

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Robin R. Underwood, CMC
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, November 13, 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

470 *Norahs International, requesting encroachment permit in Hart Plaza for the installation of replacement directional/informational sign. (ref. #2047)*



CITY OF DETROIT
MAYOR'S OFFICE

7

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVE., SUITE 1126
DETROIT, MICHIGAN 48226
PHONE: 313-224-3400
FAX: 313-224-4128
WWW.DETROITMI.GOV

TO: Neighborhood & Community Services Standing Committee

FROM: Denise N. Gardner, Executive Assistant to the Mayor *DNG*

DATE: July 11, 2012

RE: Recreation Department submitting reso. autho. to accept a donation from the Nonrahs L.E.D., LLC (Nonrahs International) for Improvements totaling up to \$1,500,000.00 at Hart Plaza

Please find attached Office of Homeland Security and Emergency Management responses to questions submitted by Member James Tate with regard to the above referenced matter.

Please feel free to contact me if you have any questions and/or concerns at 224.1672.

Attachment

cc: Honorable Council Members
City Clerk
City Council Division Offices

DAVE BING, MAYOR

Council Member Tate Questions for meeting on Thursday, 10 July 12.

1. On July 6, 2012, the Office of Homeland Security sent an e-mail announcing that the department has implemented a new communications service (free of charge) that sends emergency information directly to the residents via text or email. According to the letter dated March 7, 2012, Mr. Corley (CEO of NONRAHS) state that the purpose of the Advanced Warning System is to create a specialized National Security Defense System that allows for immediate communication with the general public in time of crises. How does the system created by NONRAHS differ than the one offer by NIXLE? Please explain.

Integrated Public Alert System (IPAWS) is the national alert and warning system to enable rapid dissemination of authenticated alert information over as many communications pathways as possible:

- *IPAWS allows the President of the United States to speak to the American people under all emergency circumstances, including situations of war, terrorist attack, natural disaster, or other hazards.*
- *IPAWS enables Federal, State, territorial, tribal, and local alert and warning emergency communication officials to access multiple broadcast and other communications pathways for the purpose of creating and activating alert and warning messages related to any hazard impacting public safety and well-being.*
- *IPAWS will reach the American public before, during, and after a disaster through as many means as possible.*
- *IPAWS diversifies and modernizes the Emergency Alert System (EAS).*
- *IPAWS creates an interoperability framework by establishing or adopting standards such as the Common Alerting Protocol (CAP).*
- *IPAWS enables alert and warning to those with disabilities and to those without an understanding of the English language.*
- *IPAWS partners with the National Oceanic & Atmospheric Administration (NOAA) to enable seamless integration of message transmission through national networks.*

Nixle is a communications system that connects residents with our emergency services. Residents use Nixle to receive information ranging from critical alerts to community news. Residents can choose how they receive this information via Email, SMS text, Web Page, or Mobile Application. The resident has the option to "Opt In". Nixle is a free system similar to what is known as the Reverse 911 system which has a cost associated with it (Approx \$250K). This system compliments our Mass notification system known as Smart Messaging.

An additional system went live this month. The National Emergency Alert System called the Commercial Mobile Alert System (CMAS) also known as the Wireless Emergency Alert System (WEA) broadcast to cell towers located in a geographic area where alerts apply, which in turn will relay the message to all cell phones within the reach of their signals. Not all cell phones, particularly older models are capable. This is a "Point to

Multi-Point" system. The alerts are sent to cell towers and not directly to cell phones. It is intended to be a "Bell Ringer" and not to replace other sources of information like Weather Radio's, EAS Announcements, etc.

WEA's are limited to warnings and do not include severe weather watches, flash floods, extreme winds, etc. This is a free service and residents may "Opt Out".

The NONRAH's digital sign is not only an alert but will provide source information as well to those residents at the particular location when Radio, TV or other means are not available.

2. Are there any plans to install more of these advanced warning systems through Detroit?

Yes. Equipment for the EAS Alert Sirens began to arrive on Monday 8 July and installation will begin in 2 weeks with a completion date approximately September 2012.

