



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

February 16, 2015

Honorable City Council:

RE: Petition No. 361 – Giffels Webster, request for encroachment within various rights-of-way for Bicycle Rack Installation.

Petition No. 361 of Giffels Webster, 28 W. Adams, Suite 1200, Detroit, MI, 48226 on behalf of Midtown Detroit, Inc., 3939 Woodward Avenue, Suite 100, Detroit, MI, 48201 request to install and maintain certain encroachments in the public rights-of-way at 34 locations. The proposed encroachments are for bicycle racks.

The requested encroachment with bike racks can be considered a part of the City of Detroit non-motorized infrastructure development. The bike racks will be installed in a manner that will not impede pedestrian and vehicular traffic.

The petition was referred to the City Engineering Division – DPW for investigation (utility clearance and review) and report. This is our report.

The request was approved by the Solid Waste Division – DPW. The Traffic Engineering Division – DPW (TED) reports involvement, but have no objection to the petitioner's request provided certain provisions are met. The TED provisions have been made a part of the resolution

Detroit Water and Sewerage Department (DWSD) reports no objection to the encroachment provided that the provisions for encroachments are strictly followed.

The Planning and Development Department is involved, as the bike racks will be installed in Historical Districts. The Historic Districts involved are: Garfield, Willis Selden, Warren Prentis, Sugar Hill, West Village, Brush Park, Corktown and New Amsterdam. The City of Detroit Historic District Commission has issued a Certificate Of Appropriateness for the project. A provision that the petitioner abide by the terms of the Certificate Of Appropriateness is included in the resolution.

City Engineering Division – DPW has found that 5 of the 34 requested installations are on private property and subsequently are not a part of this resolution. The 5 locations on private property are located at: 1 Ford Place, 2727 Second Avenue, 5050 Brush, Cass & Amsterdam, and 1445 Adelaide. The remaining 29 locations located within the public rights-of-way are described within the resolution.

Michael Duggan. MAYOR



All other City Departments and privately owned utility companies have reported no objections. Provisions protecting utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Richard Doherty". The signature is stylized and written over the printed name.

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 _____

RESOVLED, The City Engineering Division – DPW is hereby authorized and directed to issue permits to “Midtown Detroit Inc.” and/or their assigns, to install and maintain encroachments with bicycle racks in various public rights-of-way in the City of Detroit, Wayne County, Michigan at 29 locations listed as follows:

- 1) M1 55 W. Canfield Lofts, at 55 W. Canfield Avenue on property described as: West Canfield Avenue, 60 feet wide, lying northerly of and adjoining the northerly line of Lots A and B “James A. Jones Re-subdivision of Lots 1, 2 and 3 of Ira Davis Subdivision of Park Lot 60, Detroit, Wayne County, Michigan” as recorded in Liber 7, Page 49 of Plats, Wayne County Records.
- 2) M2 71 Garfield, at 71 Garfield Avenue on property described as: Garfield Avenue, 60 feet wide, lying southerly of and adjoining the southerly line of Lot 6 and the East 10 feet of Lot 5 “Plat of Hubbard and King’s Subdivision of Park Lot 32 and part of Park Lot 33” as recorded in Liber 7, Page 20 of Plats, Wayne County Records.
- 3) M3 The Auburn, at 4240 Cass Avenue on property described as: Cass Avenue, 80 feet wide, lying westerly of and adjoining the westerly line of Lots 23 and 24 “Plat of the Subdivision of Park Lots 61 and 62” as recorded in Liber 1 page 128 of Plats, Wayne County Records; Also Lots 19, 20, 21 and 22 “Ira Davis’ Subdivision of Park Lot 60” as recorded in Liber 1, Page 289 of Plats, Wayne County Records.
- 4) M4 Willy’s Development, at 441 West Canfield Avenue on property described as: West Canfield Avenue, 100 feet wide, lying Northerly of and adjoining the northerly line of Lots 9 through 14, both inclusive, and Lots 21, 22, 23 and 24, plus the South 160 feet of Lot 20 and vacated alley adjoining, all in Block 97 “Subdivision of Blocks 97 and 98 of the Cass Farm” as recorded in Liber 1, Page 259 of Plats, Wayne County Records.
- 5) M5 Craftworks, at 8047 Agnes Avenue on property described as: Agnes Avenue, 60 feet wide, lying southerly of and adjoining the southerly line of Lots 41, 42, 43, 44 and the northerly 16.40 feet of Lot 45 “Plat of Coe, Denham & Shiperd’s Subdivision of Lots 70, 73 and 74 of the Van Dyke Farm, Private Claim 679, Hamtramck (now Detroit), Wayne County, Michigan T.2S. R.12 E.” as recorded in Liber 4, Page 61 of Plats, Wayne County Records.
- 6) M11 Melt, at 4160 Cass Avenue on property described as: West Willis Avenue, 100 feet wide, lying northerly of and adjoining the northerly line of Lot 21 except the Easterly 101.50 feet thereof “Plat of the Subdivision of Park Lots 61 and 62” as recorded in Liber 1 page 128 of Plats, Wayne County Records

