

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Robin A. Underwood, CMC
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Tuesday, June 24, 2014

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 PLANNING AND DEVELOPMENT DEPARTMENT

313 *Bedrock Real Estate Services, request permission for a seasonal encroachment in the alley off The Z parking deck located at 1234 Library Street between Grand River and Gratiot Avenue.*



313

June 6, 2014

VIA HAND DELIVERY

Detroit City Council
c/o City Clerk
2 Woodward Avenue, Suite 200
Detroit, MI 48226

**Subject: The Z /1234 Library LLC – Alley Activation
1234 Library, Detroit, Michigan 48226**

Dear City Council:

This letter request is to petition the Detroit City Council on behalf of 1234 Library LLC for the alley activation between The Z parking deck located at 1234 Library Street in Detroit.

Our request is for the approval of a seasonal encroachment in the alley off The Z parking deck located between Grand River and Gratiot Avenue. This encroachment area would allow for the seasonal placement of mobile tables, benches, planters, artwork & carts to be placed in the alley during the entire season (March – October). Please see the attached plan for the proposed layout.

Also attached to this petition request are letters of support from neighboring owners that currently utilize the alley and have a vested interest in this enhancement. In addition it should be noted that the alley will remain functional as there will be an accessible path for deliveries and service vehicles whenever necessary.

The alley activation will be properly maintained by Bedrock Real Estate Service. We are confident that this alley activation will enhance area while being useful and beneficial to the neighbors and the community.

Thank you for your time and consideration. If you have any questions regarding this request, please do not hesitate to contact me at 313-373-8700.

Sincerely,

BEDROCK REAL ESTATE SERVICES

Managing agent for
1234 Library LLC

Veronica Rickett
Senior Property Manager

Attachments

/vr

2014 JUN 18 P 2:14

CITY CLERK



August 18, 2015

Honorable City Council:

RE: Petition No. 313– Bedrock Real Estate Services, request permission for a seasonal encroachment in the alley off the Z parking deck located at 1234 Library Street between Grand River and Gratiot.

Petition No. 313 – Bedrock Real Estate Services on behalf of “1234 Library LLC”, whose address is 660 Woodward Avenue, Detroit Michigan 48226 request permission to encroach with tables, chairs, benches, planters, artwork and carts in the east-west public alley, 20 feet wide, in the block bounded by Library Street, 71 feet wide, Broadway Avenue, 100 feet wide, Gratiot Avenue, 60 feet wide and East Grand River Avenue, 60 feet wide.

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

The request is for an alley “activation” to utilize the space in a unique manner. The plans call for maintaining an accessible path for deliveries and service vehicles whenever necessary. The alley may be barricaded on a temporary basis for events including food trucks, disc jockeys and moveable tables. The petitioner has reached satisfactory arrangements with the other property owners adjoining the alley and they support the alley activation.

Provisions for sale of food and soft drinks is being made a part of the resolution. Provisions for “Outdoor Café Guidelines” are being made a part of the resolution with the understanding that the activities are in an alley not on a sidewalk.

Traffic Engineering Division – DPW reports no objection to the requested area of encroachments. City Engineering Division – DPW reports no objection provided there is no obstruction to a continuous path for the use by wheel chairs and that City policy, provisions and requirements are followed.

The Public Lighting Department (PLD) reports no objections.

Detroit Water and Sewerage Department (DWSD) reports no objections to the encroachments provided that the provisions for encroachments are followed. The specific DWSD encroachment provisions are a part of this resolution.



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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Doherty". The signature is written in a cursive style and is positioned above the printed name.

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

JMK/

Cc: Ron Brundidge, Director, DPW

Mayor's Office – City Council Liaison

BY COUNCIL MEMBER _____

Whereas, The City Engineering Division – DPW is hereby authorized and directed to issue permits to “1234 Library LLC”, and/or his/her assigns, to install and maintain encroachments with outdoor seating areas, benches, planters, artwork and decorative lighting and other small removable items within in the east-west public alley, 20 feet wide, in the block bounded by Library Street, 71 feet wide, Broadway Avenue, 100 feet wide, Gratiot Avenue, 60 feet wide and East Grand River Avenue, 60 feet wide; also being more particularly described follows: Land in the City of Detroit, Wayne County, Michigan being the east-west public alley, 20 feet wide, lying northerly of and adjoining the northerly line of Lots 57 through 62, both inclusive and lying southerly of and adjoining the southerly line of Lots, 5 through 10, both inclusive “Plan of Section 7 of the Governor and Judges Plan” as recorded in Liber 34, Page 544 of Deeds, Wayne County Records.