3. In the letter dated June 7, 2012, the Detroit Regional Convention Facility Authority stated that funding for the new sign would come from sponsorship agreements between NONRAHS and third party groups. Will the city receive a portion of any revenue generated by the advertisements? If so, how much and where would the revenue go?

It is intended that revenues generated will go toward the sustainment and operating cost of the system.

4. Are there any additional benefits to the City should Council approve the contract?

The benefit is the safety and security of the residents and guest in the City of Detroit. These systems fill gaps and long needed capabilities as well as redundancy.



January 30, 2012

Honorable City Council:

RE: Petition No. 2047 – Nonrahs International, requesting encroachment permit in Hart Plaza for the installation of replacement directional/informational sign.

Petition No. 2047 of "Nonrahs International" whose address is 24225 West 9 mile Road, Southfield, Michigan 48033, request to encroach into Woodward Avenue, 100 feet wide, south of Jefferson Avenue, 210 feet wide, with a new directional/informational billboard sign. This sign will replace the old billboard sign with a new improved billboard sign.

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

The Public Lighting Department (PLD) reports having high voltage underground primary street lighting circuit running in the encroachment area. Any structure proposed to be built shall maintain 10 feet horizontal clearance from the overhead PLD lines and installations, also any structure proposed to be built shall maintain a minimum of three feet horizontal clearance and 12 inches vertical clearance from the PLD conduit bank and manholes. The contractor will be liable for any damages to any PLD underground facilities.

Detroit Water and Sewerage Department (DWSD) reports having an existing water mains and sewers in the inter intersection of Woodward and Jefferson. DWSD has no objections to the encroachment provided that the provisions for encroachments within the resolution are strictly followed.

The Traffic Engineering Division – DPW reports the petitioner and/or contractor must maintain the existing 20 feet clear walkway width for pedestrian traffic. Also, the sign shall be mounted high enough to provide a 20 feet vertical clearance above the existing grade.

All other involved City departments and privately owned utility companies request the petitioner(s) make use of "Miss Dig" facilities before the construction of the pedestrian bridge, foundation, and column take place.

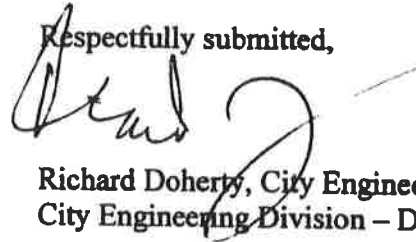


CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

65 CADILLAC SQUARE, SUITE 900
DETROIT, MICHIGAN 48226
PHONE 313-224-3949
FAX 313-224-3471
WWW.DETROITMI.GOV

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

Respectfully submitted,



Richard Doherty, City Engineer
City Engineering Division – DPW

NRP/

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 “Nonrahs L.E.D. LLC” to construct and maintain the new directional/informational billboard sign encroaching into Woodward Avenue, 100 feet wide, south of Jefferson Avenue, 210 feet wide; described as follows:

The encroachments is between Lot 1 and 53 all in the Plan of Section Number Three in the City of Detroit in the Territory of Michigan confirmed Unanimously by the Governor and The Judges on the 27th Day of April 1807 and ordered to be a record and to be signed by the Governor and Attested by the Secretary of the Board. Attest: Peter Audrine, Secretary as recorded in Liber 34 Page 548, Deeds, Wayne County Records on the Westside of Woodward Avenue, 100 feet wide South of Jefferson; and Lot 7 and 61 all in the Plan of Section Number four in the City of Detroit in the Territory of Michigan confirmed Unanimously by the Governor and The Judges and ordered to be a record (27th Day of April 1807) and to be signed by the Governor and Attested by the Secretary of the Board. Attest: Peter Audrine, Secretary as recorded in Liber 34 Page 546 and 547, Deeds, Wayne County Records on the Eastside of Woodward Avenue, 100 feet wide and South Jefferson Avenue, 210 feet wide;

Encroachment to consist of a directional/informational billboard sign 49 feet in total height from grade and 26 feet wide said billboard will replace the old one between the above described parcels:

