

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, October 15, 2009

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

3879 *U-Wash Development Company, LLC, requesting encroachment permit for fence and sign and permit with title within 6.0 feet west of Prest Ave. and 12.0 feet on eastside of Prest.*

LA

Linda G. Anderson
Attorney at Law

2009 2:35

CITY CLERK

13407 Farmington Rd., Suite 102, Livonia, MI 48150-4205
ph: 734.425.0379 - fax: 734.425.5046
email: linda@lindaganderson.com
website: www.lindaganderson.com

2009

October 5, 2009

Honorable City Council
200 Coleman A. Young Municipal Center
Two Woodward Ave.
Detroit, MI 48226

Attention: City Clerk

I represent the interests of U-Wash Development Company, LLC ("U-Wash") which owns property located at 15325 W. Eight Mile Road, Detroit, Michigan ("the Property"). U-Wash also owns the car wash property located to the west (on the other side of Prest Avenue).

The Property was purchased from the City of Detroit ("City") in January, 2004. In order to obtain a Certificate of Occupancy for the Property, the City required U-Wash to fence in the Property and to install other barriers or landscaping to be erected along the east-west alley. A representative of the City came to the Property and met with a representative of U-Wash and instructed U-Wash where to install the fence and where to install the landscaping. Upon completion, the City inspected the Property to determine if U-Wash had appropriately installed the fencing and landscaping. The City agreed that it had, and the City issued U-Wash a Certificate of Occupancy.

It has very recently been brought to U-Wash's attention that the fence, along with a sign that it utilizes inside the fence, is encroaching on City property by a few feet (along with most of the other fencing located in that area). Until a week or two ago, U-Wash believed that all of the property inside the fence belonged to U-Wash, which it has continuously and appropriately maintained. The purpose of this letter is to ask for an encroachment permit for a fence and sign and the encroachment permit/title within 6.0 feet west of Prest Ave. and 12.0 feet on the east side of Prest.

Please contact me at your earliest convenience as to the availability of the encroachment permit and if there is anything else U-Wash needs to supply to you in order to accomplish this task.

We appreciate any assistance you can provide in this matter.

Sincerely,



Linda G. Anderson

LGA/lw
Enclosure (Existing Condition Survey)
(previous encroachment permit dated 12-12-61 JCC pg. 2553)
cc: The Honorable Kenneth Cockrel, Jr.

Specializing in:

Real Estate ♦ Trusts ♦ Wills ♦ Small Business ♦ Bankruptcy
Licensed Real Estate Broker

