

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
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March 19, 2015

Honorable City Council:

RE: Petition No. 316 – Chalmers Liquor Plus request to apply for berm parking at 11306 Chalmers Avenue, Detroit, MI, 48235.

Petition No. 316 of Chalmers Liquor Plus whose address is 11306 Chalmers Avenue, Detroit, Michigan 48235 request to install and maintain encroachment with berm parking on Chalmers Avenue in front of their business. The request is being made to provide safe and secure parking for customers.

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

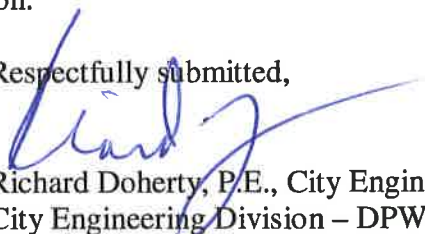
Detroit Water and Sewerage Department (DWSD) reports having facilities in the encroachment area, but has no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution.

Traffic Engineering Division – DPW (TED), reports being involved and approves provided certain conditions are met. The TED conditions have been made a part of the attached resolution.

DTE Energy Gas, Comcast and SBC Telecommunications – report involvement; and provisions protecting all utilities in the encroachment area are a part of the resolution. All other involved City departments and privately owned utility companies reported no objections.

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 the Chalmers Liquor Plus for an encroachment with berm parking on the east side of Chalmers Avenue, 76 feet wide, north of Glenfield Avenue and south of Wilfred Avenue adjoining property described as: Land in the City of Detroit, Wayne County, Michigan being Lots 29, 30, 31 and 32 "Templeton Subdivision, Plat of part of Lot 10, all of Lots 11 and 12 of Sterling Park Subdivision of Lots 4 and 5 of Joseph Lang Estate Subdivision of Lots 10 and 11 of the Subdivision of the Jos. Trombley Farm of part of P.C. 389, also part of fractional Section 13 T.1S.,R.12E. City of Detroit and Gratiot Twp, Wayne Co. Michigan, and Lot 6 and part of Lot 7 and part of Lot 8 of Joseph Long Estate Subdivision of Lots 10 and 11 of the Subdivision of the Joseph Trombley Farm, part of P.C. 389 also part of Fractional Section 13 T.1S.,R.12E. of the City of Detroit & Gratiot Twp." as recorded in Liber 51, Page 75 of Plats, 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 should the encroachment must maintain a minimum of 5 feet vertical clearance between the surface grade of the sidewalk/parking area and the existing 4-inch gas main. Should the encroachment require any removal or relocation of DTE gas facilities that the cost of such removal or relocation be borne by the petitioner; and be it further

PROVIDED, That the petitioner shall be responsible at his/her expense to install/maintain continuous concrete stoppers for separation of vehicular and pedestrian usage as shown on DPW -Traffic Engineering Division Sketch 1 (attached) showing the layout of the berm parking. The petitioner shall be responsible at his/her expense, to construct/modify the berm surface as per City standards. Petitioner shall be responsible to remove curb along the edge of the berm parking to allow for entry/exit. Petitioner shall be responsible for maintaining the berm surface and for the removal of snow from the berm area, at his/her expense. The petitioner shall be responsible, at his/her expense to install/maintain parking control signs and pavement markings associated with the berm parking as per City standards. The City reserves the right to revoke the approval of the berm parking if it is determined to be in the best interest of the City of Detroit or in case of the petitioners failure to comply with the terms and conditions stipulated in the approval of the berm parking. This request is approved only for parallel parking. On street parking along the stretch adjacent to the berm parking will not be permitted.