PROVIDED, That 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 street, and at all times, DWSD, its agents or employees, shall have the right to enter upon the street 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 cost associated with gaining access to DWSD’s facilities, which could normally be expected had the petitioner not encroached into the street shall borne by DWSD, and 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 futher

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 damaged DWSD facilities; and further

PROVIDED, that the petitioner 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, "Nonrahs L.E.D. LLC" 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 "Nonrahs L.E.D. LLC" 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 "Nonrahs L.E.D. LLC" or its assigns. Should damages to utilities occur "Nonrahs L.E.D. LLC" 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 any structure proposed to be built shall maintain 10 feet horizontal clearance from the overhead PLD lines and installations, also any structure proposed to be built shall maintain a minimum of three feet horizontal clearance and 12 inches vertical clearance from the PLD conduit bank and manholes; and further

PROVIDED, that the petitioner and/or contractor must maintain the existing 20 feet clear walkway width for pedestrian traffic. Also, the sign shall be mounted high enough to provide a 20 feet vertical clearance above the existing grade; 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, "Nonrahs L.E.D. LLC" (owners) 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 "Nonrahs L.E.D. LLC" 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, protect and defend 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 "Nonrahs L.E.D. LLC" of the terms thereof. Further, "Nonrahs L.E.D. LLC" 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 "Nonrahs L.E.D. 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 "Nonrahs L.E.D. 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 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

**WRITTEN ACCEPTANCE OF THE TERMS AND CONDITIONS
OF DETROIT CITY COUNCIL
RESOLUTION PETITION NUMBER 2047
ADOPTED _____**

NONRAHS L.E.D., LLC ("Permittee") with an address of 24225 W. 9 Mile Rd Southfield, Michigan 48033, does hereby accept the terms and conditions of the City Council Resolution granting Petition Number 2047, and agrees to comply with its requirements; and further, that pursuant to the said Resolution, Permittee does hereby agree to defend and save harmless the City of Detroit ("the City") from any and all liabilities, obligations, penalties, costs, charges, losses, damages, or expenses (including without limitation, fees, and expenses of attorneys, expert witnesses and other consultants) which may be imposed upon, incurred by or asserted against the City by reason of the issuance of said permit(s), or the performance or non-performance by the Permittee of the terms of the permit(s) hereof, or that may rise out of the maintenance of the above described encroachments by Permittee's personnel, agents, and employees; and further, that in accordance with said Resolution, a certified copy of the aforementioned City Council resolution will be recorded in the Office of the Register of Deeds of Wayne County by the City Clerk.

Wherefore, we have hereunto set our hands on this 26th day of
October, 2011.

Witnessed By:

Carl Corley
Chairman; CEO

Permittee:

