

FAX TRANSMITTAL

Office of the City Clerk

Coleman A Young Municipal Center
Two Woodward Avenue, Suite 200
Detroit, Michigan 48226

Telephone: (313) 224-2070 Fax: (313) 224-2075

Thursday, December 17, 2009

No. of Pages 4

FROM: Ms. Kim Newby, Junior Assistant City Council Committee Clerk

SUBJECT: **Petition #3932, James H. Cole Home for Funerals, Inc., request to allow parking lot screen wall at 16100 Schaefer Hwy. to encroach a maximum of three feet into closed north/south alley.**

FAX TO THE FOLLOWING DEPARTMENT(S):

Ms. Jessy Jacob, Director

DPW - City Engineering Division

(313) 224-1464

RECEIVED
JAN 08 2010

85A
□

Attachment

CEN/TED

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Wednesday, December 16, 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

3932 *James H. Cole Home for Funerals, Inc., request to allow parking lot screen wall at 16100 Schaefer Hwy. to encroach a maximum of three feet into closed north/south alley.*

NOTE: **The Detroit City Council is on recess from:**

NOVEMBER 23, 2009 through JANUARY 5, 2010

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

PLEASE EXPEDITE!!!

James H. Cole Home for Funerals, Inc.

MAIN CHAPEL
2024 West Grand Blvd.
Detroit, Michigan 48208
(313) 873-0771

www.jameshcole.com

NORTHWEST CHAPEL
13631 Puritan Ave.
Detroit, Michigan 48227
(313) 835-3997

--CITY CLERK *Karla M. Cole, Manager*

Gail A. Washington, Manager

~~20 NOV 19 3 26~~

November 18, 2009

11-20-09P03:34 RCVD

City Clerk
200 Coleman A. Young Municipal Center
Two Woodward Avenue
Detroit, MI 48226
ATTN: Honorable City Council

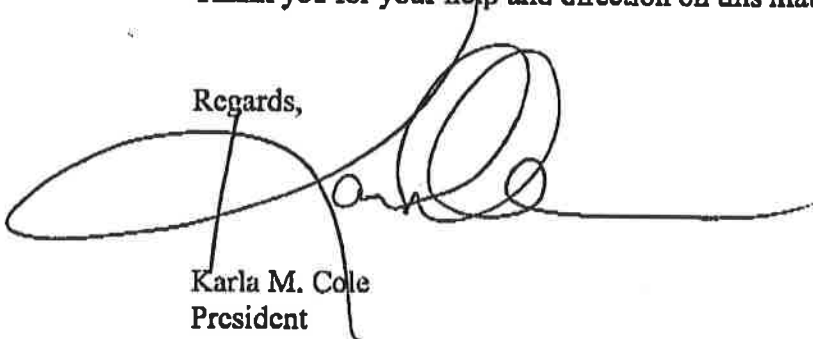
RE: Petition to encroach into closed alley of James H. Cole Home for Funerals