- 7) M14 Midtown Dog Park, at Cass & Canfield on property described as: Cass Avenue, 80 feet wide, lying easterly of and adjoining the easterly line of Lots 7 and 8 Block 97 "Subdivision of Blocks 97 and 98 of the Cass Farm" as recorded in Liber 1, Page 259 of Plats, Wayne County Records.
- 8) M15 MOCAD at 4454 Woodward Avenue on property described as: Garfield Avenue, 60 feet wide, lying northerly of and adjoining the northerly line of Lot 2 and the northerly 31.00 feet of Lot 1, Except Woodward as widened "Plat of Hubbard and King's Subdivision of Park Lot 32 and part of Park Lot 33" as recorded in Liber 7, Page 20 of Plats, Wayne County Records.
- 9) M16 MSU – Detroit Center at 3408 Woodward Avenue on property described as: Erskine Street, 60 feet wide, lying southerly of and adjoining the southerly line of Lots 8 and 9 of Block 10, Except Woodward as widened "Brush Subdivision of part of Park Lots 17, 18, 19, 20 and 21" as recorded in Liber 1, Page 286 of Plats, Wayne County Records.
- 10) M17 N'Namdi Center For Contemporary Art at 52 East Forest Avenue on property described as: East Forest Avenue, 70 feet wide, lying northerly of and adjoining the northerly line of Lots 3 and 4 Block of Park Lot 34 "Brooks and Carlisle's Subdivision of Park Lots 34, 35 and part of Park Lot 33" as recorded in Liber 1, Page 245 of Plats, Wayne County Records.
- 11) M18 Third Street Bar at 4626 Third Avenue on property described as: West Forest Avenue, 70 feet wide, lying northerly of and adjoining the northerly line of Lot 1 "Dunlaps' Subdivision of Lots 21 to 26 inclusive of Wm. A. Butler's Subdivision of O. L.'s 102, 104, 106 & that part of O.L. 108 lying S. of Putnam Avenue of the Subdivision of the Cass Farm" as recorded in Liber 36, Page 83 of Plats, Wayne County Records.
- 12) M19 Selden Standard at 3921 Second Boulevard on property described as: Second Boulevard, 100 feet wide, lying easterly of and adjoining the easterly line of Lots E, F and the North 32 feet of D "Subdivision of Lots 17, 18 and 19, Block 94, Cass Farm" as recorded in Liber 4, Page 11 of Plats, Wayne County Records.
- 13) The Union at Midtown at 4830 Cass Avenue on property described as: Cass Avenue, 80 feet wide, lying westerly of and adjoining the westerly line of Lot 91 and the North 14.2 feet on the West Line, being the North 14.10 feet on the East line of Lot 90 "Stimson's Subdivision of Park Lots 55, 56, 57 and 58" as recorded in Liber 1, Page 246 of Plats, Wayne County Records.
- 14) M22 Woodbridge at 5137 Trumbull on property described as: Trumbull Avenue, 80 feet wide, lying easterly of and adjoining the easterly line of Lot 7 and the South ½ of Lot 8 "J. L. McClouds' Subdivision of Out Lot 8 Woodbridge Farm" as recorded in Liber 6, Page 85 of Plats, Wayne County Records.

