

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Wednesday, October 08, 2008

To: The Department or Commission Listed Below

From: Janice M. Winfrey, Detroit City Clerk

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

DPW - CITY ENGINEERING DIVISION

3009 *Hubert Massey Murals, LLC., request for encroachment in area of West Grand Boulevard, south of Warren for the construction of a public art monument which will recognize and honor individuals who have contributed to the Chadsey/Condon Community.*

September 29, 2008

City of Detroit
City Clerk's Office

PETITION THE CITY COUNCIL FOR AN ENCROACHMENT

I am writing this letter in order to request an emergency hearing with the City Council to obtain a permit to begin construction of the monument. This is a time sensitive matter because the foundation for the monument needs to be constructed and set in place before the cold weather temperatures begin.

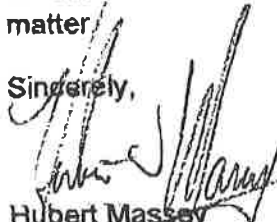
My name is Hubert Massey and I am a professional artist that has been a resident of Detroit for over 25 years. I have worked with the residents for many years of the metro Detroit area to strengthen our communities through the creation of public art.

Recently, I was selected by the Chadsey/Condon Skillman GOOD neighborhood ARTS action team and community+public arts:DETROIT (College for Creative Studies) to develop a public art monument which will recognize and honor individuals who have contributed to the Chadsey/Condon community. This project is part of a city wide public art initiative supported by Skillman, Chase Bank, and the Krasge Foundation.

The community selected location is located on an island on West Grand Boulevard, south of Warren. The monument will be made out of high quality Granite rock and have a Petrograph carving on it that will sit upon a stone pedestal. In addition, the side of the pedestal will bear the names of individuals who have contributed to the community. Each year, the name of a new inductee (selected by the community) will be carved onto the stone. This person will be chosen from a list of nominees identified by the community's elected Board members. On the very top of the stone, the cultures of the ethnic groups in the community will be depicted. The concept for the piece centers on celebration and honoring of these communities.

Your prompt attention to this matter is appreciated. Schematic drawings of the image of the art are included with this request. Please feel free to contact me with any questions regarding this matter.

Sincerely,



Hubert Massey

Hubert Massey Murals, LLC

February 18, 2009

Honorable City Council:

RE: Petition No. 3009 – Hubert Massey Murals, LLC request for encroachment of a monument/statue within the West Grand Boulevard right-of-way south of Warren Avenue.

Petition No. 3009 of “Hubert Massey Murals, LLC” whose address is 2267 Oakman Boulevard, Detroit, Michigan 48238 request permission to install a monument/statue to encroach into West Grand Boulevard, 200 feet wide, 33.00 feet from the West northbound curb lane and South 60.00 feet of the South right-of-way line of West Warren Avenue, 100 feet wide. This monument will recognize and honor individuals who have contributed to the Chadsey/Condon Community. This project is part of a citywide public art initiative supported by The Skillman Foundation, Chase Bank, and Kresge Foundation.

Hubert Massey Murals LLC intends to build and install monument/statue to honor individuals within the community. This monument/statue will be made out of high quality Granite rock and have a petrography carving on it that will sit upon a stone pedestal. The monument/statue will be approximately 8.00 feet in height and will extend approximately 42-inches below grade/ground; also the monument will have a width and length of 24-inches.

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

The Detroit Water and Sewerage Department (DWSD) report that there is an existing storm sewer in the island location, however, DWSD has no objection to the requested encroachment provided that the petitioner follow DWSD’s provisions for the encroachment.

The Public lighting department (PLD) reports that no structure or barricades can be build over PLD installations or on existing utility easement areas. As per PLD requirements, any structures proposed to be built shall maintain 4’1/2” horizontal clearance from the PLD conduit bank and manholes, also 12” horizontal clearance for the overhead PLD lines and installations. The contractor should take necessary precautions not to damage PLD manholes and conduit banks, if they plan to use heavy earth moving equipments. The contractor will be liable for any damages to any PLD underground facilities. PLD require unrestricted easement rights with 24 hrs. heavy vehicles access to the requested area.