Provided, that by approval of this petition/request 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 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 cost 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 further

Provided, that all construction performed under this petition shall not be commence until after (5) days written notice to DWSD. Seventy-two 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 damage DWSD facilities; and further

Provided, the petition 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's facilities; and further

Provided, that if at any time in the future the petitioner shall request removal and/or relocation of DWSD's facilities in the street being encroached upon the petitioner agrees to pay all cost for such removal and/or relocation; and further

Provided, that when the area is being used as an Outdoor Café it shall meet the general requirements set by the "Outdoor Café Guidelines" as adopted by the City Council and guided by Section 50-2-8.1 of the City Code with some reasonable variance thereto as the activities are in an alley not on the sidewalk; and further

Provided, that the petitioner obtains all necessary licenses and permits every year from Departments having jurisdiction over the outdoor café process if the area is used in that manner; and further

Provided, that said activities are conducted under the rules and regulations of the Department of Public Works and the supervision of the Police Department.

Provided, that the sale of food or soft drinks is held under the direction and inspection of the institute of Population Health; and further

Provided, that the petitioner is responsible to obtain approval of the Michigan Liquor Control Commission, if necessary and approval from the Detroit Police Liquor License Bureau if serving liquor; and further

Provided, that the encroachments with outdoor seating areas, benches, planters and other small removable items within the right-of-way must maintain a pedestrian path that is at least 6.00 feet wide; and further

Provided, that whenever necessary an accessible path for deliveries and service vehicles shall be 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.

Provided, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by "1234 Library LLC" and/or its assigns; 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 "1234 Library LLC" and/or its assigns. Should damages to any utilities occur "1234 Library LLC" and/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, "1234 Library LLC" (owners) for themselves, or their assigns, (by acceptance of permits for construction near underground utility lines, conduits, people mover facilities 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 "1234 Library LLC", and/or its assigns 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 "1234 Library LLC", of the terms thereof. Further, "1234 Library LLC", and/or its assigns shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

Provided, the property owned by "1234 Library LLC", and the encroachment shall be subject to proper zoning or regulated use (board of Zoning Appeals Grant); 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 "1234 Library LLC", 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 this encroachment will be/shall be assigned under "1234 Library LLC", 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.

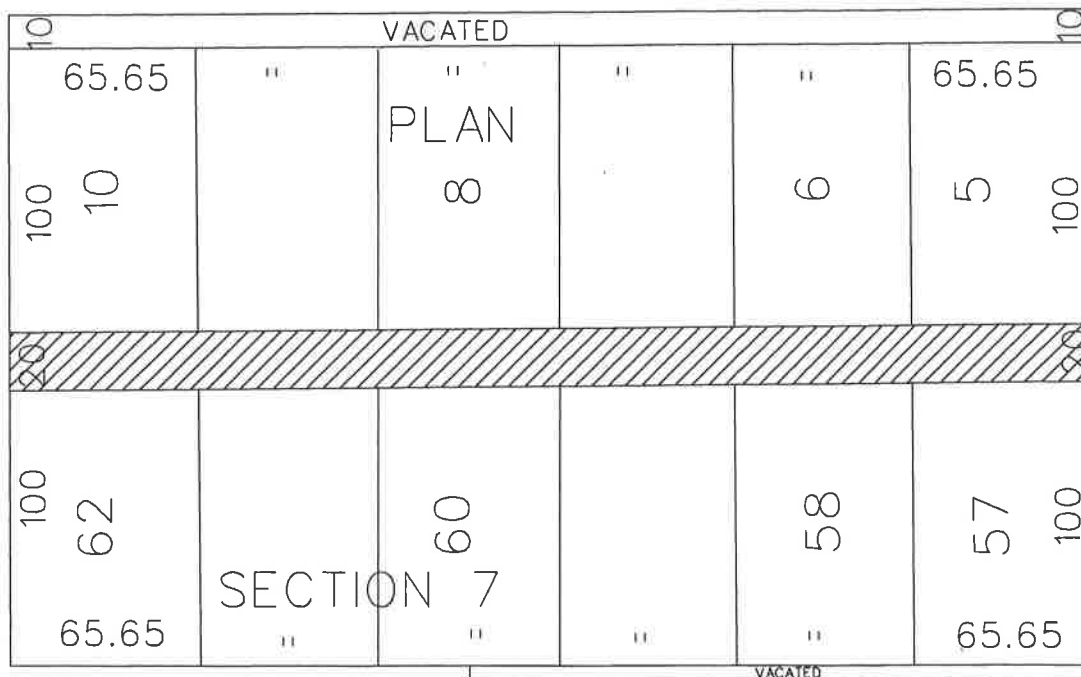
PETITION NO. 313
 BEDROCK REAL ESTATE SERVICES
 For ROCK VENTURES
 1092 WOODWARD AVENUE, SUITE 200
 DETROIT, MICHIGAN 48226
 C/O VERONICA RICKETT
 PHONE NO. 313 373-8700



BROADWAY AVE. 100 FT. WD.