- 15) M24 Cass / Ferry Apartments at 100 West Ferry on property described as: Ferry Avenue, 50 feet wide, lying southerly of and adjoining the southerly line of Lots 4, 5 and the westerly 10 feet of Lot 6 "Hubbard and Dingwall's Subdivision of Lots 5, 6, 7, 8 and part of 9, 10 and 11 of Walker's Subdivision of Park Lots 49, 50, 51 and 52" as recorded in Liber 18, Page 87 of Plats, Wayne County Records.
- 16) M25 Comerica Bank at 4 E. Alexandrine on property described as: East Alexandrine Avenue, 120 feet wide, lying northerly of and adjoining the northerly line of Lot 21 and the North ½ of vacated Martin Place adjoining "Medical Center Urban renewal Plat No. 2, part of Park Lots 25 to 30 and part of P.C.'s 1, 2 and 5, City of Detroit, Wayne County, Michigan" as recorded in Liber 90 Pages 89, 90 and 91 of Plats, Wayne County Records.
- 17) C1 Bagley Trumbull Market at 1701 Trumbull Avenue on property described as: Trumbull Avenue, 100 feet wide, lying easterly of the easterly line of Lot 14, Block 77 "Plat of the Woodbridge Farm as divided by the Commr's in Part'n (P. N. for extension of Trumbull Ave. and Lincoln Ave see L4, P62)" as recorded in Liber 1, Pages 146 and 147 of Plats, Wayne County Records.
- 18) D1 Campus Martius Park proximate to 800 Woodward Avenue at two locations, the Northwestern and the Southeastern, within the Campus Martius Park on property described as: Campus Martius, the public square in Detroit at the intersection of Woodward Avenue, Monroe Avenue, Cadillac Square, Fort street and Michigan Avenue and bounded by the "Military Reserve" and "Plat of the City of Detroit as laid out by the Governor and Judges" as recorded in the Governor and Judges Journal – Wayne County, Michigan.
- 19) D2 Grand Park Centre at 28 W. Adams on property described as: West Adams Avenue, 60 feet wide, lying southerly of and adjoining the southerly line of Lots 12 and 13 "Plat of Park Lots 84, 85 and 86 as subdivided May 7, 1835, Sibleys Field" as recorded in liber 7, page 27 of Deeds, Wayne County Records.
- 20) NC2 Fisher Building at 3011 W. Grand Boulevard at two locations on Second Boulevard, one near West Grand Boulevard and another near Lothrop Avenue on property described as: Second Boulevard, 80 feet wide, lying easterly of and adjoining the easterly line of Unit 1 "Wayne County Condo Plan No. 698, The Fisher Building Condominium" as recorded in Liber 37649, Pages 239-366 of Deeds, Wayne County Records.
- 21) NC3 New Center One Building at 3031 W. Grand Boulevard on property described as: Second Boulevard, 80 feet wide lying westerly of and adjoining the westerly line of Lots 16 through 20, both inclusive, and Lots 44 through 63, both inclusive, and the easterly 30 feet of Lot 21 "Stewarts' Subdivision of Lots 1,2 and 3 of the Subdivision of the South 1/3 of ¼ Sections 55 and 56, 10,000 Acre

Tract, Greenfield (TWP.) Wayne County, Michigan” as recorded in Liber 8, Page 71 of Plats, Wayne County Records.

