

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, December 18, 2008

To: The Department or Commission Listed Below

From: Janice M. Winfrey, Detroit City Clerk

RECEIVED
JAN 5 2009

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

09186

3107 Wolverine Packing Co., request to install new concrete ramp at 1335 Winder St. within the City of Detroit right-of-way.

NOTE: The Detroit City Council is on recess from:

DECEMBER 10, 2008 through JANUARY 6, 2009

The City Clerk requests that Departments directly handle requests which fall within those dates.

PLEASE EXPEDITE!!!

RECEIVED
CITY ENGINEERING DEPT.
CORRESPONDENCE SECTION
09 JAN -6 PM 3:42

CEJ
TBS
NOEL

390

390

The Honorable City Council
Attn: Office of the City Clerk
200 Coleman A. Young Municipal Center
Detroit, MI 48226

Re: 1335 Winder St.
Wolverine Packing Co.
Ramp Encroachment Petition

Dear City Council,

We are submitting this petition request to install a new concrete ramp within the City of Detroit Right-of-Way. Below we have answered the five petition questions required by the City of Detroit Engineering Department.

1. The petition is being requested by Wolverine Packing Co., 2535 Rivard St., Detroit, MI 48207
2. The petition is being requested to install a 4 foot wide by 15 foot long concrete landing and ramp. (See attached drawings)
3. The proposed landing and ramp would be located at the north side of the building located at 1335 Winder St. The landing and ramp would be on the south side of the Adelaide St. Right-of-Way between Rivard St. and Russell St. (See attached drawings)
4. Wolverine Packing Co. would like this project completed as soon as possible. (See the statement below)
5. The purpose for the proposed landing, ramp and door is to allow access by the Wolverine Packing Co. maintenance personnel to the only non meat processing area within the facility. During operating business hours, 16 hours per day, the USDA does not want maintenance personnel and/or their tools and equipment within the processing areas.

If you have any further questions, please call.

Sincerely,

A. James Bonahoom
President

CC: G. K. Oxley
Oxley and Associates, Inc.

--CITY CLERK--
16 DEC 03 12:21

August 31, 2009

Honorable City Council:

RE: Petition No. 3107 – Wolverine Packing Co. request to encroach with a new concrete ramps in Adelaide Street within the public right-of-way.

Petition No. 3107 of “Wolverine Packing Co.” whose address is 2535 Rivard, Detroit, Michigan request permission to encroach with a sidewalk ramp and a concrete loading ramp into Adelaide Street, 50 feet wide, between Rivard Street, 50 feet wide, and Russell Street, 86 feet wide. This request is needed to allow access for non-meat personnel to areas within the facility during operating business hours.

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 Detroit Water and Sewerage Department (DWSD) reports there is a water main in Adelaide near the area of encroachment, however, DWSD has no objections to the proposed encroachment provided that the provision for the encroachment is strictly followed.

The Street Design Bureau reports that all work done in the sidewalk must meet ADA Ramp specification.

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".

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

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

BY COUNCIL MEMBER _____

RESOLVED, The City Engineering Division – DPW is hereby authorized and directed to issue permits to “Wolverine Packing Company and assigns”, to install and maintain a sidewalk ramp and landing ramp encroaching within public rights-of-way for the purpose of providing access for non-meat personnel to areas within the facility during operating business hours as required by the FDA; said public rights-of-way being nearby or adjoining property described as follows:

Lying within Adelaide Street, 50 feet wide, between Rivard Street, 50 feet wide, and Russell Street, 86 feet wide, adjacent to Lots 4 through 9, both inclusive, all in the “S.B. Morse’s Subdivision of Lot 3 Mullett Farm” north of Gratiot Street – 1852, July 12, 1852 as recorded in Liber 45 Page 452, Deeds, 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 sidewalk ramp and landing ramp to be places 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 sidewalk ramp and landing ramp on privately owned property (if necessary); 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 act in behalf of the city 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 each proposed encroaching sidewalk ramp and landing ramp. 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, any city departments (including city commissions, authorities, corporations, councils, boards, contractors, and agencies whenever applicable) and/or utility companies are specifically enumerated in this resolution or not; and further sidewalk ramp and landing ramp sidewalk ramp; 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 employee, shall have the right to enter upon the street to maintain, repair, alter service, inspect, or install its facilities. All cost incident to the damaging, dismantling, demolish, removal and replacement of structures or other improvement herein permitted and including gaining access to DWSD shall be born by the petitioner. All cost associated with gaining access to DWSD facilities which could normally be expected had the petitioner not encroachment into the street shall born by DWSD; and further