EXISTING CONDITION SURVEY

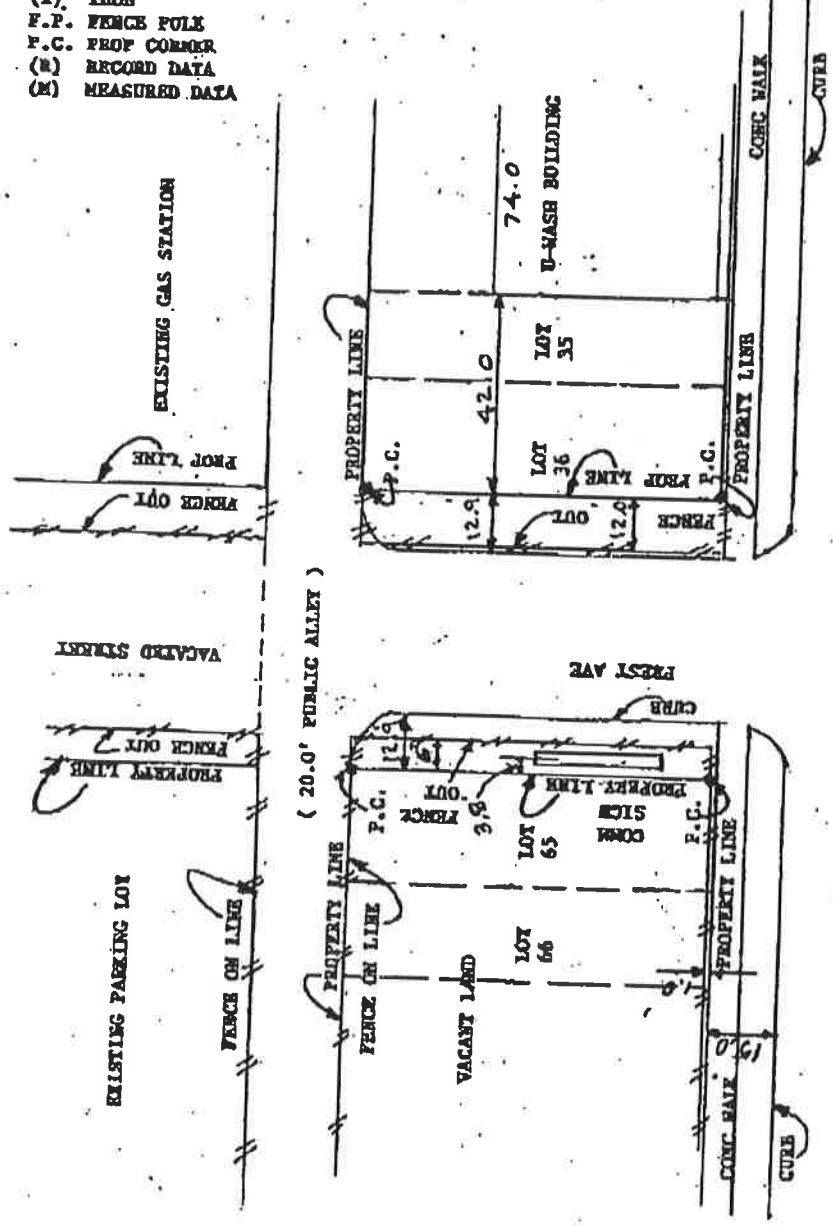
SURVEY NUMBER

PAGE #
 OF #
 DRAWING

LEGEND

- N.M. NOUN MONUMENT
- N.Y. NOUN IRON
- (X) IRON
- F.P. FENCE POLE
- F.C. PROP CORNER
- (R) RECORD DATA
- (M) MEASURED DATA

PER:
 PLAN:
 SCALE 1" = 30'



*NOTE: NOT FOR RECORDING.

SYSTEM'S SEVEN SURVEYING
 LAND SURVEYING
 1563 WOODGATE TROY, LA 46063
 PHONE: 248/258-6902
 FAX: 248/250-9493

CERTIFIED BY _____
 AGENT FOR:
 SYSTEM'S SEVEN SURVEY

ORIGINAL
 REVISION

NOTE: THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER INSTRUMENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE



RECEIVED FEB 11 2011

February 8, 2011

Honorable City Council:

RE: Petition No. 3879 – U – Wash Development Company LLC, requesting for a
encroachment permit for a fence and sign within 6.00 feet on the eastside and 12.00
feet on the westside of Prest Avenue.

Petition No. 3879 of “U – Wash Development Company LLC”, which owns property at 15325 West Eight Mile Road, Detroit, Michigan, request permission to construct and maintain fencing and signage encroaching into 12.00 feet on the westside and 6.00 feet on the eastside of the Prest Avenue right-of-way (60 feet wide), between West Eight Mile Road (204 feet wide) and the first east – west public alley (20 feet wide) south of West Eight Mile Road. The property owner wants to comply with the City requirements of installing barriers and landscaping along said area, also the property owner would like to be responsible and maintain the existing encroachment of the sign in the public right-of-way.

The encroachment of the sign was for the North Lanes Bowling Alley complex. This bowling alley is no longer in service and/or present at this site, so there is no need for this encroachment permit to be permitted to the North Lanes Bowling Alley which was approved on December 12, 1961 – J.C.C. Page 2553.

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

The Public Lighting Department (PLD) reports any structure proposed to be built shall maintain 4 - 1/2 feet of vertical clearance and ten (10) feet of horizontal clearance from any PLD conduit, lines, and installations. The contractors will be liable for any damages to any PLD underground facilities.

Detroit Water and Sewerage Department (DWSD) reports no objection to the encroachments, which was approved by City Council previous petition #12351 filed in December 1961, provided that the provisions for encroachment are strictly followed.

