

June 24, 1998

JCC pp. 1612-1614

Department of Public Works

June 17, 1998

Honorable City Council:

Re: Petition No. 0367, Mexican Industries, Requesting permission to maintain 18 existing caissons encroaching beneath LaBrosse, E. of Rosa Parks at 1400 Rosa Parks Blvd.

Petition No. 0367 of "Mexican Industries" requests permission to maintain 18 existing underground caissons encroaching about 0.54 feet by 342.33 feet into the southern margin of LaBrosse Street (50 feet wide), east of Rosa Parks Boulevard. The building addressed as 1400 Rosa Parks Boulevard is under construction. The new manufacturing and warehouse facility is an empowerment zone development project.

The encroachment petition was referred to City Engineering Division - DPW for investigation and report. This is our report:

All public right-of-way work, including maintenance, must be subject to city permits, inspection, and specifications. "Mexican Industries (and/or their assigns, White Construction Company)" must obtain permits from City Engineering Division - DPW for any public right-of-way work together with building permits.

Water and Sewerage Department [DWSD], and Michigan Consolidated Gas Company [MCG] reported facilities within LaBrosse. Both MCG and DWSD report no objections to the existing encroachments; but reminds "White Construction" that "Miss Dig" must be used to prevent damages to MCG and/or DWSD services in the public street. Should liabilities occur as a result of the placement or maintenance of eighteen existing underground caissons extending into public street right-of-way "Mexican Industries" shall pay all claims, damages and expenses; also the petitioner, "Mexican Industries", waives all claims for damages to the encroaching installations.

The petitioner must obtain a building permit. However, this encroachment petition involves no other city departments and/or privately owned utility companies.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIJESIMI

City Engineer

By Council Member S. Cockrel:

Resolved, The City Engineering Division - DPW is hereby authorized and directed to issue permits to "Mexican Industries (and/or their assigns, White Construction Company)" to maintain eighteen existing underground caissons extending into the southern public sidewalk space of LaBrosse Street, 50 feet wide, east of Rosa Parks Boulevard; said public street right-of-way adjoining property described (in part) as follows:

The westerly 12.89 feet of Lot 75, the easterly 29.44 feet of Lot 81, and Lots 76

through 80 of "West Side Industrial Subdivision No. 2 of part of Private Claims 22, 23, 24, 27, 246 and 727," City of Detroit, Wayne County, Michigan as recorded in Liber 86, Pages 39 and 40, Plats, Wayne County Records; commonly known as 1400 Rosa Parks Boulevard;

Encroachment(s) to consist of eighteen underground caissons associated with the construction of a new manufacturing and warehouse facility for "Mexican Industries"; each of the caissons encroaching about 0.54 feet (or less) beneath the southern public sidewalk space of LaBrosse Street, 50 feet wide, east of Rosa Parks Boulevard. Said existing encroachment(s) having been shown within the set of plans prepared by BEI Associates, Inc. - Architects & Engineers; 601 West Fort Street, Detroit, MI 48226; phone: 313-963-2300; Client/Project: "Mexican Industries"; Drawing Title: "Office, Manufacturing and Warehouse Foundation Plan"; Drawing No.: "S1.1"; BEI Project No.: "97021"; issued for permit date: January 9, 1998; abutting the above described property; and further

Provided, The petitioner, "Mexican Industries (and/or their assigns, White Construction Company)", shall make application to the Buildings and Safety Engineering Department for a building permit. The eighteen existing underground caisson encroachments shall be installed and maintained in accord with plans submitted to and approved by Buildings and Safety Engineering Department. All costs for plan review, inspection, and building permits shall be paid by the petitioner; and further

Provided, The encroachment(s) owner (at the time of applying for permits) shall file with the Finance Department an indemnity agreement in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages, or expenses that may arise by reason of the issuance of said permits and the faithful or unfaithful performance by the permittee of the terms thereof, and in addition to pay any claims, damages or expenses that may arise out of the maintenance of said building encroachment(s); and further

Provided, That such use of public right-of-way shall be under the rules and regulations of the City Engineering Division - DPW in conjunction with the Buildings and Safety Engineering Department (if necessary). The City of Detroit retains all rights and interests in the full width of said public street right-of-way. Further, the city and all utility companies retain their rights to establish, maintain, inspect and service any utilities within or over said public street; and further