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jessy Jacob', written in a cursive style.

Jessy Jacob, City Engineer
City Engineering Division – DPW

NRP:

Cc: Alfred Jordan, Director – DPW
Mayor's Office - City Council Liaison

RESOLVED, The City Engineering Division - DPW is hereby authorized and directed to issue permits to "Hubert Massey Murals, LLC" at 2267 Oakman Boulevard, Detroit, Michigan 48238 to install and maintain a monument/statue approximately 8.00 feet in height and will extend approximately 42-inches below grade/ground; also the monument will have a width and length of 24-inches encroaching into the public rights-of-way being nearby or adjoining property described as follows;

Land in the City of Detroit, Wayne County, Michigan being adjacent to and adjoining Lot 1 of "Amended Plat of Lots 1,2, & 3 of Block 11, Lots 1 & 71 of block 12 Lots 22 to 54, both inclusive, of Block 13 & Lots 25 to 33, both inclusive, of Block 14 of Bela Hubbard's Subdivision of all the rear concession of P.C. 77 lying North of Canfield Avenue", City of Detroit, Wayne County, Michigan as recorded in Liber 25, Page 70 of Plats; being 88.0 feet West of the West property line lying within the public right-of-way and/or the boulevard of West Grand Boulevard, 200 feet wide.

PROVIDED, That nothing in this resolution shall be construed as giving any authority, permission or grant to the permittee for any part of the encroaching of the monument/statue to be placed upon and/or below the surface or underground rights of privately owned property. Enforcement of violations of fire safety regulations and building codes is the responsibility of the Fire Marshal and the Buildings and Safety Engineering Department. The petitioner shall apply to the Buildings and Safety Engineering Department for approval and permits to place the monument/statue on privately owned property (if necessary); and 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 street and at all time, DWSD, its agent or employees shall have right to enter upon the street to maintain, repair, alter, service, inspect, or install its facilities. All cost 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 by DWSD shall 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 borne; and 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 further

PROVIDED, It is the intention of this resolution to authorize the City Engineering Division - DPW (prior to the issuance of "encroachment" permits) to require the permit applicant to perform any reasonable task to protect public property interests including, but not limited to, the submission of engineering plans (containing construction details and distances from property lines) of the proposed encroaching monument/statue. The City Engineering Division - DPW shall require the permit applicant to secure approval(s) of said plans from the Various Departments. Also, the City Engineering Division - DPW may require the permit applicant to secure approval(s) of said plans from Wayne County, the State of Michigan, other city departments (including commissions, authorities, corporations, councils, boards, contractors, and agencies whenever applicable) and/or utility companies; whether Wayne County, the State of Michigan, other city departments and/or utility companies are specifically enumerated in this resolution or not; and further

PROVIDED, Said monument/statue encroachment shall be maintained under the rules and regulations of the City Engineering Division - DPW, the department of Buildings and Safety Engineering (if necessary), and the Fire Marshal (if necessary); and further

PROVIDED, Whenever it becomes necessary to open-cut, drill, bore, jack, occupy or barricade public rights-of-way for additional test holes or maintenance of the monument/statue installation(s), such work shall be according to detailed permit application drawings (to be submitted by the petitioner or their assigns, subject to city department review and stamp approvals) prior to any public right-of-way construction (including, if necessary, adjustments or removals); and further

PROVIDED, That construction under this petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the direction of DWSD, be borne petitioner; and further

PROVIDED, That if DWSD facilities located within the street and/or alley break or be damage as the result of any action on the part of the petitioner, then in such event the petitioner agrees to be liable for all cost incident to the repair, replacement or relocation of such broken or damage DWSD facilities; and further

PROVIDED, That the petitioner shall hold DWSD harmless for any damage to the encroaching device constructed or install under this petition, which may be caused by the failure of DWSD facilities; and further