PROVIDED, That the "Chalmers Liquor Plus" 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 “Chalmers Liquor Plus”; 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 “Chalmers Liquor Plus” or its assigns. Should damages to utilities occur “Chalmers liquor Plus” 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 “Chalmers Liquor Plus” 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 “Chalmers Liquor Plus” of the terms thereof. Further, “Chalmers Liquor Plus” shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

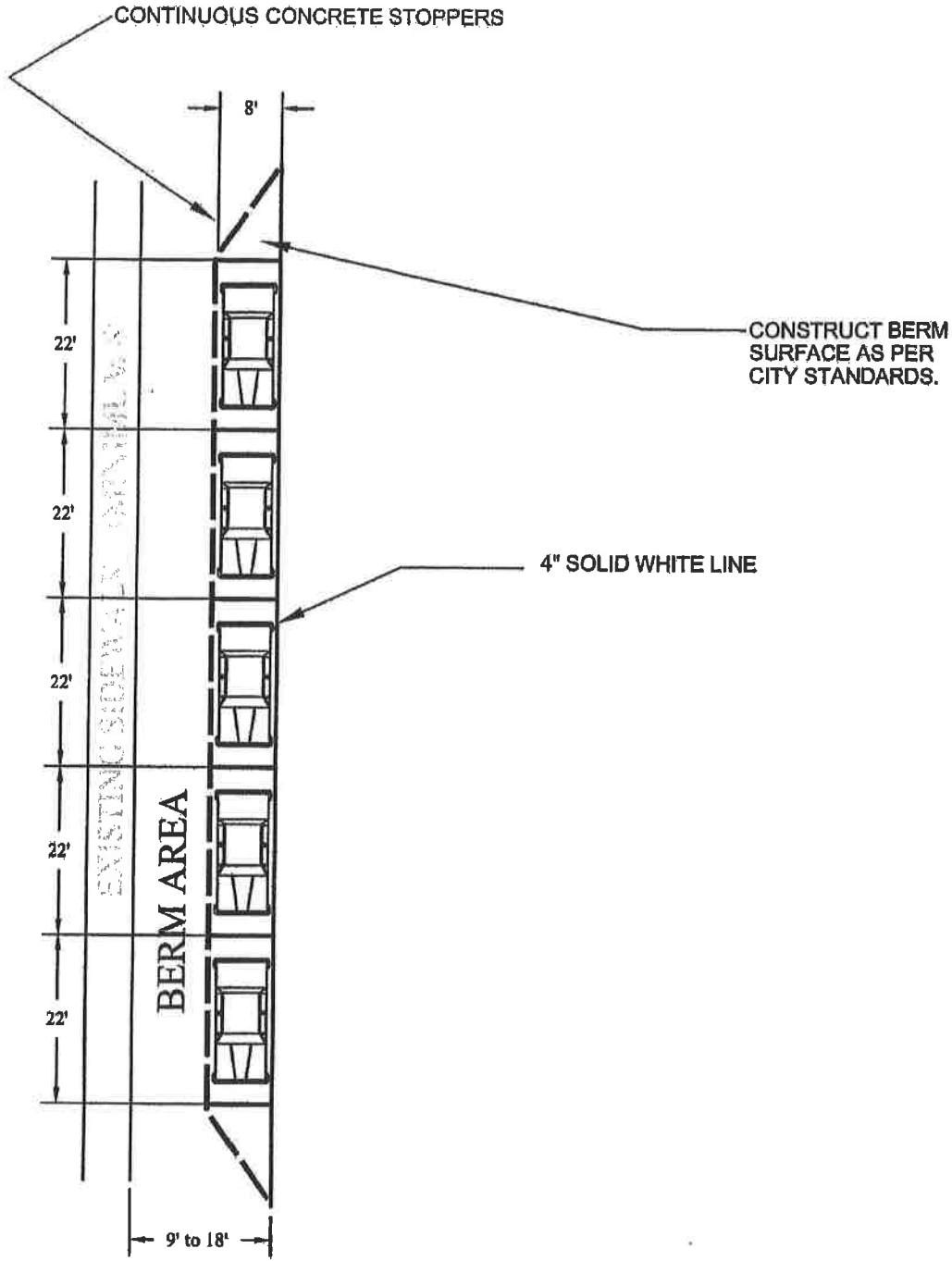
PROVIDED, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall 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 “Chalmers Liquor Plus” 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.

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NOTE: ON STREET PARKING
WILL NOT BE PERMITTED.

CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
TRAFFIC ENGINEERING DIVISION

PARKING BERM FOR PARALLEL PARKING

DRAWN : J. LAPPIN
SCALE : 1" = 20'
DATE : 05 - 13 - 2009

SKETCH #1