

Adopted as follows:
 Yeas — Council Members S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9.
 Nays — None.

Department of Public Works
City Engineering Division
 February 12, 2007

Honorable City Council:
 Re: Petition No. 889 — 150 Michigan LLC, request for a permanent encroachment and overhang; the sidewalk along Michigan Avenue, an underground encroachment along Griswold right-of-way, with vacation of right-of-way line at Shelby Street and Michigan Avenue.
 Petition No. 889 of "150 Michigan LLC" whose address is 613 Abbott Street,

Detroit, Michigan 48226 request to install and maintain encroachments within Michigan Avenue, 100 feet wide, Shelby Street, 60 feet wide, Griswold Avenue, 90 feet wide, and the East-West public alley, 20 feet wide with an overhang of the building, foundations, and columns all in the block bounded by Michigan Avenue, 100 feet wide, State Street, 69 feet wide, Griswold Avenue, 90 feet wide and Shelby Street, 60 feet wide; Also requesting to outright vacate the Southerly portion of Shelby Street, 60 feet wide, between State Street, 69 feet wide and Michigan Avenue, 100 feet wide.
 150 Michigan LLC intends to construct a parking garage at 150 Michigan. Part of this construction will require that portion of the new parking structure will encroach with portion of the building overhanging, foundations, and columns at a maximum

February 21

428

2007

of 11.5 feet and a minimum of 5.00 feet within certain rights-of-way. This construction is to accommodate the renovation and parking demands for the Block Cadillac Development.

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

Traffic Engineering Division — DPW (TED), reports the petitioner to must remove and restrict the impacted infrastructure such as but not limited to curb, fire hydrants, catch basins and drainage structures along Michigan Avenue between Griswold and Washington Boulevard in the project area at petitioner's cost. Petitioner must construct all ramps along both sides of Michigan Avenue, Shelby, Griswold and Washington Boulevard within the immediate vicinity of the project to meet current City of Detroit ADA-standards at petitioners cost. The petitioner must coordinate the construction of the traffic signal at Michigan Avenue and Griswold. It will be petitioner's responsibility to make traffic signals operational as directed by Traffic Engineering Division. Also, petitioner is required to submit all plans and specifications and secure approval/permit from all City agencies including Traffic Engineering prior to the construction of the project.

The Fire Department reports petitioner and/or property owner must provide and/or maintain fire-fighting access to the rear (north) section of the proposed parking structure.

The Public Lighting Department (PLD) reports the removing and/or rerouting estimated cost of \$25,000.00. Please note that this figure is only a tentative estimate, base on the projected scope of work as it appears at present. PLD requires 24-hour vehicle access to the construction site to perform circuit and cable maintenance. The contractor must call MISS DIG 72 hours prior to starting any underground construction where they plan the underground encroachment. No structure can be built over PLD installations. As per PLD requirements, any structure proposed to be built shall maintain a minimum of 3-feet horizontal clearance and 12-inch vertical clearance from the PLD conduit bank and manholes. The contractor and/or the petitioner will be liable for any damages to any PLD underground facilities.

The Detroit Water and Sewerage Department (DWSD) reports there are DWSD water mains and sewers located in the North side of Michigan Avenue, and the West side of Griswold Avenue. DWSD have no objection to the proposed encroachments provided that minimum clearances are maintained and DWSD provisions must be followed. Also, DWSD have water mains and sewers located in the request East/West public alley 20 feet

wide, which must remain in service. DWSD have no objection to the proposed encroachment provided that the encroachment is restricted to the bell of pier only encroachments and DWSD provisions must be followed. DWSD have no objection to the overhead encroachment within Michigan Avenue provided a minimum clearance of 16 feet from grade is maintained. Also, DWSD reports the water mains and sewers located in Shelby Street must remain in service and a private easement must be retained.

DTE Energy Gas and Electric Divisions — the Gas Division reports a cost of \$9,858.95 for the rerouting of a 3-inch main around the buildings as shown on plan. The Gas Division must have an easement retained for the requested Shelby vacation to maintain our gas main. The Gas Division have no objection to the requested "overhead and Underground Encroachments" in the requested rights-of-way. The Electric Division reports an estimated cost of \$159,000.00 to remove and/or rerouting of such service.

Comcast Cablevision reports an estimate cost of \$754.00 to remove and/or rerouting of such services.

