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**FAX TRANSMITTAL**

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**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

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*Friday, December 06, 2013**No. of Pages 6***FROM:** *Mr. Andre Gilbert II, Junior Assistant City Council Committee Clerk***SUBJECT:** *Petition #3024, Temple Plaza Hotel Inc., request to renovate/update the façade located at 432 E. Lafayette. The new design of the old original columns encroach the city property by 3 inches.*

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**FAX TO THE FOLLOWING DEPARTMENT(S):**

Mr. Robert Anderson, Director

Planning and Development Department (313) 224-1629

Mr. Richard Doherty, City Engineer

DPW - City Engineering Division (313) 224-1464

**Attachment**

**City of Detroit**  
OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Friday, December 06, 2013*

**To:** *The Department or Commission Listed Below*

**From:** *Janice M. Winfrey, Detroit City Clerk*

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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.

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DPW - CITY ENGINEERING DIVISION    PLANNING AND DEVELOPMENT DEPARTMENT

**3024**    *Temple Plaza Hotel Inc., request to renovate/update the façade located at 432 E. Lafayette. The new design of the old original columns encroach the city property by 3 inches.*

JULY

**Temple  
Plaza Hotel  
Inc.**

**Bouzouki Club  
1600 Clay  
Detroit, Michigan 48211  
(313) 872-4000**

**December 6, 2013**

**The Honorable City Council  
Attn: Office of the City Clerk  
2 Woodward Avenue  
Detroit, Michigan 48226**

**Our organization is in the process of renovating/updating the facade located at 432 E. Lafayette. The original Bouzouki night club has been operating in Detroit for over 35 years. The new design of the old original columns encroach the city property by 3 inches. As a business owner in the Greek town district; we are committed to beautifying our property.**

