



CITY OF DETROIT  
CITY ENGINEERING DIVISION  
DEPARTMENT OF PUBLIC WORKS

COLEMAN A YOUNG MUNICIPAL CENTER  
SUITE 601  
TWO WOODWARD AVENUE  
DETROIT, MICHIGAN 48226-3473  
PHONE 313 • 224 • 3949  
FAX 313 • 224 • 3471

April 30, 2015

Honorable City Council:

**RE: Petition No. 2991 – Ss. Peter and Paul Jesuit Church and Warming Center request to address the proposed construction of an exterior egress stair and accessible ramp in the Right-of-Way for the Saints Peter and Paul Jesuit Church and Warming Center located at 438 St Antoine Street.**

Petition No. 2991 - Ss. Peter and Paul Jesuit Church and Warming Center whose address is 438 St. Antoine Street, Detroit, Michigan 48226 request to install and maintain an encroachment with a stair and handicap ramp at the existing building entrance on St. Antoine Street, 50 feet wide.

The request is being made as part of a renovation plan for the Warming Center including exterior and interior work. The handicap ramp is needed to provide access for the disabled.

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

The request was approved by Street Maintenance – DPW and Sanitation – DPW. Street Design – DPW has approved the request provided a minimum width of 5 feet is maintained for pedestrians.

Traffic Engineering Division - DPW (TED), reports being involved. TED originally objected to the proposed encroachment because the proposed layout did not maintain the necessary 5 feet for pedestrian traffic. TED recommended the requested stair and handicap ramp be adjusted to allow a minimum 5 feet clear sidewalk. Subsequently, the layout plans were revised and TED reports no objection, provided certain requirements are met. The TED requirements have been made a part of the attached resolution.

Detroit Water and Sewerage Department (DWSD) reports having facilities in the encroachment area, but has no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution.

DTE Energy Gas reports involvement, but no objection provided the encroachment will not affect the existing Gas Service Line to 438 St. Antoine Street. The attached resolution contains a provision protecting the existing Gas Service Line.

**Michael Duggan. MAYOR**



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All other involved City departments and privately owned utility companies reported no objections. Provisions protecting all utilities in the encroachment area are a part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

Richard Doherty, P.E., City Engineer  
City Engineering Division – DPW

JK/

Cc: Ron Brundidge, Director, DPW  
Mayor's Office – City Council Liaison

**Michael Duggan. MAYOR**

BY COUNCIL MEMBER \_\_\_\_\_

**RESOLVED**, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Ss. Peter and Paul Jesuit Church and Warming Center whose address is 438 St. Antoine, Detroit, Michigan 48226 or their assigns for an encroachment with a stairway and handicap ramp on the east side of St. Antoine Street, 50 feet wide, south of Larned Avenue, 60 feet wide and north of Jefferson Avenue, 210 feet wide, and described as: Land in the City of Detroit, Wayne County, Michigan being part of St. Antoine Street, 50 feet wide beginning 9.0 feet south of the south line of Larned Avenue, 60 feet wide, and ending 36.33 feet south of the south line of Larned Avenue and being 5.00 feet or less in width, and adjoining Lot 4, south of Larned Avenue "Plat of part of the Antoine Beaubien Farm" as recorded in Liber 27, Page 197 of Deeds, Wayne County Records.

**PROVIDED**, That if there is any cost for the removing and/or rerouting of any utility facilities, it shall be done at the expense of the petitioner and/or property owner; and be it further

**PROVIDED**, 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 right-of-way, and at all times, DWSD, its agents or employees, shall have the right to enter upon the right-of-way 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 or inspection caused by the encroachment 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 right-of-way, 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

**PROVIDED**, That if DWSD facilities located within the right-of-way 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 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 right-of-way being encroached upon the petitioner agrees to pay all costs for such removal and/or relocation; and be it further

PROVIDED, That the contractor call MISS DIG 72 hours prior to starting any underground construction where they plan the underground encroachment; and be it further

PROVIDED, That the encroachment shall not affect the Existing Gas Service Line that feeds # 438 S. St Antoine Ct. Otherwise contact Michcon Gas Company Public Improvement Department: Jay Williams at 313 389-7303 (Supervisor) or Laura Forrester at 313 389-7261 (Gas Planner), for the estimated cost of the Michcon services in abandoning/removing and/or relocating, including the survey, design and drawing of the Michcon facilities.

PROVIDED, That the petitioner maintain a minimum clear sidewalk width of 5 feet in front of the stairway and handicap ramp at all times to allow for pedestrian traffic.

PROVIDED, That the petitioner shall also be responsible to construct sidewalk adjacent to/around the existing electric vault located south of the proposed encroachment; and the sidewalk shall be finished and made flush (level) with the sidewalk surrounding it.