PROVIDED, That at any time in the future the petitioner shall request removal and/or relocation of DWSD's facilities in the street or alley being encroached upon the petitioner agrees to pay all costs for such removal and/or relocation; and further

PROVIDED, All costs for the construction, maintenance, permits and use of the encroaching monument/statue shall be borne by the petitioner. Should damages to utilities occur the petitioner 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 in the public rights-of-way, by the acceptance of this permission, the petitioner(s) for themselves, their heirs or assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in the removal, if the removal becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Division - DPW at the petitioner's expense; and further

PROVIDED, That the encroaching monument/statue shall be installed and maintained with a secure materials. All public rights-of-way shall be maintained safe and convenient for public travel. The petitioner shall be liable for all claims, demands, costs, damages, expenses, and causes of action of every kind and character arising in favor of any person, or other legal entity on account of personal injuries or death or damage to property caused by or claimed or alleged to have arisen out of failure to properly install and maintain any encroaching monument/statue. The installation and maintenance of said encroachments shall comply with the rules and regulations of the City Engineering Division - DPW and Traffic Engineering Division - DPW; and further

PROVIDED, The petitioner shall file with the Finance Department and/or City Engineering an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims that may arise there from. Also, the petitioner shall be required by the Law Department in conjunction with the Finance Department - Risk Management Division to present proof of financial capability (bonds or insurance) to pay any claims, damages or expenses that may arise as a result of the monument/statue placement, installation or maintenance in public rights-of-way; and further

PROVIDED, That said permittee shall be subject to any tax under the provisions of the General Property Tax Act which may be levied against it pursuant to law; and further

PROVIDED, That no 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 the expense of the permittee 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 at the permittee's sole cost and expense; and further

PROVIDED, That said permits issued by the City Engineering Division - DPW and/or the Buildings and Safety Engineering Department are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinance(s), or resolution(s), or City policies (governing the placement of encroachments in public rights-of-way) are amended to provide for the levying thereafter, of a fee, charge or rental, to be hereafter determined upon, for the occupancy of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said Charter, or code(s), or ordinance(s), or resolution(s), or policies; also said permittee does hereby bind itself thereunto, and to accept said permits on the conditions hereby imposed, and in the event said permittee shall contest the validity of said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said

fee, charge or rental, or upon refusal to pay same, issued permits shall immediately become void; and further

PROVIDED, That the grade shall be maintained in original condition after installation of the monument/statue; and further

PROVIDED, This resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further

PROVIDED, That the petitioner shall apply to and become a participating member of "Miss Dig" to comply with Michigan Public Act 53 of 1974, "Protection of Underground Facilities (460.701 - 460.718)"; and further

PROVIDED, The filing of the indemnity agreement and the securing of the necessary permit(s) referred to herein shall be construed as acceptance of this resolution by the permittee; and further

PROVIDED, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and further

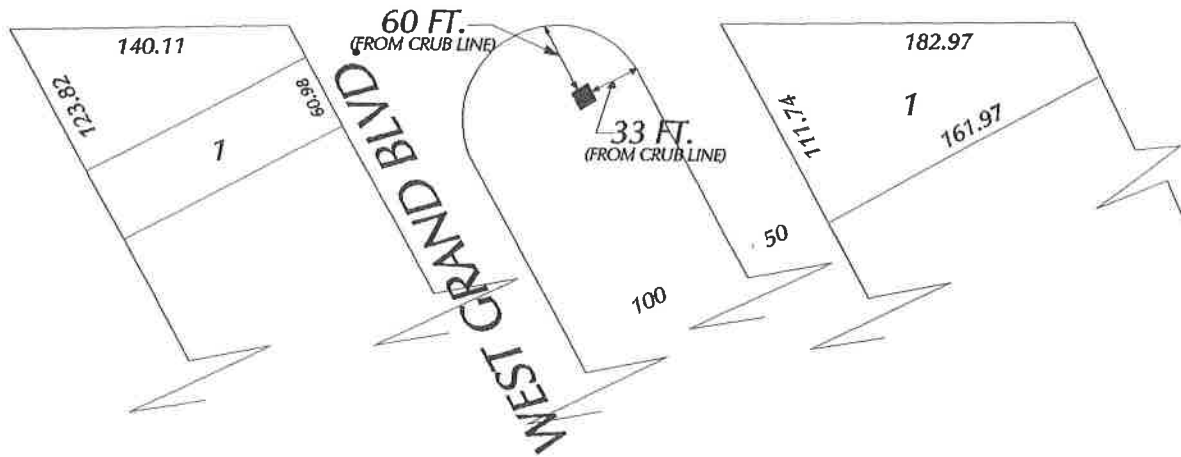
PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds;