**Thank you for your cooperation in this matter.**

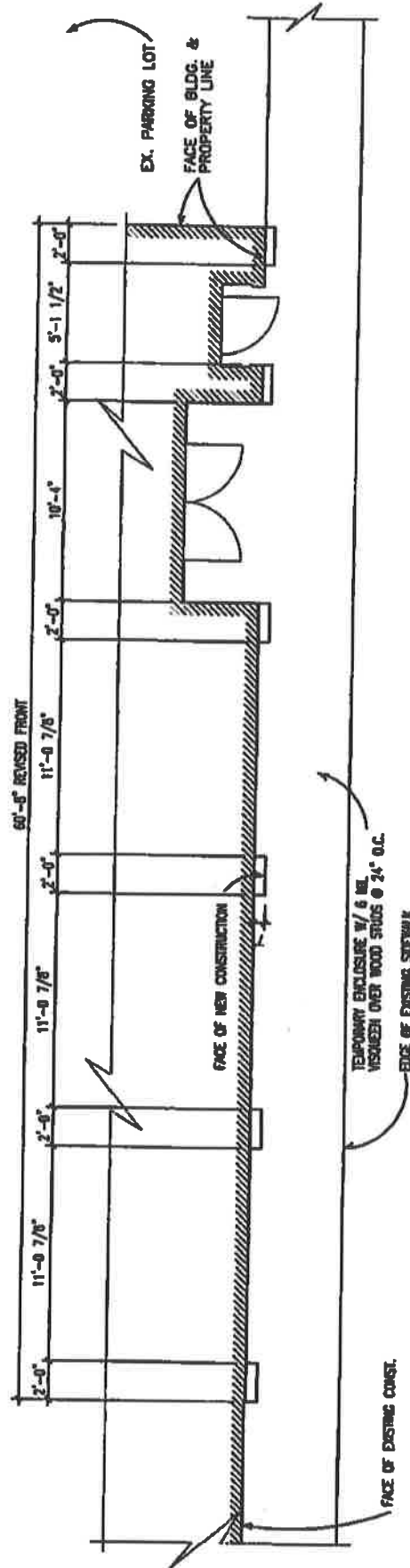


**Dennis Kefallinos  
Owner  
Temple Plaza Hotel**

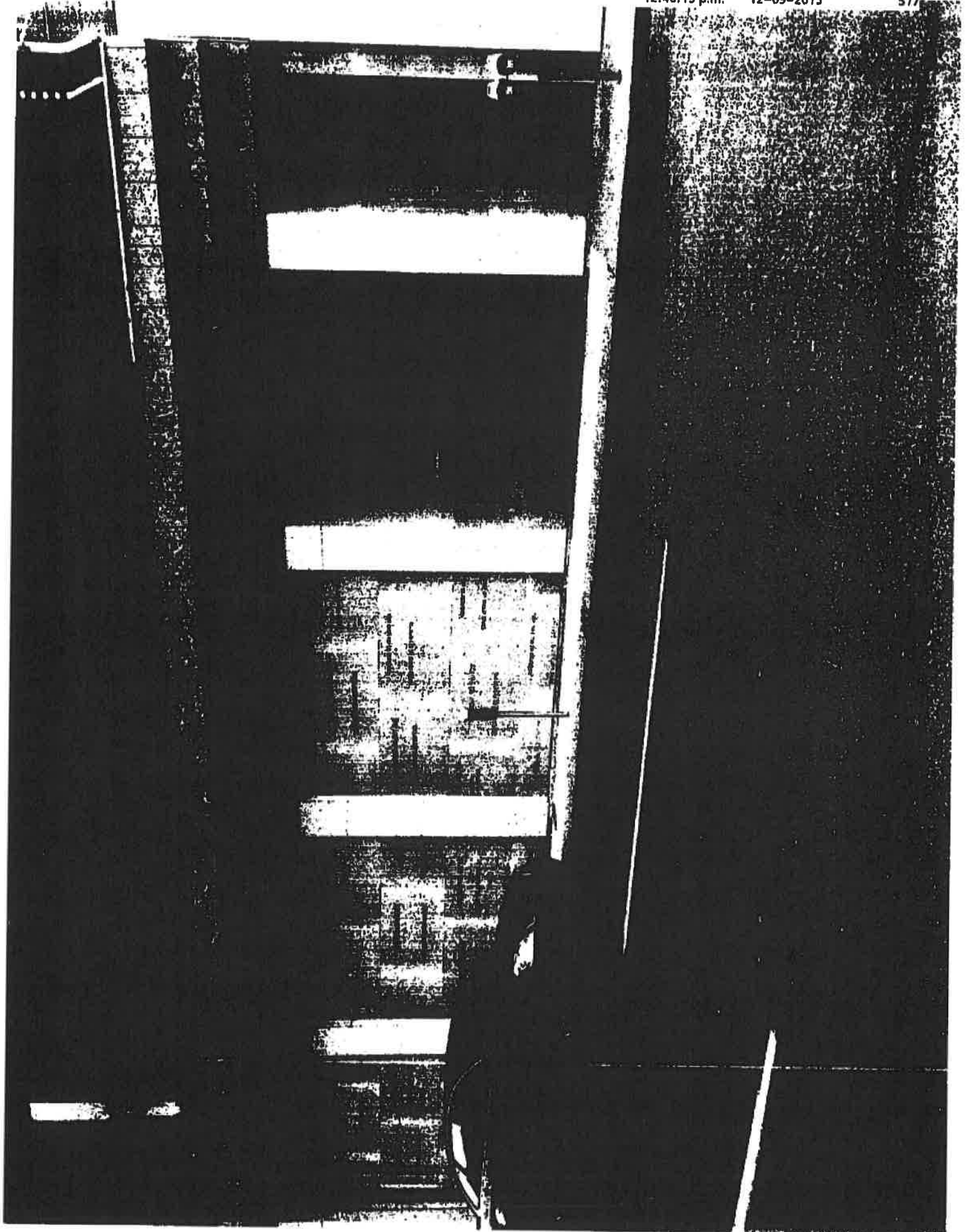
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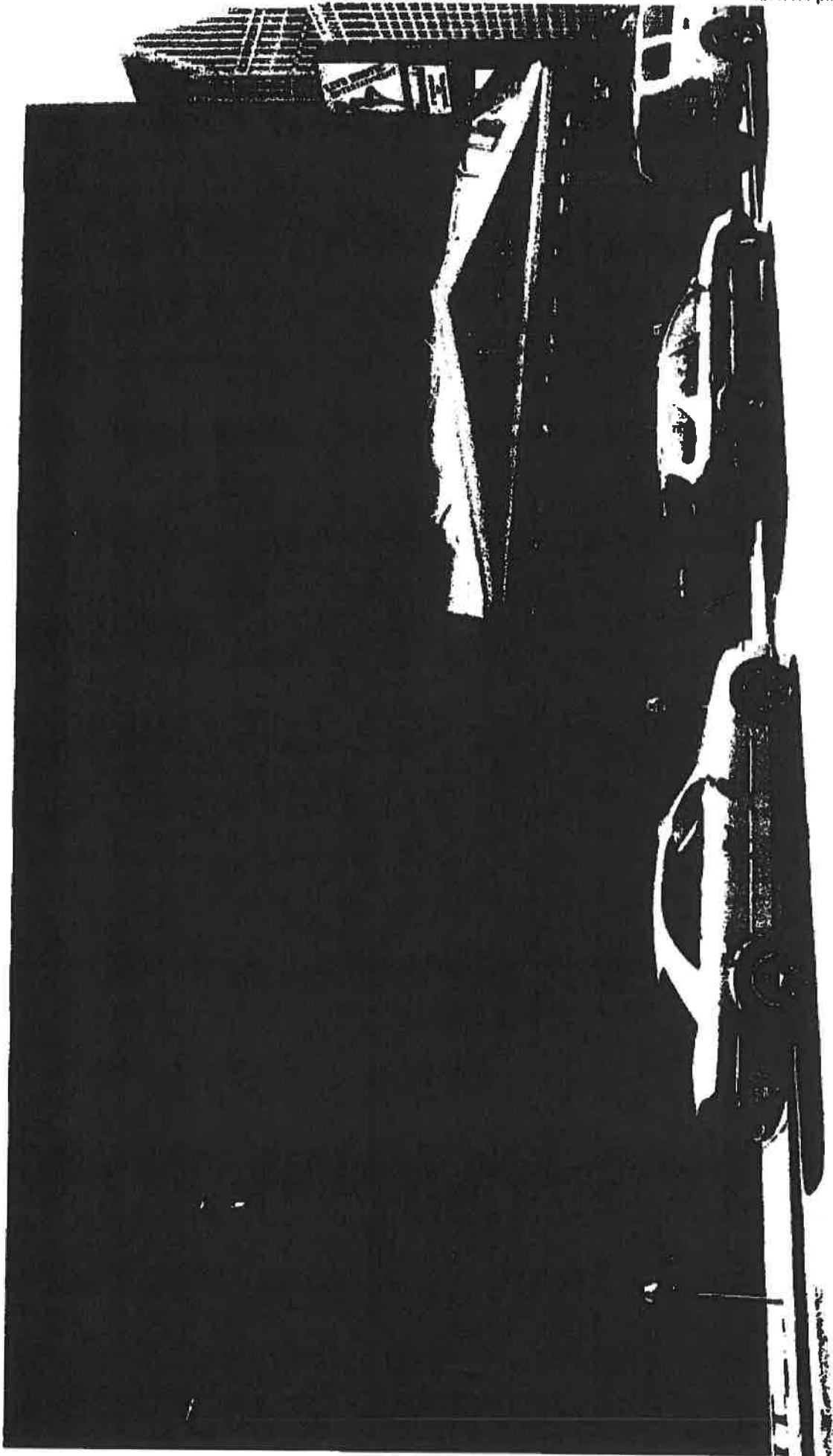
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--CITY CLERK--