PROVIDED, That Ss. Peter and Paul Jesuit Church and Warming Center or its assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division – DPW prior to any public right-of-way construction; and further

PROVIDED, that the necessary permits shall be obtained from the City Engineering Division – DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; also in accord with plans submitted to and approved by these departments; including the Public Lighting Department (if necessary), and the Traffic Engineering Division – DPW (if necessary); and further

PROVIDED, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Ss. Peter and Paul Church and warming Center and further

PROVIDED, That all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments shall be borne by Ss. Peter and Paul Jesuit Church and Warming Center or its assigns. Should damages to utilities occur Ss. Peter and Paul Jesuit Church and Warming Center or its assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

PROVIDED, That Ss. Peter and Paul Jesuit Church and Warming Center shall file with the Finance Department and/or City Engineering Division – DPW an indemnity 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 the faithful or unfaithful performance by Ss. Peter and Paul Jesuit Church and Warming Center of the terms thereof. Further, Ss. Peter and Paul Jesuit Church and Warming Center shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

PROVIDED, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed 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; and further

PROVIDED, This resolution is revocable at the will, whim or caprice of the City Council, and Ss. Peter and Paul Jesuit Church and Warming Center acquires no implied or other privileges hereunder not expressly stated herein; 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 and indemnity agreement with the Wayne County Register of Deeds.

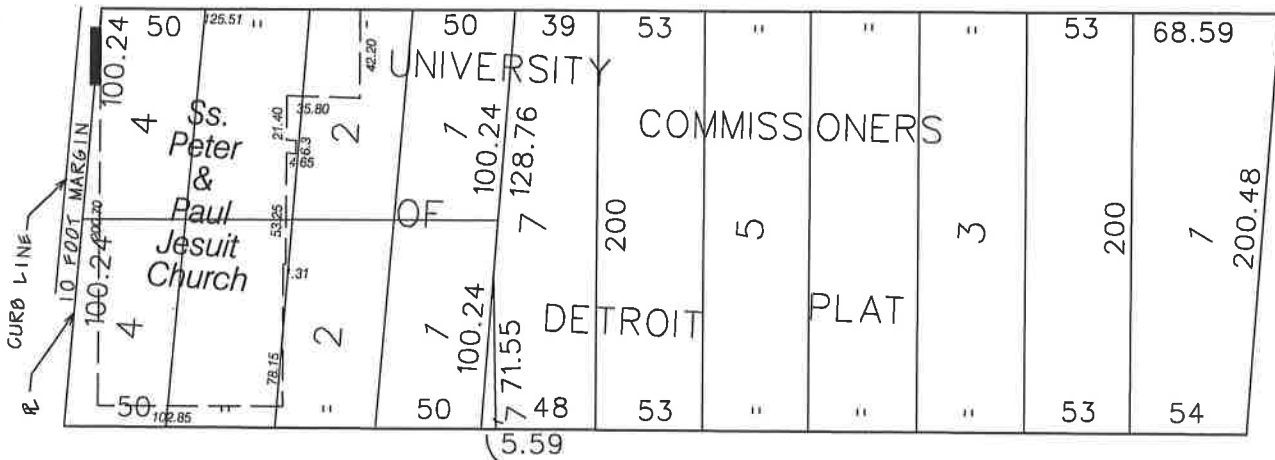
PETITION NO. 2991  
 Ss. PETER AND PAUL JESUIT CHURCH AND WARMING CENTER  
 438 SAINT ANTOINE STREET  
 DETROIT, MICHIGAN 48226  
 PHONE NO 313 961 8077



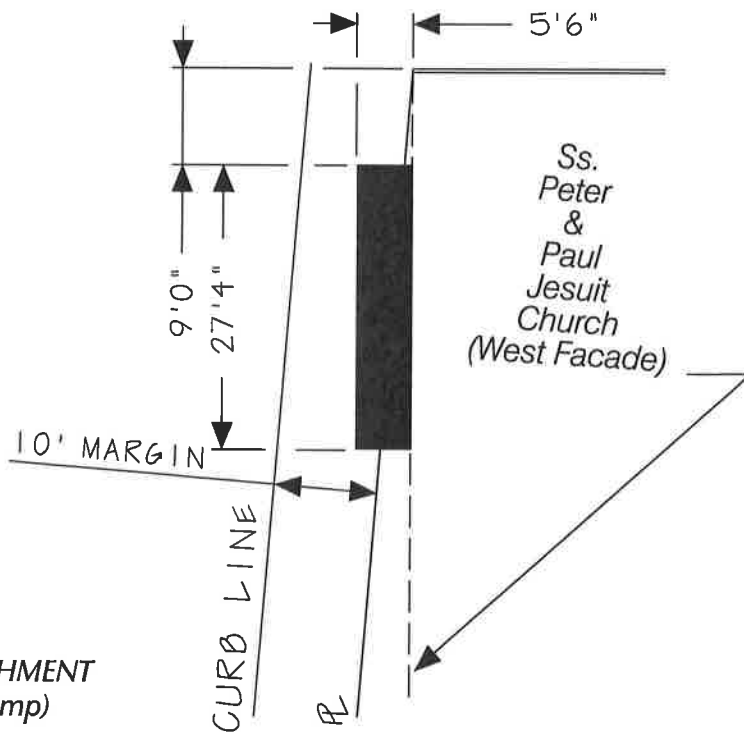
ST. ANTOINE ST. 50 FT. WD.

LARNED ST. 60 FT. WD.

WALTER P. CHRSLER EXPRESSWAY



EAST JEFFERSON AVE. 210 FT. WIDENING



 - AREA OF ENCROACHMENT  
 (With Stair and Ramp)

(FOR OFFICE USE ONLY)

CARTO 28 F

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	KSM	CHECKED			
DATE	12-13-13	APPROVED			

**REQUEST FOR ENCROACHMENT  
 INTO ST. ANTOINE ST.  
 50 FEET WIDE  
 (With Stair and Ramp)**

<b>CITY OF DETROIT</b>	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 2991