AT&T Telecommunications reports AT&T has facilities within Shelby Street vacation area. For relocation cost please contact AT&T customer growth group at 1-888-901-2779.

All other involved City departments and privately owned utility companies reported no objections or that satisfactory arrangements have been made.

I am recommending adoption of the attached resolution.

Respectfully submitted,

NADIM HAIDAR

Acting Head Engineer

City Engineering Division — DPW

By Council Member Jones:

Resolved, All that of Shelby Street, 60.00 feet wide, between Michigan Avenue, 100 feet wide and the Southerly right-of-way line of the first East-West public alley 20 feet wide to the North, lying West of and abutting the Westerly line of Lot 52 and lying East of and abutting the Easterly line of Lot 53 all in the "Plan of Section Number Eight in the Territory of Michigan confirmed unanimously by the Governor and the Judges in the 27th Day of April 1807 and order to be a record and to be signed by the Governor and attested by the Secretary of the board, William Hull as recorded in Liber 34 Page 543, Deeds, Wayne County Records;

Be and the same is hereby vacated as public rights-of-way to become part and parcel of the abutting property, subject to the following provisions;

Provided, That the water mains and sewers located in Shelby Street must remain in service and a private easement must be retained for DWSD at all times;

and be it further

Provided, That DTE Gas Division retained a private easement within Shelby Street to maintain gas service in the area; and be it further

Provided, That if there is any addition and/or cost for the removing and/or rerouting of any utility facilities to be done at the expense of the petitioner and/or property owner; and be it further

Whereas, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "150 Michigan LLC" to construct and maintain foundations and building overhang encroachments no greater than 11.5 feet wide, and no less than 5.00 feet wide, from the property line into Michigan Avenue, Griswold Avenue, Shelby Street, and the East-West public alley, 20 feet wide; described as follows:

Land in the City of Detroit, Wayne County, Michigan being all that part of the vertical encroachment below grade to accommodate building foundations within Michigan Avenue, 100 feet wide, lying Southerly of the South Lot line of Lots 50 through 52, both inclusive, in the "Governor and Judge's Plan of Section 8" as recorded in Liber 34 Page 543, Deeds, Wayne County Records, and lying Southerly of the South line of part of Lot 2, and all of Lots 3 and 4 in the "Subdivision of Lot 49, Section 8 Governor and the Judge's Plan, as recorded in Liber 163, Page 120, Deeds, Wayne County Records, as being more particularly described as follows; Commencing at the Intersection of the North Line of Michigan Avenue, 100 feet wide and the West line of Griswold Street, 90 feet wide; Thence, along the North line of said Michigan Avenue, S90°00'00"W, 13.47 feet to the point of beginning; thence, leaving said North line, S00°00'00"E, 5.00 feet; thence S90°00'00"W, 21.33 feet; thence, S00°00'00"E, 6.60 feet; thence, S90°00'00"W, 11.50 feet, to said North line of Michigan Avenue; thence, along said North line, N90°00'00"E, 26.33 feet to the point of beginning (1,435 sq. ft. of land)

Land in the City of Detroit, Wayne County, Michigan being all that part of an encroachment lying within the Michigan Avenue, 100 feet wide, for a 6.50 feet building overhang encroachment, lying Southerly of and abutting the South line of Lots 50 through 52, both inclusive, in the "Governor and Judge's Plan of Section 8" as recorded in Liber 34 Page 543, Deeds, Wayne County Records, and lying Southerly of and abutting the South line of part of Lot 2, and all of Lots 3 and 4 in the "Subdivision of Lot 49, Section 8 Governor and the Judge's Plan, as recorded in Liber 163, Page 120, Deeds, Wayne County Records, as being more particularly described as follows;

Commencing at the intersection of the North Line of Michigan Avenue, 100 feet wide, and the West line of Griswold Street, 90 feet wide; thence, along the North line of said Michigan Avenue, S90°00'00"W, 39.80 feet to the point of beginning; thence, leaving said North line, S00°00'00"E, 6.50 feet; thence S90°00'00"W, 242.67 feet; thence, N00°00'00"W, 6.50 feet to said North line of Michigan Avenue; thence, along said North line, N90°00'00"E, 242.67 feet to the point of beginning (1,577 sq. ft. of land)