Honorable City Council,

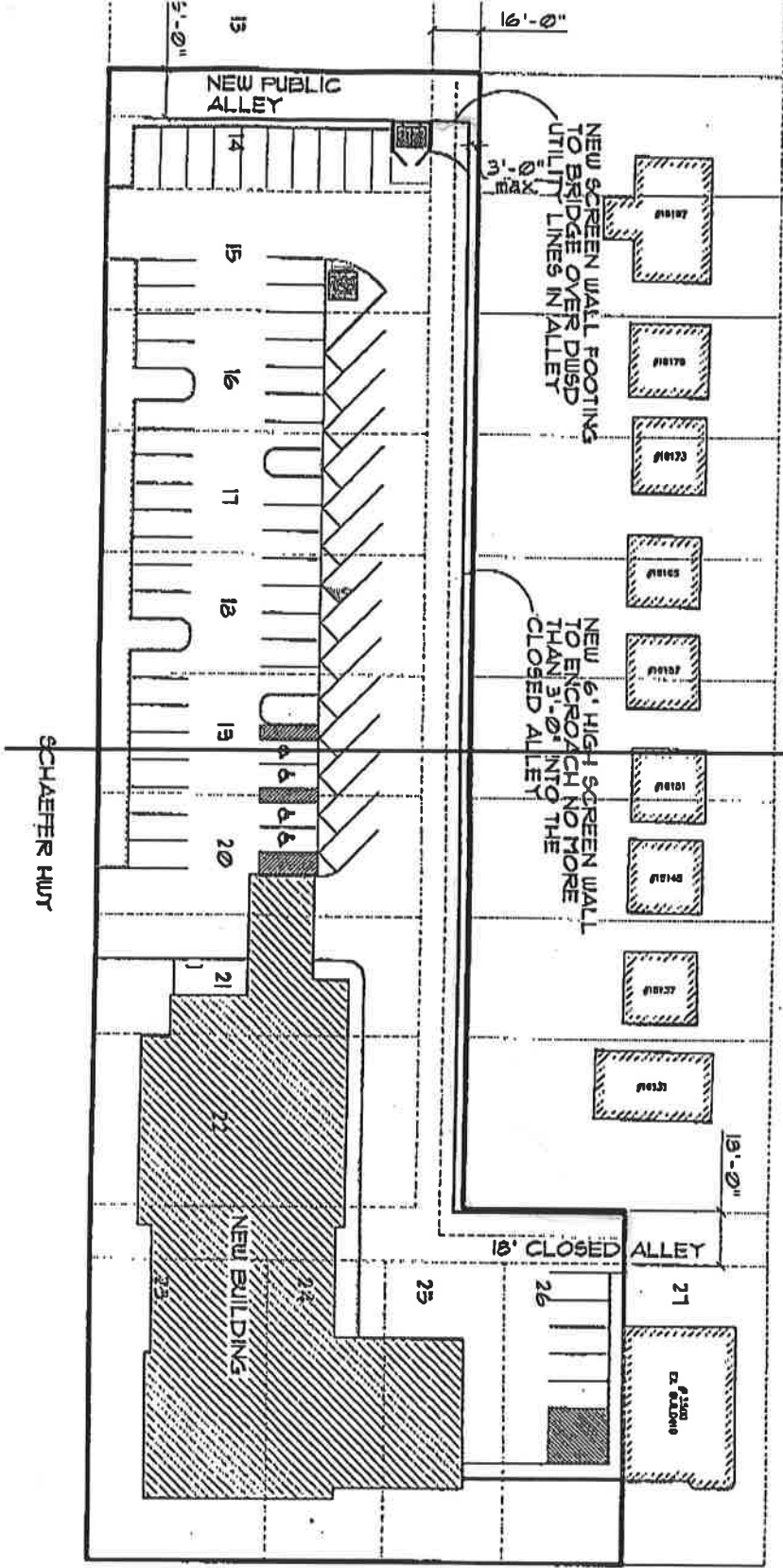
We would like to petition the council to allow our parking lot screen wall to encroach a maximum of three feet into the closed north/ south alley at the James H. Cole Home for Funerals facility located at 16100 Schaefer Hwy. Please see the attached drawing for the proposed location of the screen wall.

Thank you for your help and direction on this matter.

Regards,



Karla M. Cole
President



PURITAN ST



Cole's Home
for Funerals
1600 SCHAEFER HWY



April 30, 2010

Honorable City Council:

RE: Petition No. 3932 – James H. Cole Home for Funerals Inc. request to allow parking lot screen wall at 16100 Schaefer Hwy to encroach a maximum of three feet into closed north/south alley.

Petition No. 3932 of “James H. Cole Home for Funerals Inc”, whose address is 2024 West Grand Boulevard, Detroit, Michigan 48208, request permission to maintain and install a brick screen wall and non-brick screen at certain locations into the 16 and 18 feet wide public alley, vacated and converted into an easement on November 20, 2009 in the area North of Puritan Avenue, 66 feet wide, and between Schaefer Highway, 86 feet wide, and Hartwell Avenue, 60 feet wide. This request is needed to comply with Planning and Development Department requirements and to ensure the space needed for day-to-day funeral operations.

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 Public Lighting Department (PLD) reports having an overhead lighting circuit running in the alley going east – west north of Puritan. PLD requires 24-hour vehicle access to this site/facility to perform circuit maintenance.

The Detroit Water and Sewerage Department (DWSD) reports the wall between lot no. 27 and 28 be removable provided that the attached provision for encroachment is strictly followed. In particular, the provision stipulates that DWSD has the right to enter the alleys at anytime to maintain, repair, alter, service, inspect or install its facilities and that all cost incident to these DWSD activities shall be borne by the petitioner.

