

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Wednesday, October 15, 2008

To: The Department or Commission Listed Below

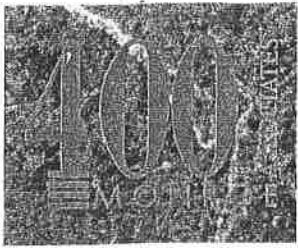
From: Janice M. Winfrey, Detroit City Clerk

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

3017 *400 Monroe, request for "aerial enroachment" for relocation of an existing wall mounted sign from Monroe to Brush for Fishbones Restaurant.*



OCT 08 1:52

CITY CLERK

3017

October 8, 2008

Honorable Council Members
1340 CAYMC
Detroit, MI

RE: Petition request to secure encroachment for relocation of a existing wall mounted sign from Monroe to Brush for Fishbones Restaurant .

Honorable Council Members:

The association of 400 Monroe Associates would like to request an encroachment for installation of a relocated sign for Fishbones Restaurant.

Upon review of the plans submitted to the department of Public Works, Traffic Engineering Division (TED), 400 Monroe Associates understands that the Honorable Council Members would have to approve the " aerial encroachment" for the approval to mount the relocated sign for Fishbones Restaurant.

We respectfully request consideration and approval of this matter at your earliest convenience.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Fred Grogan'.

400 Monroe Associates
400 Monroe Avenue, Suite 480
Detroit, MI 48226



August 31, 2009

Honorable City Council:

RE: Petition No. 3017 – 400 Monroe Associates, request for aerial encroachment for relocation of an existing wall mounted sign from Monroe to Brush for Fishbones Restaurant.

Petition No. 3017 of “400 Monroe Associates” whose address is 400 Monroe Avenue, Suite 480, Detroit, Michigan 48226 request permission to install and maintain a encroachment of a wall mounted sign from Brush Street, 50 feet wide, between Monroe Avenue, and Lafayette Avenue. This request will be a relocation of the wall-mounted sign on Monroe to Brush.

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

Necessary permits will have to be obtained from City Engineering Division – DPW Permit Bureau for any street or alley construction, backfill, or occupancy of the City rights-of-way to install non-standard materials.

The Traffic Engineering Division – DPW (TED) reports no objection provided that the encroachment shall be completely cantilevered and shall not have any support on the sidewalk/grade level, a minimum of 10.00 feet clear height under requested sign encroachment shall be maintained at the ground/sidewalk level, and shall have a minimum of 3.00 feet clearance from the curb line at all times.

The Detroit Water and Sewerage Department (DWSD) reports there is an existing water main in Brush Street, but has no objections to the proposed encroachment provided minimum clearances are maintained.

All other city departments and privately-owned utility companies have requested that the petitioner make use of the “MISS DIG” facilities before any construction, backfill, or occupancy of the City rights-of-way to install non-standard materials in the public (street or alley) rights-of-way. Should damages to the utilities occur, the petitioner shall be liable for all claims and damages related to the encroachment installation.

An appropriate resolution, granting the encroachments, is attached for consideration by your Honorable Body.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jessy Jacob", written over a blue ink scribble.

Jessy Jacob P.E., City Engineer
City Engineering Division – DPW

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 “400 Monroe Associates”, to install and maintain an encroachment of a wall mounted sign within the public right-of-way; said public right-of-way being nearby or adjoining property described as follows:

Lying within Brush Street, 50 feet wide, between Monroe Avenue, and West Lafayette Avenue, adjacent to Lot 3 in the “Plan of Part of the Brush Farm” as subdivided into lots by John Mullett Surveyor (A) Northwest corner of Biddle’s Cornerstore at the intersection of the East line of Randolph Street with the South line of Jefferson (B) intersection of West line of Brush Farm with South line of Jefferson Avenue Wayne County Register of Deeds as recorded in Liber 7 Page 224-5, City Records, Wayne County Records;

Encroachment(s) to consist of “permanently” (meaning more than thirty days, or other long-term duration) installed within public rights-of-way, nearby or adjacent to the above-described property;

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 wall mounted sign to be placed upon the surface or underground rights of privately-owned property. Enforcement of violations of fire safety regulations and buildings code is the responsibility of the Fire Marshal and Buildings and Safety Engineering Department. The petitioner shall apply to the Buildings and Safety Department for approval and permits to place any wall-mounted sign on privately owned property (if necessary); and further

PROVIDED, That the encroachment shall be completely cantilevered and shall not have any support on the sidewalk/grade level, and be it further

PROVIDED, That a minimum of 10.00 feet height clearance shall be maintained at the ground/sidewalk level, and be it further

PROVIDED, That the encroaching signage shall have a minimum of 3.00 feet clearance from the curb line at all times, and be it further

PROVIDED, That Detroit Water and Sewerage Department (DWSD) forces shall have free and easy access to the water main and/or sewer facilities at all times to permit proper operation, maintenance and if required, alteration or repair of the water main and/or sewer facilities. Free and easy access shall mean that no structures or storage of materials will be allowed upon the area of encroachment to hinder the movement of maintenance equipment, and be it further

PROVIDED, That should the water main and/or sewer facilities be broken or damaged as a result of any action on the part of the petitioner or assigns, then such event the petitioner or assigns shall be liable for all costs incident to the repair of such broken or damaged water main and appurtenances, and waives all claims for damages; and be it further

PROVIDED, That the petitioner shall file with the Finance Department and/or City Engineering Division – DPW an indemnity agreement (attached) 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 faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages, or expenses that may arise out of the maintenance of the proposed encroachments; and further