HUBERT MASSEY MURALS, LLC
 2267 OAKMAN BLVD.
 DET., MI. 48238
 PHONE NO. 313-737-7396
 FAX NO. 313-935-0714



200 FT.WD.

WEST WARREN AVE. 100 FT.WD.



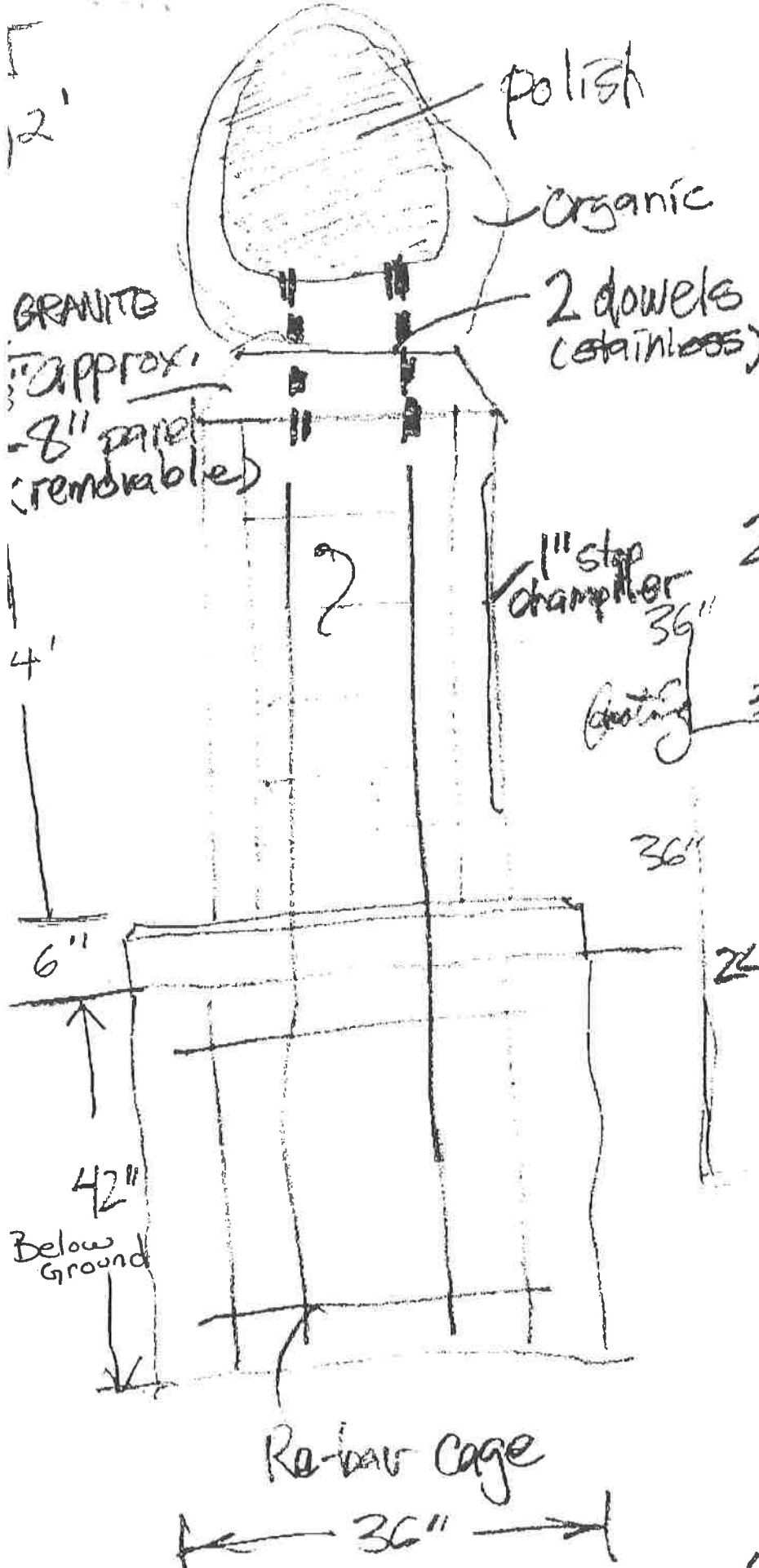
 - AREA OF ENCROACHMENT
 (MONUMENT WITH FOUNDATIONS)