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,


Manilal Patel, Interim City Engineer
City Engineering Division – DPW

NRP/

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

BY COUNCIL MEMBER _____

Whereas, Petition No. 3932 of "James H. Cole Home for Funerals Inc" whose address is 2024 West Grand Boulevard, Detroit, Michigan 48208 request to maintain encroachments into the East - West public alley, 18 feet wide, and the North - South public alley, 16 feet wide with a six (6) feet tall brick screen wall and six (6) feet tall non-brick (vinyl) screen wall at certain locations in the area North of Puritan Avenue, 66 feet wide, between Hartwell avenue 60 feet wide, and Schaefer Highway, 86 feet wide. This request is needed to comply with Planning and Development Department requirements and to ensure the space needed for day-to-day funeral operations.

RESOLVED, The City Engineering Division - DPW is hereby authorized and directed to issue permits to "James H. Cole Home for Funerals Inc." to install and maintain encroachments into the East - West and North - South public alleys, with a six (6) feet tall brick screen wall and six (6) feet tall non-brick (vinyl) screen at certain locations all encroachments lying within the East - West public alley, 18 feet wide and the North - South public alley 16 feet wide, attached is a site plan drawing detailing the location of the six (6) feet tall brick screen wall and six (6) feet tall non-brick (vinyl) screen at certain locations; adjacent to the following described property:

Lying within the East - West, 18 feet wide, and North - South, 16 feet wide, public alleys in the area North of Puritan Avenue, 66 feet wide, and between Schaefer Highway, 86 feet wide, and Hartwell Avenue, 60 feet wide, adjacent to Lots 28 through 38, both inclusive, and Lots 14 and 15 all in the "Monnier-Puritan Subdivision" of part of the South 1/2 of the Northwest 1/4 of Section 17, T.1S.,R.11E., Greenfield Township, Wayne County, Michigan as recorded in Liber 42, Page 6, Plats, Wayne County Records;

Whereas, Approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the alleys, and at all time, DWSD, its agents or employees, shall have the right to enter upon the alley to maintain, repair, alter, service, inspect or install its facilities. All costs 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 and inspection by DWSD shall be borne by the petitioner. All cost associated with gaining access to DWSD's facilities, which could normally be expected had the petitioner not encroached into the alleys shall be borne by DWSD, and further

Provided, all construction performed under this petition shall not be commenced until after five (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, 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

PROVIDED, That if DWSD facilities located within the alleys shall break or be damaged as the result of any action on the part of the petitioner, then such event the petitioner agrees to be liable for all costs 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 damages to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

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

Provided, that construction of the six feet screen wall between lots 27 and 28 in the east-west alley is not approved/allowed, and further

Provided, that no structure can be built over PLD installations, as per PLD requirements, any structure proposed to built shall maintain a minimum of 10 feet horizontal clearance for the overhead PLD lines and installations. The contractor will liable for any and all damages to any PLD underground or overhead facilities; and further

PROVIDED, The petitioner, "James H. Cole Home for Funerals Inc and/or their assign" shall make application to the Building and Safety Engineering Department for a building permit (if necessary). The brick wall project (a six feet tall brick screen wall and non-brick (vinyl) screen wall) encroachments shall be installed and maintained in accord with plans submitted to and approved by Building and Safety Engineering Department and/or City Engineering Division. All cost for plan review, inspection, and building permits shall be paid by the petitioner; and 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, defend 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 such use of the public rights-of-way shall be under the rules and regulations of the City Engineering Division in conjunction with the Building and Safety Engineering Department (if necessary). The City of Detroit retains all rights to establish, maintain, inspect, and service any utilities within or over said public alley; and further

PROVIDED all costs for the construction, maintenance, permits, and use of the brick wall project encroachment(s) within the said public right-of-ways shall be borne by the petitioner. The installation and maintenance of said encroachment(s) shall comply with the rules and regulations of the City Engineering Division – DPW (in conjunction with Buildings and Safety Engineering Department, if necessary), and Traffic Engineering Division – DPW; and further

PROVIDED, If it becomes necessary to repair or replace the utilities located or to be located in the public right-of-ways, by the acceptance of this permission, the brick wall project encroachment(s) owners for themselves, their heirs or assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Division – DPW (in conjunction with Buildings and Safety Engineering Department, if necessary) at the encroachment owner's expense; 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 brick wall project encroachment(s) shall be removed at any time when so directed by the City Council, and the public/easement property affected shall be restored to a condition satisfactory to the City Engineering Division – DPW; 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 right-of-ways 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 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, 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 encroachments [that is, the six (6) feet tall brick wall and non-brick (vinyl) wall project in the area North of Puritan Avenue, 66 feet wide, and between Schaefer Highway, 86 feet wide, and Hartwell Avenue, 60 feet wide; said brick wall project encroachments require the filing of an indemnity agreement and the securing of the necessary permit(s)] referred to herein shall be construed as acceptance of this resolution by "James H. Cole Home for Funerals Inc and/or their assign"; and further

