb and a protective metal rail surrounding the landscape bed area to be consistent with the design of the street side landscaping areas located along Washington Blvd.

9. Stone benches — to be constructed along the westerly part of Washington Blvd., 195 ft. wide, lying easterly of and adjacent to lots 5 through 10 of "Section 10 of the Governor's and Judge's Plan" as recorded in Liber 34, Page 553 of deeds, Wayne County Records. Said stone benches are to be installed no less than 3 ft. distance from any street curb line, or ADA crosswalk. Said stone benches will be constructed using granite materials and rise 1.5 ft. above grade.

10. Wood Platforms — to be constructed along the westerly part of Washington Blvd., 195 ft. wide, lying easterly of

and adjacent to lots 5 through 10 of "Section 10 of the Governor's and Judge's Plan" as recorded in Liber 34, Page 553 of deeds, Wayne County Records. Said wood platform will be constructed surrounding the parking kiosks adjacent to the curb line and will be constructed to be level with the surrounding grade. Platforms will use the standard slope in proximity to the street curb line.

11. Removable Bollards — to be installed in the public alley, 20 ft. wide, lying westerly of and adjacent to lots 8 through 10 and the northerly 22 ft. of lot 7 of "Section 10 of the Governor's and Judge's Plan" as recorded in Liber 34, Page 553 of deeds, Wayne County Records. Said removable bollards will be installed along the 20 ft. width of the alley. Bollards shall be removed for utility maintenance, emergency response, or City inspection upon request.

12. Decorative Elements in the Public Alley, said public alley lying westerly of and adjacent to lots 5 through 10 of "Section 10 of the Governor's and Judge's Plan" as recorded in Liber 34, Page 553 of deeds, Wayne County Records. Said decorative elements include stone benches, sculptures, and understory trees to be installed within the easterly and westerly 4.5' of said public alley. Said decorative elements shall be constructed above grade and shall be designed in a manner that said elements may be relocated upon notice by the City.

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 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, Innovative Acquisitions 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 Innovative Acquisitions 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 Innovative Acquisitions LLC or their assigns. Should damages to utilities occur Innovative Acquisitions 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

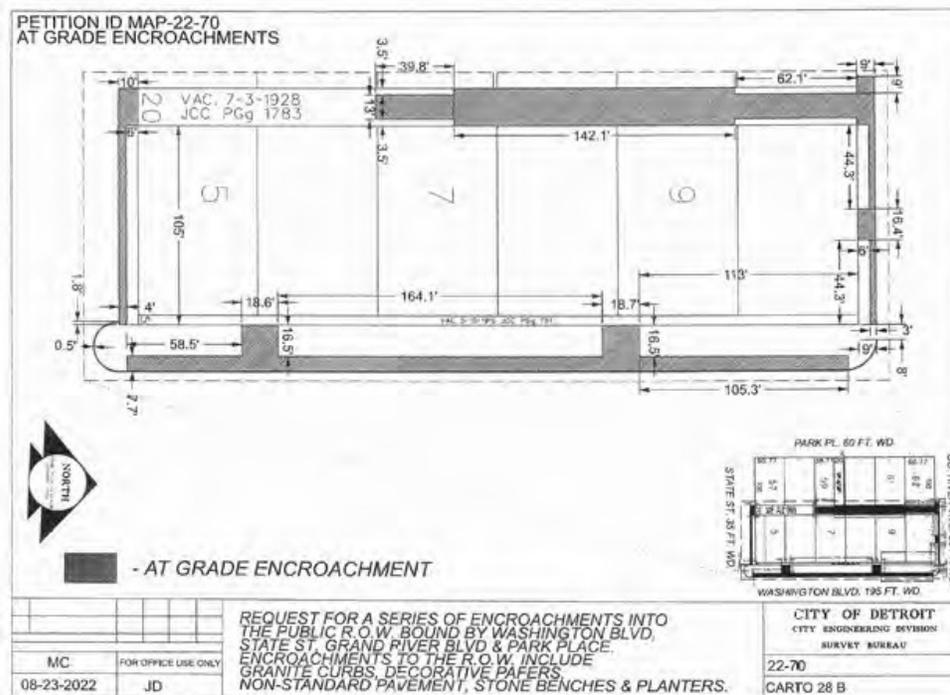
Provided, That Innovative Acquisitions LLC or their assigns shall file with the Department of Public Works — City Engineering Division an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance of Innovative Acquisitions LLC or their assigns of the terms thereof. Further, Innovative Acquisitions 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 Innovative Acquisitions 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.



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**
July 7, 2023

Honorable City Council:
Re: **Petition No. x2022-364** — Innovative Acquisitions LLC, request for various encroachments within Grand River Avenue and the public alley bounded by Grand River Ave., Washington Blvd, State St., and vacated Park Pl.
Petition No. x2022-364 — Innovative Acquisitions LLC, request for various encroachments within Grand River Ave-

and the public alley bounded by Grand River Ave., 60 ft. wide, Washington Blvd., 195 ft. wide, State St., 60 ft. wide, and vacated Park Pl., 60 ft. 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 as part of the renovation plans for the Book Tower, 1249 Washington Blvd.

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,