**BOUZOUKI SIDEWALK PLAN**  
SCALE: 3/16" = 1'-0"









May 9, 2014

Honorable City Council:

RE: Petition No. 3024 – Temple Plaza Hotel Inc., request to renovate/update façade located at East Lafayette Avenue. The new design of the old original columns encroach into the right-of way an additional 3 inches.

Petition No. 3024 – Temple Plaza Hotel Inc. whose address is 1600 Clay, Detroit, Michigan 48211 request to install and maintain encroachment with decorative columns a total of 7 inches into the East Lafayette, 50 feet wide, in the block bounded by East Fort Street, East Lafayette Avenue, Brush Street And Beaubien Street.

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

Traffic Engineering Division – DPW (TED), reports there is no objection provided that a 5 feet minimum clear sidewalk width shall be maintained.

City Engineering Division – DPW (CED) has approved, provided City specifications are met and that pedestrian sidewalk access is available with no impediment.

The Public Lighting Department (PLD) reports an overhead line running in the area of the request and provisions protecting the line are included in the resolution. The contractor and/or the petitioner will be liable for any damages to any PLD facilities.

The Detroit Water and Sewerage Department (DWSD) has no objection to the encroachment provided that the resolution contain the DWSD specific encroachment provisions. The DWSD encroachment provisions are included in the resolution.

DTE Energy Gas Division report involvement, and provisions protecting the Gas lines in the encroachment area are a part of the resolution.

All other involved City departments and privately owned utility companies reported no objections, or that satisfactory arrangements have been made.





I am recommending adoption of the attached resolution.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Richard Doherty".