NONRAHS. L.E.D., LLC

By: Antonio Davis

Title: President & COO

Antonio Davis

Approved By Law Department

[Signature]
Corporate Counsel

12-13-11
Date

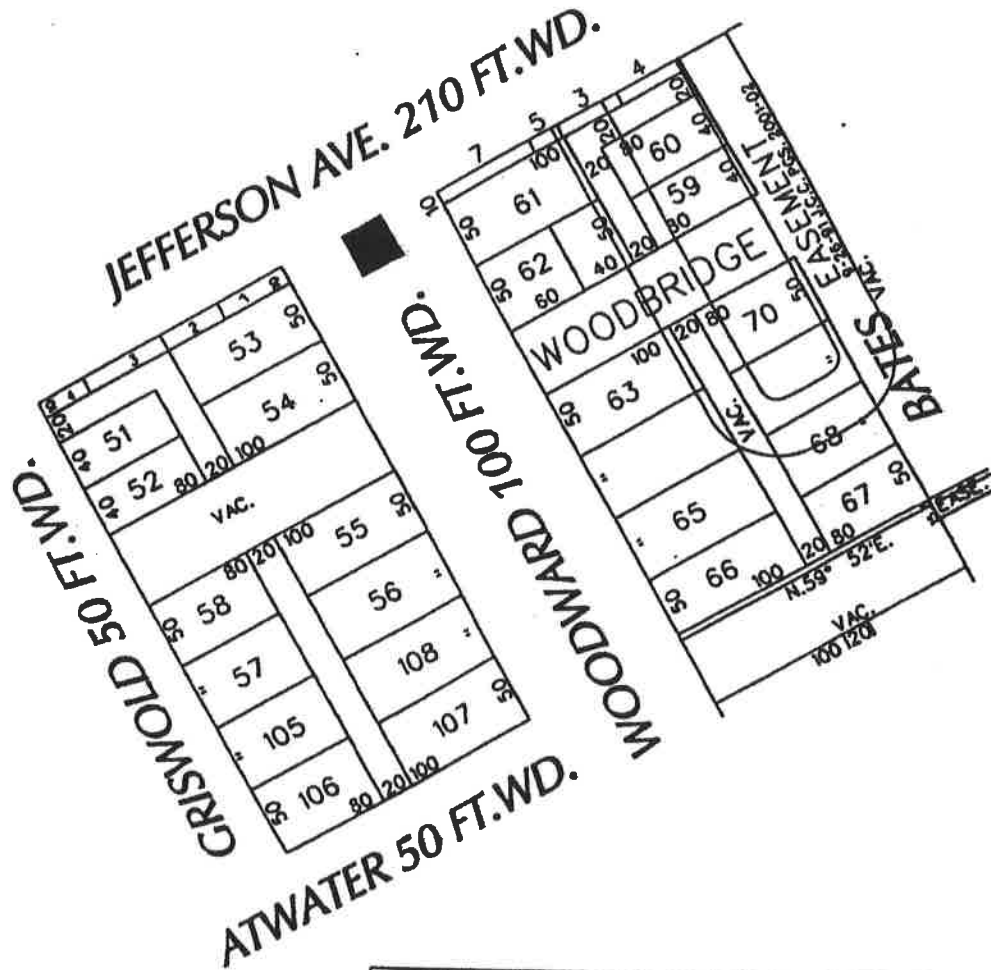
STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

On this 26th day of October, 2014, before me, a Notary Public in and for said County, appeared Antonio Davis *Antonio Davis* to me known personally, who being duly sworn, did say that he is the President & COO for the NONRAHS L.E.D. LLC and that the Written Acceptance of the Terms and Conditions of the City Council Resolution Petition No. 2047 was signed on behalf of said limited liability company by authority of its Board of Managers.

Shirley Bogins-Riley
Notary Public

SHIRLEY BOGINS-RILEY
Notary Public, State of Michigan
County of Oakland
My Commission Expires Oct. 15, 2015
Acting in the County of

PETITION NO. 2047
 NONRAHS INTERNATIONAL
 24225 W. 9 MILE STE. 115
 SOUTHFIELD, MI 48033
 c/o ANTONIO DAVIS
 PHONE NO. 313-671-2502