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

PROVIDED, That no other rights in the public streets, alley or other public places shall be consider 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 City Engineering Division – DPW at the permittee sole cost and expense; and further

PROVIDED, That the petitioner shall apply to become a participating member of the “MISS DIG” organization (if necessary); and further

PROVIDED, That said permits issued by the City Engineering Division – DPW and/or the Buildings and Safety Engineering Department(s) 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 the public rights-of-ways) are amended to provide for levying thereafter, of 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 dose hereby bind itself thereunto, and 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, or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; 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, The installation and maintenance of the encroachments referred to herein shall be construed as acceptance of this resolution by the permittee; and further

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

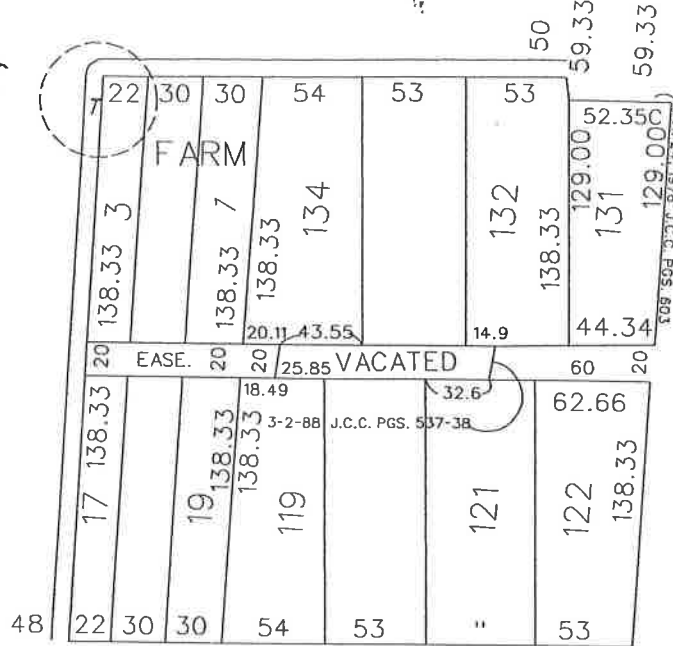
PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.



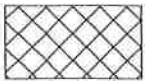
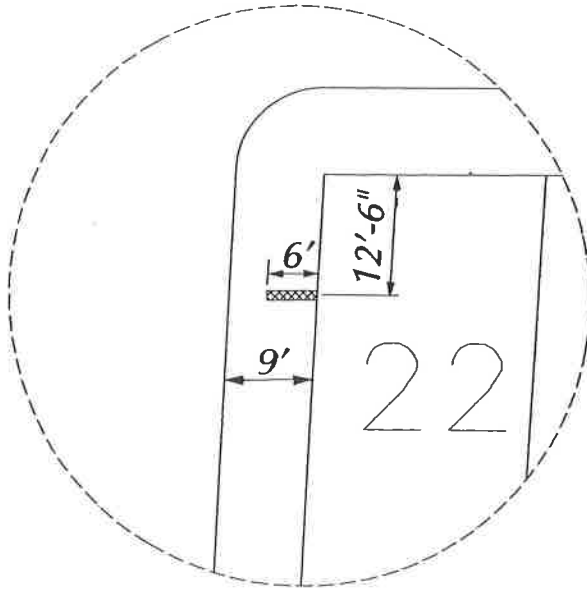
MONROE AVE. 50 FT. WD.

BRUSH ST. 50 FT. WD.

BEAUBIEN ST 60 FT. WD.



LAFAYETTE AVE. 50 FT. WD.



— REQUESTED AREA OF ENCROACHMENT

CARTO 28 A

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED			
KSM					
6/17/09					

REQUEST FOR ENCROACHMENT IN AREA
 BOUNDED BY
 LAFAYETTE, BRUSH, MONROE AND BEAUBIEN

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. x3017(rev)

WRITTEN ACCEPTANCE OF THE TERMS AND CONDITIONS OF DETROIT CITY
COUNCIL RESOLUTION PETITION NUMBER 3017, ADOPTED _____

International Market Place, Inc. ("Permittee") whose address is 400 Monroe, Ste. 480, Detroit, Michigan, 48226, by and through Ted Gatzaros, its President does hereby accept the terms and conditions of the City Council Resolution granting Petition Number 3017, and agrees to comply with its requirements; and further, that pursuant to the said Resolution, Permittee does hereby agree to defend and save harmless the City of Detroit ("The City") from any and all liabilities, obligations, penalties, costs, changes, losses, damages, or expenses (including without limitation, fees and expenses of attorney, expert witness and other consultants) which may be imposed upon, incurred by or asserted against the City by reason of the issuance of said permit(s), or the performance or non-performance by the Permittee of the terms of the permit(s) hereof, or that may rise out of the maintenance of the above described easement by Permittee's personnel, agents, and employees; and Further, that in accordance with the said Resolution, a certified copy of the aforementioned City Council resolution will be recorded in the Office of the Register of Deeds of Wayne County by the City Clerk.

T. Gatzaros

RECEIVED
JUL 24 2009

Wherefore, we have hereunto set our hands on this 16th day of June, 2009.

Witnessed By:

Permittee: International Market Place, Inc.

Richard Hyde
[Signature]

By: [Signature]
Its: PRESIDENT

Approved By Law Department:

[Signature]
Corporation Counsel

7-22-09
Date

[Signature]