- 22) NC4 New Center Park at 2998 West Grand Boulevard on property described as: West Grand Boulevard, 150 feet wide, lying northerly of and adjoining the northerly line of Lots 14, 15 and the westerly 50 feet of Lot 16, Block 2 “Moran and Moross Subdivision of part of Sections No. 31 and 36 T.1S., R.11 and 12E. and part of Baker and Forsyth Farms, Detroit, Wayne County, Michigan” as recorded in Liber 8, Page 15 of Plats, Wayne County Records.
- 23) NC5 Next Energy at 461 Burroughs on property described as: Burroughs Avenue, 50 feet wide, lying northerly of and adjoining the northerly line of Lots 25 through 36 and vacated alleys adjoining “Mandelbaums Subdivision of Out Lot 117 Cass Farm Co. Limited Subdivision of Blocks 111, 112, 113, 114, 115, 116, 118 and 119 and part of Block 117 Cass Farm” as recorded in Liber 2, Page 8 of Plats, Wayne County Records; also Lots 6, 7, 9, 10 and Lot 11 except the easterly 12 feet thereof and Lot 8 except the easterly 12 feet of the southerly 57.50 feet thereof and vacated alleys adjoining, all in Block 11 “Cass Farm” as recorded in Liber 19, Page 35 of Plats, Wayne County Records.
- 24) NC8 West Boulevard Building at 2990 W. Grand Boulevard on property described as: West Grand Boulevard lying northerly of and adjoining the northerly line of Lot 17 and the westerly 14.34 feet of Lot 16 Block 2 “Moran and Moross Subdivision of part of Sections No. 31 and 36 T.1S., R.11 and 12E. and part of Baker and Forsyth Farms, Detroit, Wayne County, Michigan” as recorded in Liber 8, Page 15 of Plats, Wayne County Records.
- 25) E1 3 Dogs 1 Cat at 2472 Riopelle on property described as: Riopelle, 50 feet wide, lying westerly of and adjoining the westerly line of Lots O, N and the southerly 3.5 feet of Lot M “Subdivision of Lots 4 to 15 inclusive of Riopelle Farm North of Gratiot Street” as recorded in Liber 1, Page 135 of Plats, Wayne County Records.
- 26) E2 Detroit Mercantile at 3434 Russell on property described as: Russell Street, 88 feet wide, lying westerly of and adjoining the westerly line of part of Out Lot 25, “ A Part of the Guoin Farm North of the Gratiot Road as subdivided at the request of the Corporation” as recorded in Liber 9, Page 83, City Records, Wayne County Records and more particularly described as beginning at a point on the easterly line of Russell Street, distant N26°7’W 47.61 feet from the northerly line of Erskine Street, 56 feet wide; thence continuing N26°7’W along the easterly line of Russell Street, 217.39 feet; thence easterly 307.2 feet to a point on the westerly line of public easement, 15 feet wide; thence S26°10’40”E 204.45 feet; thence S63°54’20”W 240.52 feet; thence S26°5’40”E 11.79 feet; thence S63°54’20”W 66.61 feet to the Point of Beginning.

- 27) E4 Omni Corps Detroit at 1501 Division Street on property described as: Riopelle Street, 77 feet wide, lying westerly of and adjoining the westerly line of Lot 43 "Plat of the Subdivision of the Riopelle Farm, North of Gratiot Street" as recorded in Liber 45, Page 101 of Deeds, Wayne County Records.
- 28) E5 Red Bull House of Art at 1551 Winder Street on property described as: Winder Street, 50 feet wide, lying southerly of and adjoining the southerly line of Lots 31, 32 and the easterly 45.83 feet of Lot 30 Block 26 "A Town Plat of the Farm of Antoine Dequindre assigned by Deed to Peter Desnoyer, Drawn up by Anson E. Hathon at the request of the parties interested, for the purpose of being recorded" as recorded in Liber 10, Pages 715, 716 and 717 City Records, Wayne County Records.
- 29) E6 Signal Return at 1345 Division Street on property described as: Division Street, 50 feet wide, lying southerly of and adjoining the southerly line Lots 32 and 33 "S. B. Morse's Subdivision of part of Lot No. 3, Mullett Farm, North of Gratiot Street" as recorded in Liber 46, Page 514 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 the following conditions of the Department of Public Works – Traffic Engineering Division are met: The bicycle racks with the bicycles mounted thereon shall leave a minimum 6 feet wide clear sidewalk for pedestrian traffic. Petitioner shall seek permission of the abutting property owner before installing the bicycle racks. Petitioner / abutting property owner shall be responsible for maintaining / cleaning the sidewalk surface around the encroachment. Petitioner shall bear all cost associated with the installation and maintenance of the bicycle racks and ensure that the sidewalk adjacent to the encroachment is not damaged due to the bicycle rack encroachment.

Provided, that the bicycle rack installations shall comply with the Certificate Of Appropriateness issued by the City of Detroit Historic District Commission dated October 10, 2014 and signed on behalf of the Commission by Crystal Wilson.

Provided, That the petitioner shall file with the Finance Department and/or City Engineering Division – DPW an indemnity agreement in a 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 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, all costs for the construction, maintenance, permits, and use of the 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-way, by the acceptance of this permission, the 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 outdoor café encroachment 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, 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 encroachment with the bicycle racks lying within said area referred to herein shall be construed as acceptance of this resolution by “Midtown Detroit Inc.” and/or their assigns; and further

Provided, That the 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 (if attached) with the Wayne County Register of Deeds.