All other involved City departments and privately owned utility companies request the petitioner(s) make use of "Miss Dig" facilities before the construction of the fence and sign take place.



There is an appropriate resolution, granting the encroachment petition, attached for consideration by your Honorable Body.

Respectfully submitted,

Manilal Patel, Interim City Engineer
City Engineering Division - DPW

NRP:

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

BY COUNCIL MEMBER _____

Whereas, The City Engineering Division – DPW is hereby authorized and directed to issue permits to U – Wash Development Company LLC and his/her assign, to install and maintain encroachments within Prest Avenue, 60 feet wide. U – Wash Development Company LLC intends to place a fence and maintain the existing sign in Prest Avenue. The encroachment of the fence will be approximately 12.00 feet from the property line on the Westside of Prest Avenue, 8.00 feet from the property line on the Eastside of Prest Avenue, and the sign 3.8 feet from the property line on the Eastside of Prest Avenue adjacent to the following described property:

Being East of Prest Avenue, 60 feet wide, South of West Eight Mile Road, 204 feet wide, and North of the open public East-West public alley, 20 feet wide lying adjacent to Lot 36 and being West of Prest Avenue, 60 feet wide, South of West Eight Mile Road, 204 feet wide, and North of the open public East-West public alley, 20 feet wide lying adjacent to Lot 65 all in the “ Division Height’s Subdivision” being part of the Northwest ¼ Section 6, T.1S.,R.11E., Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 50, Page 36, Plats, Wayne County Records;

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 agents or employees, 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, 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 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

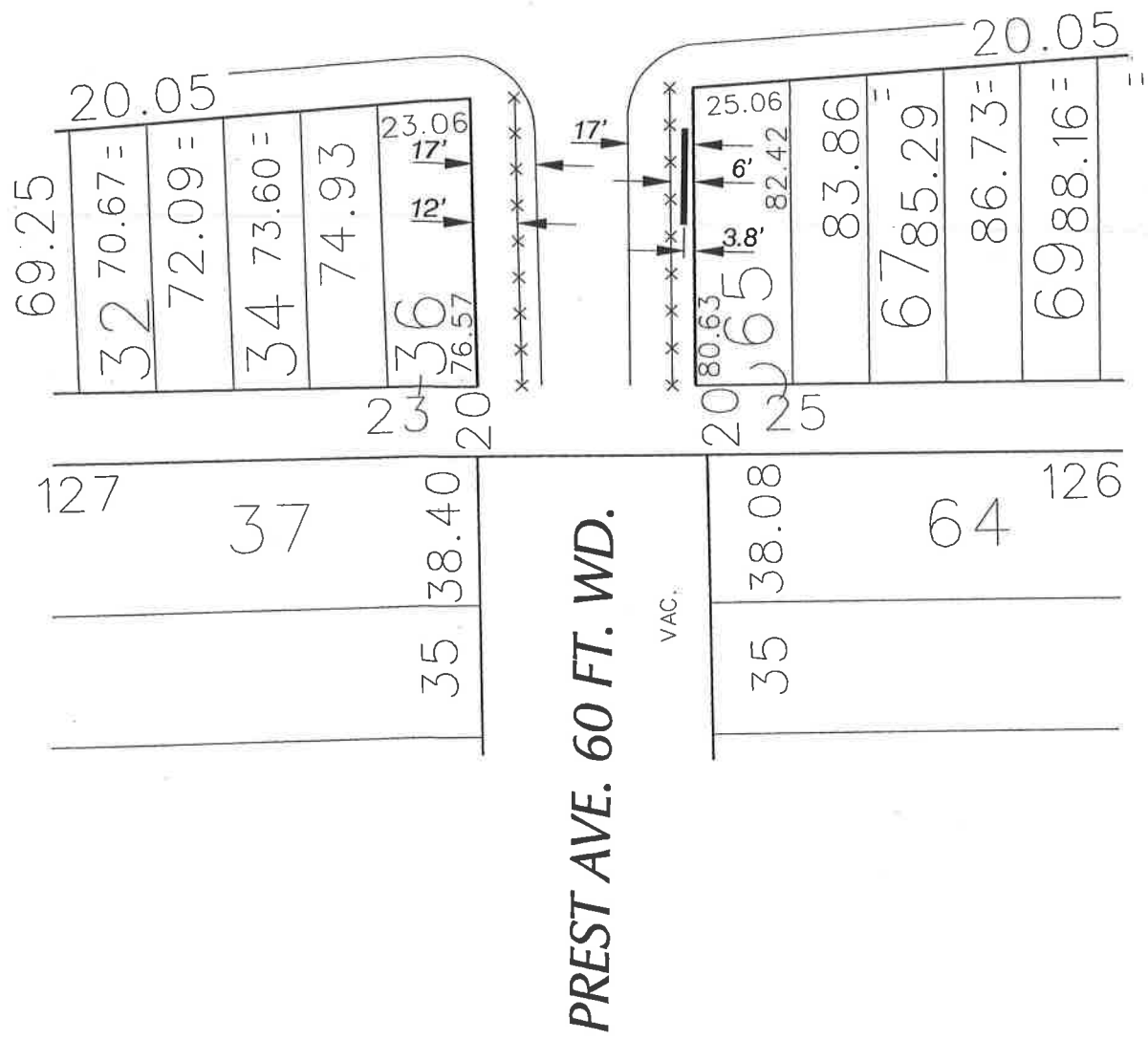
Provided, that all construction performed under this petition shall not be commenced until after (5) days written notice to DWSD. Seventy-two (72) hours notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the Miss Dig one call system, and be it further