Land in the City of Detroit, Wayne County, Michigan being all that part of an vertical encroachment below grade to accommodate building foundations into Griswold Street, 90 feet, Shelby Street, 60 feet wide, and a public alley, 20 feet wide, lying Northerly of and abutting the North line of Lots 50 through 52, both inclusive, in the "Governor and Judge's Plan of Section 8" as recorded in Liber 34 Page 543, Deeds, Wayne County Records, and lying Northerly of and abutting the North line of part of Lots 1 and 2, and all of Lots 3 and 4 all in "Subdivision of Lot 49, Section 8 Governor and the Judge's Plan", as recorded in Liber 163, Page 120, Deeds, Wayne County Records, as being more particularly described as follows; Commencing at the intersection of the North Line of Michigan Avenue, 100 feet wide, and the West line of Griswold Street, 90 feet wide; thence, along the West line of said Griswold Street, N32°54'00"W, 24.73 feet to the point of beginning; thence, continuing along said West line, N32°54'00"W, 94.50 feet to the intersection of said West line with the South line of said public alley; thence, along said South line, S90°00'00"W, 237.39 feet; thence N00°00'00"W, 5.00 feet; thence, N90°00'00"E, 240.01 feet; thence, S32°54'00"E, 89.51 feet; thence, S00°00'00"E, 9.19 feet to said West line of Griswold Street and the point of beginning (1,653 sq. ft. of land);

Encroachments to consist of a building overhang, columns, and foundations that will accommodate the renovation and parking demands for the Book Cadillac Development within the above described areas:

Whereas, Approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the street and alley, and at all time, DWSD, its agents or employees, shall have the right to enter upon the street and alley 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, alter-

ation, servicing or inspection by DWSD 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 street, 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 street and alley shall break or be damaged as the result of any action on the part of the petitioner, then 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, That if at any time in the future the petitioner shall request removal and/or relocation of DWSD's facilities in the street and alley being encroached upon the petitioner agrees to pay all costs for such removal and/or relocation; and be it further

Provided, That the petitioner remove and restrict the impacted infrastructure such as but not limited to curb, fire hydrants, catch basins and drainage structures along Michigan Avenue at petitioner's cost; and be it further

Provided, That the petitioner construct all new ramps along both sides of Michigan Avenue, Shelby, Griswold and Washington Boulevard to meet current City of Detroit ADA standards at petitioners cost; and be it further

Provided, That the petitioner require and submit all plans and specifications to secure approval/permit from all City agencies including Traffic Engineering prior to the construction of the project; and be it further

Provided, That the contractor call MISS DIG 72 hours prior to starting any underground construction where they plan the underground encroachment; and be it further

Provided, That any structure proposed to be built shall maintain a minimum of 3-foot horizontal clearance and 12-inch vertical clearance from the PLD conduit bank

and manholes. The contractor and/or the petitioner will be liable for any damages to any PLD underground facilities; and be it further

Provided, That the "150 Michigan LLC" or its 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; also in accord with plans submitted to and approved by these departments; including the Public Lighting Department (if necessary), and the Traffic Engineering Division — DPW (if necessary); and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by "150 Michigan LLC" or its 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 "150 Michigan LLC" or its assigns. Should damages to utilities occur "150 Michigan LLC" or its assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located within the public rights-of-way, by acceptance of this permission, "150 Michigan LLC" (owners) for themselves, or their assigns, (by acceptance of permits for construction near underground utility lines, conduits, or mains) waives all claims for damages to the encroaching installations and agree to pay all costs incurred in their removal (or alteration), if removal (or alteration) becomes necessary; and further

Provided, That "150 Michigan LLC" shall file with the Finance Department and/or City Engineering Division — DPW an indemnity 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 by "150 Michigan LLC" of the terms thereof. Further, "150 Michigan LLC" shall agree to pay all claims, dam-

ages or expenses that may arise out of the maintenance of the proposed encroachments; and further

Provided, The property owned by "150 Michigan LLC" and the encroachment shall be subject to proper zoning or regulated use (board of Zoning Appeals Grant); and further

Provided, That no other rights in the public streets, alleys or other public places 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, This resolution is revocable at the will, whim or caprice of the City Council, and "150 Michigan 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 further

Resolved, That the resolution originally adopted June 15, 1948 — J.C.C. Pages 1600-01 to construct a pedestrian bridge across the east-west public alley adjoining 150 Michigan and the Rayle Building between Griswold Street, Shelby Street, State Street, and Michigan Avenue, then rescinded and adopted again on June 18, 1968 — J.C.C. Pages 1314-15 for the purpose of changing the name and title holder of the previous resolution to construct a pedestrian bridge across the east-west public alley to connect the 9th and 10th floors of the People's Outfitting Company Building at the Northeast corner of