NOTE: SEE ATTACHED DRAWINGS FOR MORE DETAILS ON ENCROACHMENT

 - AREA OF ENCROACHMENT

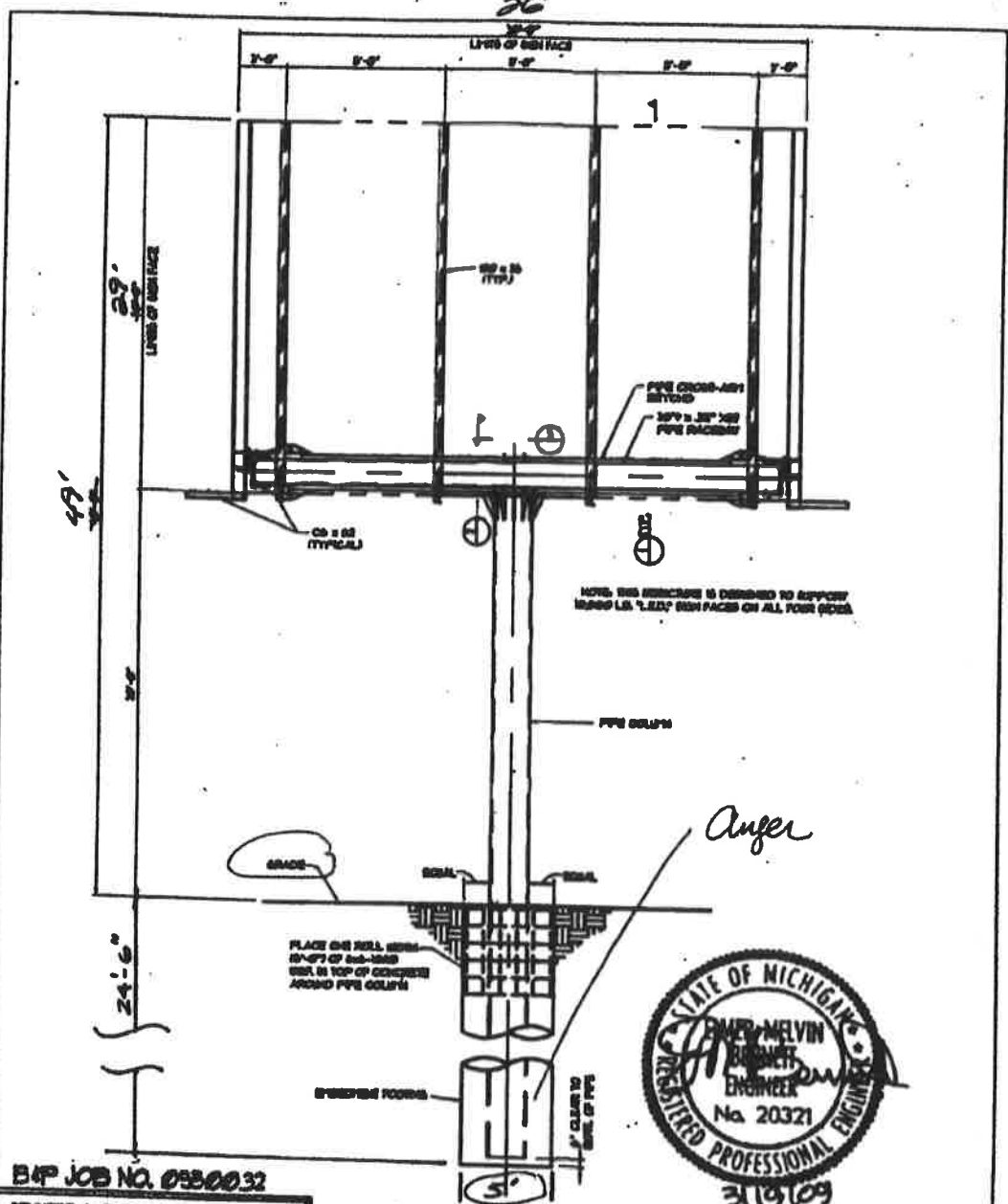
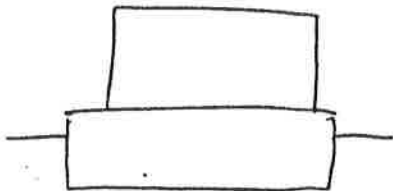
(FOR OFFICE USE ONLY)

CARTO 28 E&F

B				
A				
DESCRIPTION	BY	CHECKED	APPROVED	DATE
DRAWN BY	NP	CHECKED		
DATE	923-17	APPROVED		

REQUEST TO ENCROACH INTO WOODWARD AVE. 100 FT. WD SOUTH OF JEFFERSON AVE. 210 FT. WD WITH AN INFORMATIONAL BILLBOARD SIGN 26 FT. WD. AND 45 FT. IN HIEGHT.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. x2047.dgn



NOTE: THIS STRUCTURE IS DESIGNED TO SUPPORT
MOUNTED L.A. "LEAD" SIGN FACES ON ALL FOUR SIDES.



B4P JOB NO. 0930032

BENNETT & FLESS, INC.
Consulting Structural Engineers

100 Michigan Avenue
Cantonville, MI 48103
483 700-1500 FAX 483 700-2004

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SIGN FRAME ELEVATION
NOT TO SCALE

job name	OUTDOOR SPECIALIST, INC.	date	3/19/09	sheet #	1
	ES-1484 (DETROIT, MICHIGAN)	by	TED		
	SIGN 7261-041	check'd	TFL		of 2