PROVIDED, That all construction performed under this petition shall not be commenced until after (5) five 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, 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 further

PROVIDED, that if DWSD facilities located within the street 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 cost 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 damage to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD facilities; and be it further

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

PROVIDED, That the petitioner shall file with the Finance Department and/or City Engineering Division – DPW 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 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

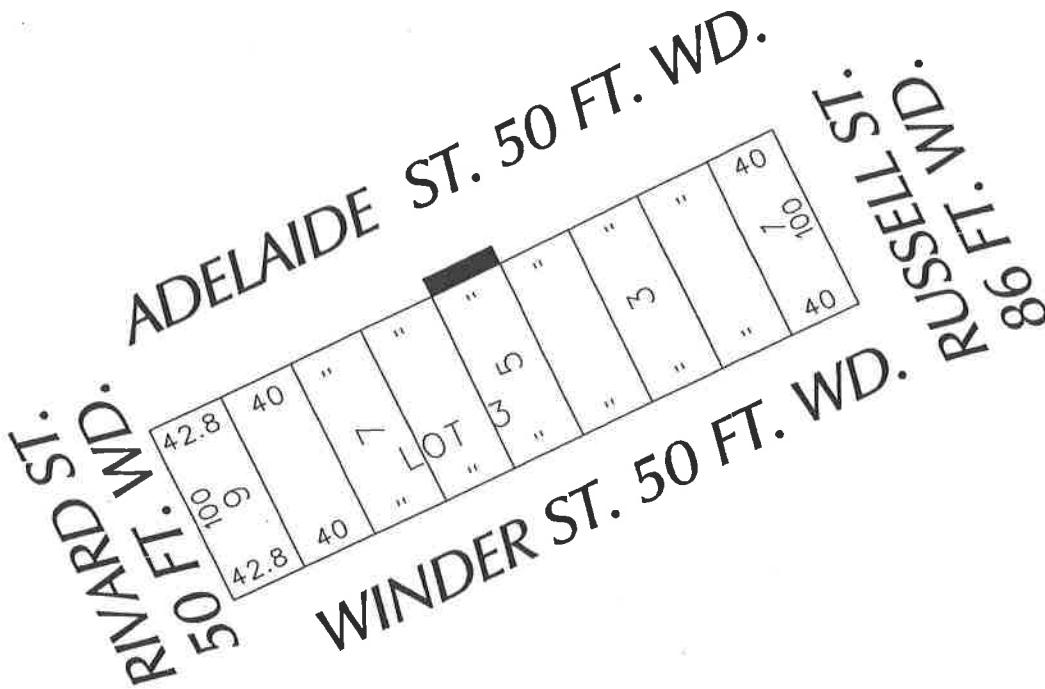
PROVIDED, This resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein;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

2535 RIVARD ST.
 DETROIT, MICHIGAN 48207
 PHONE NO. 313 568 1909
 FAX NO. 313 259 7538
 C/O G.K. OXLEY



 - AREA OF ENCROACHMENT
 (WITH CONCRETE LANDING RAMP)

(FOR OFFICE USE ONLY)

CARTO 39 D

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KM				CHECKED
DATE	4-16-09				APPROVED

REQUEST FOR ENCROACHMENT
 INTO ADELAIDE AT REAR OF 1335 WINDER ST.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x3107dgn