Michigan Avenue and Shelby Street and the Peter Smith Building at the Southwest corner of Griswold Street and State Street, be and the same is hereby rescinded for the reason the pedestrian bridge is no longer in use and/or the new development of the site with the Parking Structure for the renovations of the Book Cadillac, the pedestrian bridge is unwarranted; and further

Provided, That the demolition of the pedestrian bridge be at no cost to the City of Detroit and all the necessary permits are required for the demolition; and further

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

Resolved, The Planning and Development Department Director is hereby authorized to issue quit-claim deeds to transfer the following described parcel of land for the fair market value and/or other valuable consideration:

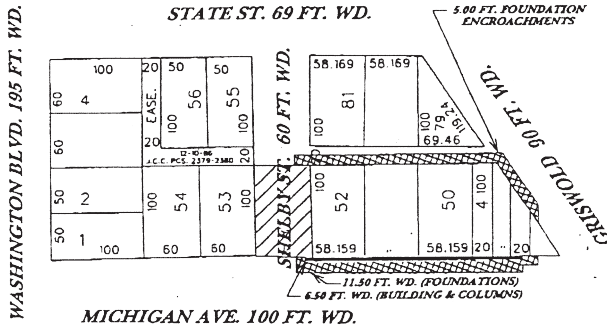
Land in the City of Detroit, Wayne County, Michigan being all that part of Shelby Street, 60.00 feet wide, between Michigan Avenue, 100 feet wide and the Southerly right-of-way line of the first East-West public alley 20 feet wide to the North, lying West of and abutting the Westerly line of Lot 52 and lying East of and abutting the Easterly line of Lot 53 all in the "Plan of Section Number Eight in the Territory of Michigan confirmed unan- imously by the Governor and the Judges in the 27th Day of April 1807 and order to be a record and to be signed by the Governor and attested by the Secretary of the board, William Hull as recorded in Liber 34 Page 543, Deeds, Wayne County Records;

PETITION NO. 889
 150 MICHIGAN L.L.C.
 613 ABBOTT STREET
 DETROIT, MI 48226-2521
 c/o WARREN PAMER
 PHONE NO. 313-442-1208






REVISION

NOTE: ATTACHED ARE DRAWINGS OF PROPOSED ENCROACHMENT DETAILS AND CONTACT PETITIONER IF MORE DETAILS ARE NEEDED.



*ALL OVERHEAD ENCROACHMENTS ARE 16 FT. OR MORE ABOVE GRADE.

-  - FOUNDATION ENCROACHMENTS
-  - OVERHEAD & AT GRADE ENCROACHMENTS (W/ BUILDING & COLUMNS, 15 FT. ABOVE GRADE.)
-  - OUTRIGHT VACATION

				(FOR OFFICE USE ONLY)		CARTO 28b	
B						CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A							
DESCRIPTION				REVISED	DATE	JOB NO. 01-01 DRWG. NO. x889.dgn	
REVISIONS				CHECKED			
DRAWN BY	ahb	CHECKED		APPROVED			
DATE	12/20/06	APPROVED					

Adopted as follows:
 Yeas — Council Members S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9.
 Nays — None.

**Department of Public Works
 City Engineering Division**
 February 7, 2007

Honorable City Council:
 Re: Petition No. 972 — Donald E. Rem, request to vacate a portion of Minneapolis Avenue at 4116 Bluehill Avenue.

Petition No. 972 of "Donald E. Rem" whose address is 4116 Bluehill Avenue, Detroit Michigan, request conversion of the South 35.00 feet wide by 122.06 feet length (recorded) of Minneapolis Avenue, 85.37 feet wide (Deeded to the City of

Detroit on May 21, 1957 JCC Pages 1139-40) between Bluehill Avenue, 30 feet wide and Guilford Avenue, 60 feet wide into a private easement for utilities. The request is to facilitate the petitioner to place fence around the above mention area. The fence area will provide more security to the home, Garden and provide a place for his dog to roam. The petitioner states in a letter address to the City Council that his wife and he have maintained and kept others from dumping trash on this vacant area.

The request was approved by the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW with conditions. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

The Traffic Engineering Division —