PROVIDED, That the six (6) feet tall brick wall and non-brick (vinyl) wall project encroachment(s) 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 and indemnity agreement with the Wayne County Register of Deeds

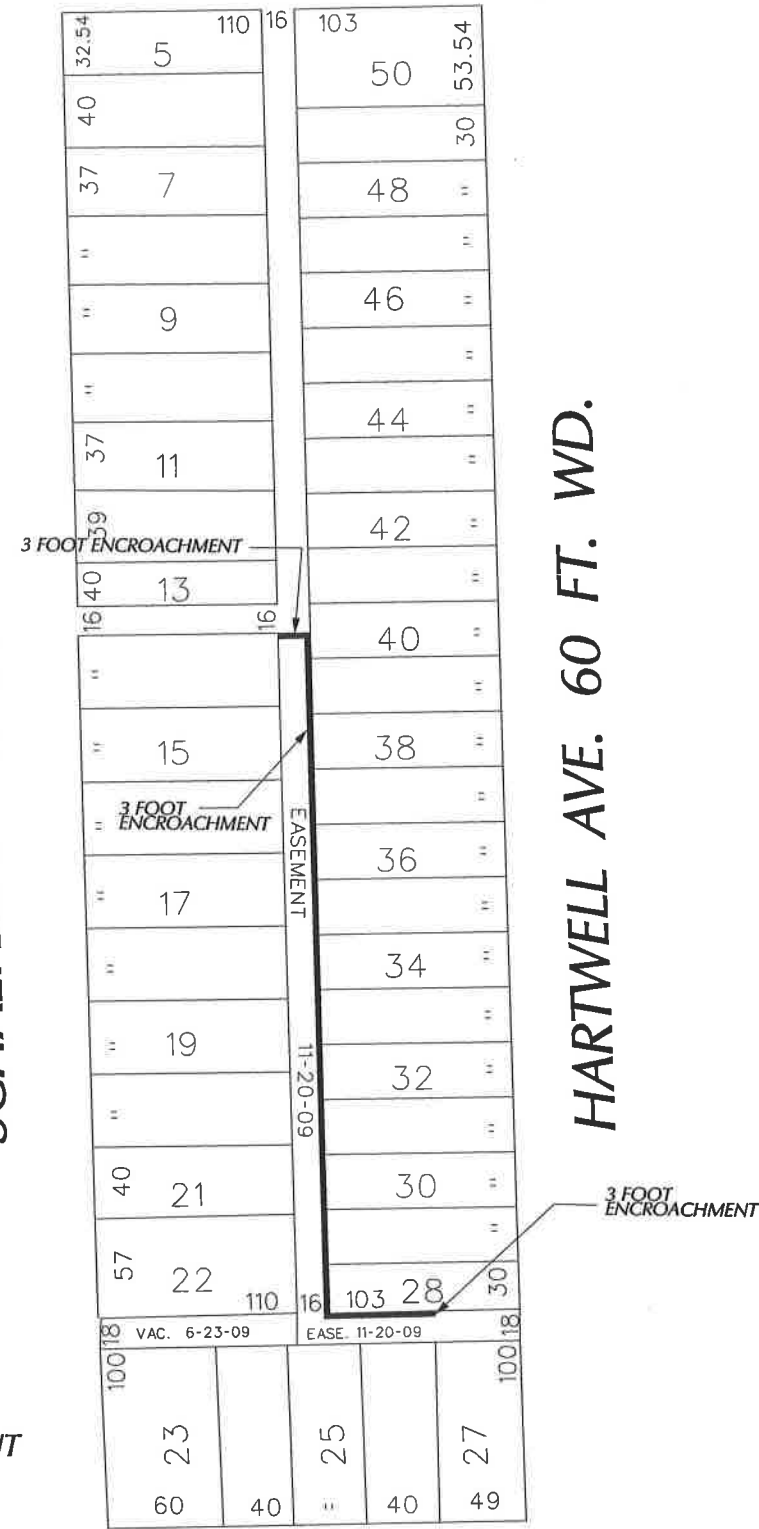
PETITION NO. 3932
 JAMES H. COLE HOME FOR FUNERALS, INC.
 2024 WEST GRAND BLVD.
 DETROIT, MICHIGAN 48208
 C/O KARLA COLE
 PHONE NO. 313 873 0771

FLORENCE 50 FT. WD.