(Sidewalk only) 1335 Windsor

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 INSPECTION BUREAU

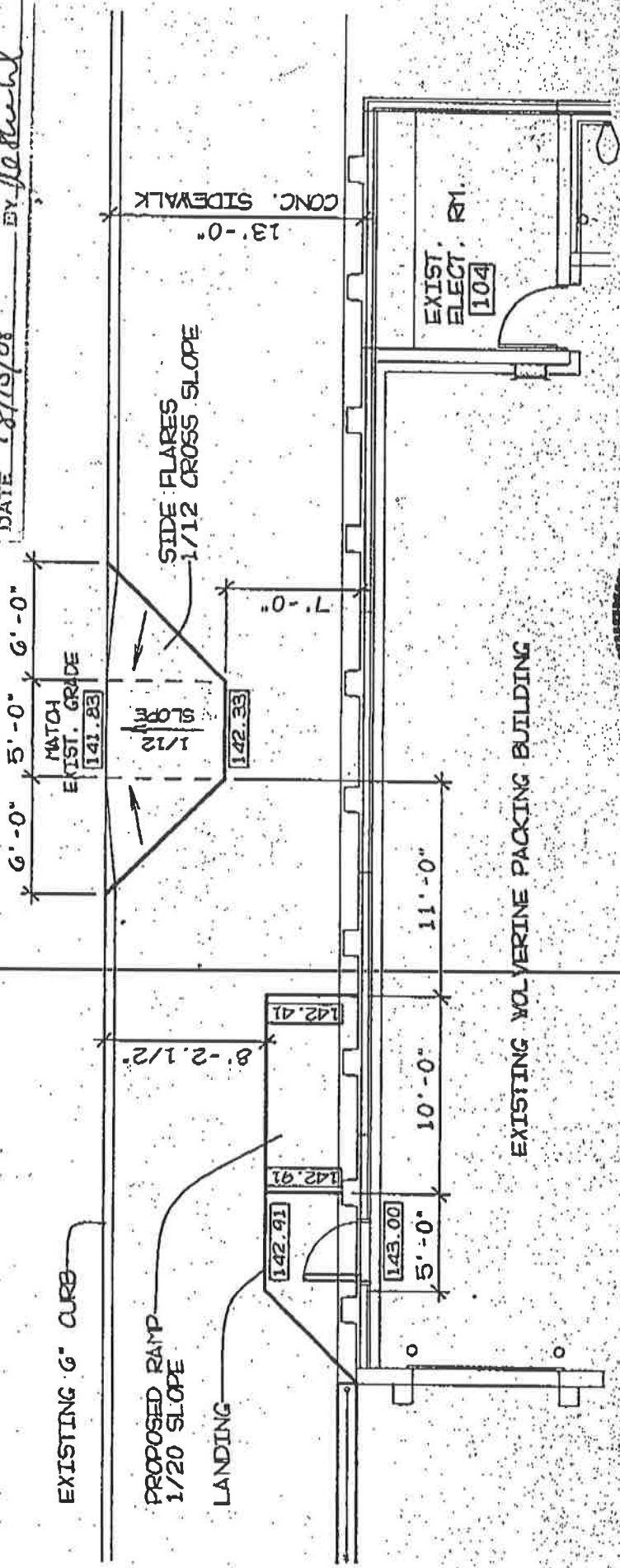
APPROVED *(Signature)*

FOR ISSUANCE OF 1 WORK DAY
 GENERAL CONSTRUCTION PERMIT

★ IF PERMIT HOLDER REQUESTS ADDITIONAL FORFEITURE TIME,
 ADDITIONAL WORK DAY FEES WILL BE REQUIRED.

DATE *12/15/08* BY *pernell*

ADELAIDE STREET
bits Pussers / R. V. M.



*Layout of ramp
 as shown approved
 Sunny P. Webb
 12/10/08*

PLAN VIEW
 SCALE: 1/8" = 1'-0"

**WRITTEN ACCEPTANCE OF TERMS AND CONDITIONS OF DETROIT CITY
COUNCIL RESOLUTION PETITION NUMBER 3107, ADOPTED _____.**

Wolverine Packing Company (“Permittee”) whose address is 2535 Rivard Street, Detroit, Michigan, 48207, does hereby accept the terms and conditions of the City Council Resolution granting Petition Number 3107, 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 attorneys, expert witnesses 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 encroachment 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.

Wherefore, we have hereunto set our hands on this 14TH day of July, 2009.

Witnessed By:

Permittee: Wolverine Packing Company

Wayne A. Lee
Dennis J. Gabel

By: [Signature]
Its: Pres

Approved by Law Department

[Signature]
Corporation Counsel

7-22-09
Date