NOTE: PLEASE REVIEW ATTACHED DRAWING FOR MORE DETAILS ON MONUMENT IF YOU HAVE ADDITIONAL QUESTIONS PLEASE CONTACT THE PETITIONER.

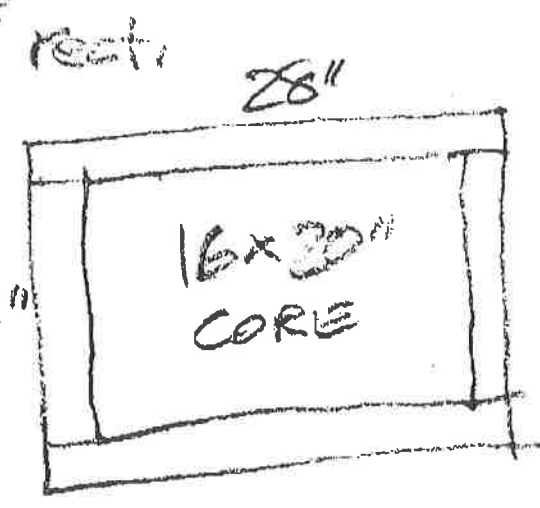
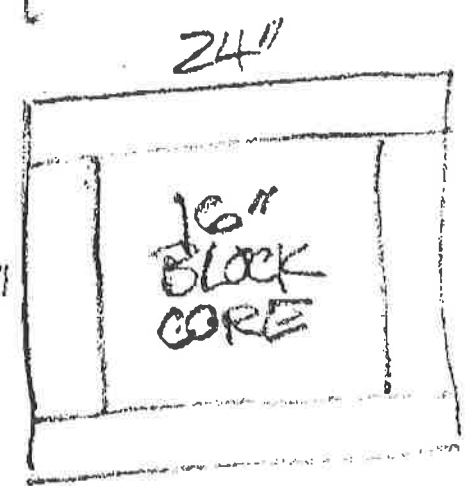
(FOR OFFICE USE ONLY)

CARTO 20C

B						REQUEST TO ENCROACH INTO W. GRAND BLVD. 200 FT.WD. WITH A MONUMENT SOUTH OF WEST WARREN AVE. 100 FT.WD.	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A								JOB NO. 01-01 DRWG.NO. X3009.dgn
DESCRIPTION		DRWN	CHKD	APPD	DATE			
DRAWN BY NP		CHECKED						
DATE 10-15-08		APPROVED						



PLAN VIEW W/ 4" LIMESTONE CLAD SQ.



BOULDER MOUNTING AREA IS APPROX. THE SIZE OF THE CORE (BOULDER CAN BE FLATTENED ON THE BOTTOM)

GRANITE
approx.
8" thick
(removable)

4'
6"
42"
Below Ground

Re-bar cage
36"

1/2" stop chamfer
36"

24"
36"
24"

rest:

40"