E. GD. RIVER AVE. 60 FT. WD.

GRATIOT AVE. 60 FT. WD.



LIBRARY ST. 71 FT. WD.



- REQUEST ENCROACHMENT
 (With Seasonal Mobile Tables, Benches
 Planters, Artwork and Carts)

CARTO 28 A

B						REQUEST ENCROACHMENT THE EAST/WEST PUBLIC ALLEY, 20 FT. WD. IN AREA BOUND BY LIBRARY ST., BROADWAY, E. GD. RIVER AND GRATIOT AVE. AT 1234 LIBRARY (With Seasonal Mobile Tables, Benches Planters, Artwork and Carts)	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A							JOB NO. 01-01	
DESCRIPTION		DRWN	CHKD	APPD	DATE		DRWG. NO. X 313	
DRAWN BY		REVISIONS						
DATE		CHECKED						
05-04-15		APPROVED						

May 23, 2014

Jim Ketai
Managing Partner
Bedrock Real Estate Services
1092 Woodward Avenue
Detroit, MI 48226

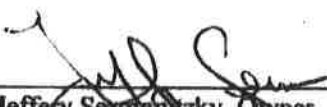
RE: 1234 Library LLC – Alley Activation

Dear Mr. Ketai:

This letter is to provide support for the attached plan to activate the alley way between Gratiot Avenue and Grand River, and, Library Street and Broadway. We the undersigned understand that Bedrock Real Estate Services, as agent for 1234 Library LLC will be securing a seasonal permit from the City of Detroit and will install movable furniture and fixtures, similar to what is in the attached plan so that the alley may be activated for pedestrian as well as vehicular use.

We understand that there will be a route in the alley for deliveries and trash pickup.

Sincerely,



Mr. Jeffrey Sermanitzky, Owner
1315 Broadway
Detroit, MI 48226

6-2-14
Date

May 23, 2014

Jim Ketai
Managing Partner
Bedrock Real Estate Services
1092 Woodward Avenue
Detroit, MI 48226

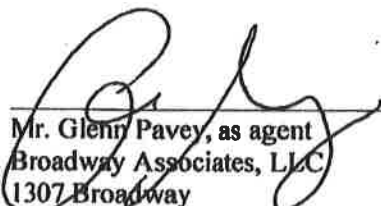
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Sincerely,



Mr. Glenn Pavey, as agent
Broadway Associates, LLC
1307 Broadway
Detroit, MI 48226

5/30/14
Date

Michael Mercier, Owner
Broadway Lofts
1323 Broadway Street
Detroit, MI 48226

Date

May 23, 2014

Jim Ketai
Managing Partner
Bedrock Real Estate Services
1092 Woodward Avenue
Detroit, MI 48226

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Sincerely,

Paul Wasserman, Owner Date
Henry the Hatter
1307 Broadway
Detroit, MI 48226

 5/28/14

Michael Mercier, Owner (WFDU) Date
Broadway Lofts
1323 Broadway Street
Detroit, MI 48226

Bert Darring, Owner Date
Burt's On Broadway
1315 Broadway
Detroit, MI 48226

May 23, 2014

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Managing Partner
Bedrock Real Estate Services
1092 Woodward Avenue
Detroit, MI 48226

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Sincerely,

Tom Carleton, Owner Date
Mindfield
1250 Library Street
Detroit, MI 48226

 5-28-14

Dwight Phillips, Owner Date
LB King
1274 Library Street, #500
Detroit, MI 48226

Colin Kwak, Owner Date
1260 Library Street
Detroit, MI 48226

May 23, 2014

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Managing Partner
Bedrock Real Estate Services
1092 Woodward Avenue
Detroit, MI 48226

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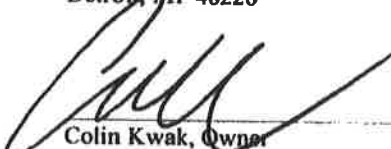
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5/28/14

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Colin Kwak, Owner Date
1260 Library Street
Detroit, MI 48226

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

Tuesday, June 24, 2014

No. of Pages **10**

FROM: *Mr. Andre Gilbert II, Junior Assistant City Council Committee Clerk*

SUBJECT: *Petition #313, Bedrock Real Estate Services, request permission for a seasonal encroachment in the alley off The Z parking deck located at 1234 Library Street between Grand River and Gratiot Avenue.*

FAX TO THE FOLLOWING DEPARTMENT(S):

Ms. Trisha Stein, Interim Director

Planning and Development Department (313) 224-1629

Mr. Richard Doherty, City Engineer

DPW - City Engineering Division (313) 224-1464

Attachment