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

C-WASTE DEVELOPMENT COMPANY, LLC
 15325 W. EIGHT MILE ROAD
 REPRESENTED BY:
 LINDA ANDERSON
 13407 FARMINGTON RD. SUITE 102
 LIVONIA, MI. 48150
 C/O LINDA ANDERSON
 PHONE NO. 734 425 0379
 FAX NO. 734 425 5046



EIGHT MILE ROAD 204 FT. WD.



AREA OF ENCROACHMENT w/SIGN
 * * * * * AREA OF ENCROACHMENT w/FENCE

(FOR OFFICE USE ONLY)

CARTO 87 C

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED			
KM					
11-13-09					

REQUESTED ENCROACHMENT
(With Fence and Sign)
AT
AREA SOUTH OF WEST 8 MILE ROAD
ON PREST AVE.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x3879.dgn

WRITTEN ACCEPTANCE OF THE TERMS AND CONDITIONS OF DETROIT
CITY COUNCIL RESOLUTION PETITION NUMBER 3879, ADOPTED _____

U-Wash Development Co., LLC ("Permittee") whose address is 31876 Northwestern Highway, Farmington Hills, MI 48334, does hereby accept the terms and conditions of the City Council Resolution granting Petition Number 3879, 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 witness and other consultants) which may be imposed upon, incurred by or asserted against the City by reason of the insurance 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 9th day of March, 2010

Witnessed By:

Linda B. Anderson
Linda B. Anderson

U-WASH DEVELOPMENT CO., LLC

By: *Mauricio Mickam*
Mauricio Mickam, Its Member

Theresa A. Willyard
Theresa A. Willyard.

RECEIVED
MAR 31 2010

Approved By Law Department



Corporation Counsel

3/30/10

Date

U-WASH DEVELOPMENT COMPANY, LLC
 15325 W. EIGHT MILE ROAD
 REPRESENTED BY:
 LINDA ANDERSON
 13407 FARMINGTON RD. SUITE 102
 LIVONIA, MI. 48150
 C/O LINDA ANDERSON
 PHONE NO. 734 425 0379
 FAX NO. 734 425 5046



EIGHT MILE ROAD 204 FT. WD.



PREST AVE. 60 FT. WD.

VAC.



AREA OF ENCROACHMENT w/SIGN



AREA OF ENCROACHMENT w/FENCE

(FOR OFFICE USE ONLY)

CARTO 87 C

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
KM					
DATE		APPROVED			
11-13-09					

REQUESTED ENCROACHMENT
 (With Fence and Sign)
 AT
 AREA SOUTH OF WEST 8 MILE ROAD
 ON PREST AVE.

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