Richard Doherty, City Engineer  
City Engineering Division – DPW

JK/

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

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

RESOLVED, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Temple Plaza Hotel Inc. to encroach with six columns into Lafayette Avenue, 50 feet wide, said columns being 2 feet wide and encroaching 7 inches into the public right-of-way of said East Lafayette Avenue adjoining property described as: Land in the City of Detroit, Wayne County, Michigan being Lots 116 and 117 "Plat of a part of the L. Beaubien Farm in the City of Detroit as surveyed into Town Lots for the proprietors by John Mullet Surveyor" as recorded in Liber 6 pages 475-478 of City Records, Wayne County Records.

PROVIDED, That if there is any additional 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 time, 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 any structure proposed to be built shall maintain 10 feet of horizontal clearance from overhead PLD lines and installations also any structure proposed to be built shall maintain a minimum of 3-feet horizontal clearance and 12-inch vertical clearance from the PLD conduit bank and manholes. The contractor and/or the petitioner will be liable for any damages to any PLD underground facilities. PLD requires unrestricted 24-hour heavy vehicle access to the encroachment area to maintain their facilities; and be it further

PROVIDED, That the encroachment into Lafayette St. 7 inches will remain as is (at 7 inches) and will not go more than that. Michcon Gas Co. has an existing Gas main line running along Lafayette from 19 feet EW Beaubien Street Due westward at 4,5 and 6 feet NS Lafayette Street. Otherwise, contact Michcon Gas Company Public Improvement Department (Jay Williams at 313 389-7303 or Laura Forrester at 313 389-7261) for the estimated cost of service abandonment, removal, relocation or rerouting including the survey, design and drawing of the gas utility.

PROVIDED, That the Temple Plaza Hotel Inc. 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 all work in the public right-of-way be done to City specifications and that pedestrian access is available without impediment with a 5 foot minimum clear sidewalk width maintained.

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 Temple Plaza Hotel Inc.; 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 Temple Plaza Hotel Inc. or its assigns. Should damages to utilities occur, Temple Plaza Hotel Inc. or its assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

PROVIDED, If it becomes necessary to repair or replace the utilities located or to be located within the public rights-of-way, by acceptance of this permission Temple Plaza Hotel Inc. for themselves, or their assigns, (by acceptance of permits for construction near underground utility lines, conduits, or mains) waives all claims for damages to the encroaching installations and agree to pay all costs incurred in their removal (or alteration), if removal (or alteration) becomes necessary; and further

PROVIDED, That Temple Plaza Hotel Inc. 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 Temple Plaza Hotel Inc. of the terms thereof. Further, Temple Plaza Hotel Inc. shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

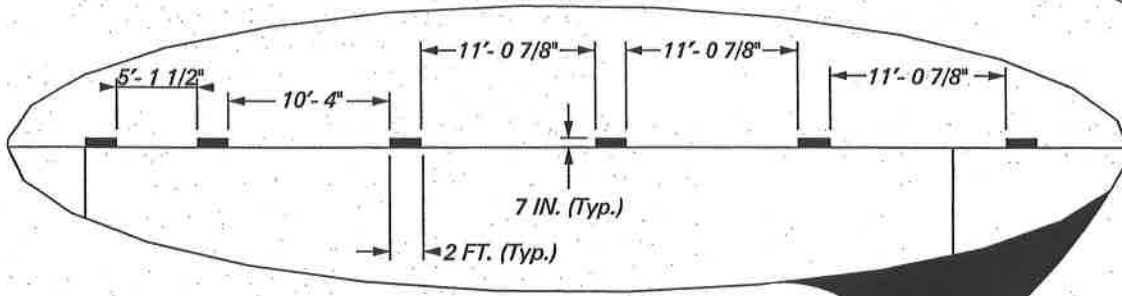
PROVIDED, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall 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 Temple Plaza Hotel Inc. 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. 3024  
 TEMPLE PLAZA HOTEL INC.  
 BOUZOUKI CLUB  
 1600 CLAY  
 DETROIT, MICHIGAN 48211  
 PHONE NO. 313 872 4000



LAFAYETTE AVE. 50 FT. WD.

BRUSH ST. 40 FT. WD.

22	30	30	54	53	"	53
138.33	3	7	118	138	116	115
20	6	63.66	138	43.34	138	138.33
22	30	30	54	53	"	53
138.33	17	19	103	105	106	62.66
20	44.34	138	138	138	138.33	20

BEAUBIEN ST. 120 FT. WD.

FORT ST. 50 FT. WD.



- AREA OF ENCROACHMENT

CARTO 28 F

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KSM		CHECKED		
DATE	1-27-14		APPROVED		

REQUEST TO ENCROACH  
 INTO LAFAYETTE  
 7 INCHES  
 WITH DECORATIVE COLUMNS

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X3024