SCHAEFER HWY. 86 FT. WD.

HARTWELL AVE. 60 FT. WD.



AREA OF ENCROACHMENT

PURITAN AVE. 66 FT. WD.

(FOR OFFICE USE ONLY)

CARTO 85 A

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KSM		CHECKED		
DATE	01-20-10		APPROVED		

**REQUEST TO ENCROACH AS SHOWN
 IN ALLEYS BOUND BY
 SCHAEFER, PURITAN, HARTWELL
 AND FLORENCE**

**CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU**

JOB NO. 01-01

DRWG. NO. X3932.dgn



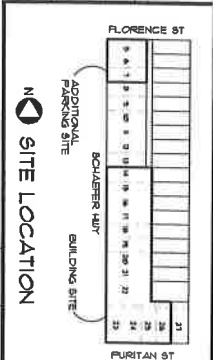
SITE PLAN
SCALE: 1" = 20'-0"

Schaefer Hwy.
(76' wide)

Hartwell St.
(60' wide)

Puritan St.
(66' wide)

- COMBINED MANHOLE RM 181.75
12" N. INV 175.50
12" E. INV 171.60
12" S. INV 175.70
- PUBLIC LIGHTING MANHOLE RM 181.43
- CATCH BASIN RM 180.95
6" N. INV 172.95
6" N. INV 177.95
- CATCH BASIN RM 180.95
6" E. INV 178.25
- GATE VALVE & WELL RM 181.58
12" H-S 2" PIPE INV 176.58
- PUBLIC LIGHTING MANHOLE RM 181.50
- CONC. TRANS. PAD
- GATE VALVE & WELL RM 181.41
- GATE VALVE & WELL RM 181.53
12" H-S 2" W 1/2" PIPE INV 175.03



S-1

ARCHITECTS

Berry, Cass & Assoc.
10000 Old County Rd.
Suite 100
Charlotte, NC 28226
704.366.1111

ENGINEERED FACILITY PLAN

OWNER: THE CITY OF CHARLOTTE

PROJECT: PURITAN ST. OVERPASS

DATE: 06/23/20

SCALE: AS SHOWN

PROJECT NO: 180000

DATE: 06/23/20

SCALE: AS SHOWN

PROPOSED FACILITY PLAN

OWNER: THE CITY OF CHARLOTTE

PROJECT: PURITAN ST. OVERPASS

DATE: 06/23/20

SCALE: AS SHOWN

PROJECT NO: 180000

DATE: 06/23/20

SCALE: AS SHOWN

LEGEND

WRITTEN ACCEPTANCE OFF THE TERMS AND CONDITIONS OF DETROIT
CITY COUNCIL RESOLUTION PETITION NUMBER 3932 , ADOPTED _____

James H. Cole Home for Funerals ("Permittee") whose address is 16100 Schaefer Highway, Detroit, Michigan 48235, does hereby accept the terms and conditions of the City Council Resolution granting Petition Number 3932, 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, charges, 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 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.

RECEIVED
MAY 19 2010

Wherefore, we have hereunto set our hands on this 5 day of May, 2010

Witnessed By:

[Signature]

Tiffany Erwin

Permittee: James H. Cole Home for Funerals

By: [Signature]

Its: President

Approved By Law Department

[Signature]
Corporation Counsel

5-18-10
Date

RECEIVED
MAY 10 2010

STATE OF MICHIGAN }
 }ss.
COUNTY OF WAYNE }

On this 5th day of May, 2009, before me, a Notary Public in and for said County, appeared Karla M. Cole to me known personally, who being duly sworn, did say that she is the President of James H. Cole Home for Funerals and that the Written Acceptance of the Term and Conditions of the City of Council Resolution Approving Petition No. 3932, adopted on May 5, 2010, was signed on behalf of said corporation be authority of its Board of Directors.

Eylonne J. McKinney
Notary Public

EYLOUKE J. MCKINNEY
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Sep 6, 2011
SIGNED IN COUNTY OF Wayne

RECEIVED
MAY 14 2009