



April 30, 2015

Honorable City Council:

RE: Petition No. 476 – The Lofts at Rivertown Condominium Association, request for an Encroachment permit to install a new fence, following right-of-way guidelines once the bridge reconstruction project has been completed in February or March 2015.

Petition No. 476 - The Lofts at Rivertown Association request to install and maintain an encroachment in the public right-of-way on the north side of Jefferson Avenue, 120 feet wide between Beaufait Avenue, 71 feet wide and Bellevue Avenue, 66 feet wide. The proposed encroachment is for a security fence.

The requested encroachment with a fence is to provide security to and from the Jefferson Avenue building entrance and the secured parking lot located on Beaufait Avenue.

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.

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

Michael Duggan. MAYOR



City Engineering Division – DPW remains concerned that this private fence on the public sidewalk utilizes over half the width of the sidewalk, and diverts pedestrians toward the curb and the adjacent traffic flow.

I am forwarding the attached resolution for your consideration without a recommendation.

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 _____

RESOVLED, The City Engineering Division – DPW is hereby authorized and directed to issue permits to “The Lofts at Rivertown Condominium Association” and/or their assigns, to install and maintain encroachments with a security fence in the sidewalk on the north side of Jefferson Avenue, 120 feet wide between Beaufait Avenue, 71 feet wide and Bellevue Avenue, 66 feet wide on property described as: Land in the City of Detroit, Wayne County, Michigan being part of Jefferson Avenue, 120 feet wide, beginning 74.4 feet westerly of the westerly line of Bellevue Avenue, 66 feet wide, and ending 29.9 feet easterly of the easterly line of Beaufait Avenue, 71 feet wide and being 7.00 feet or less in width and adjoining the southerly line of Lots 1, 2, 3 and 4 “Henry Russell’s Subdivision of the S. part of Block 4 Beaufait Farm, P.C. 19 Hamtramck (now Detroit), Wayne County, Mich.” as recorded in Liber 4, Page 67 of Plats, Wayne County Records; also adjoining the southerly line of Lots 1 and 2 “Desnoyers Subdivision of the N.E.ly 1/2 of S.W.ly 1/2 Private Claim 19, confirmed to Lewis Beaufait” as recorded in Liber 1, Page 221 of Plats, 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 damaged 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 a minimum clear sidewalk width of 6.00 feet shall be maintained adjacent to (south of) the proposed encroachment at all times.

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-way 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, also if it becomes necessary to repair or replace the Jefferson Avenue bridge, 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 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 security fence lying within said area referred to herein shall be construed as acceptance of this resolution by “The Lofts at Rivertown Condominium Association” 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

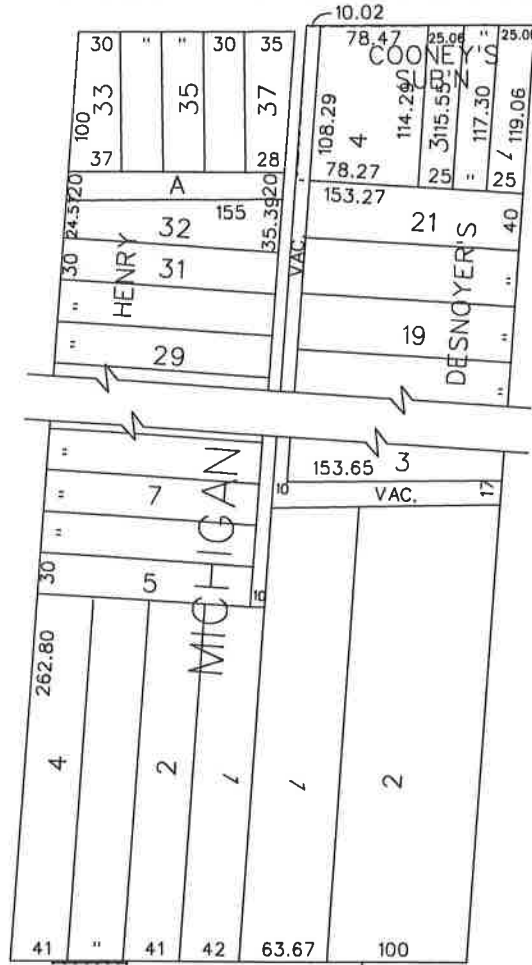
Provided, That the City Clerk shall within 30 days record a certified copy of this resolution and indemnity agreement (if attached) with the Wayne County Register of Deeds.

PETITION NO. 476
 THE LOFTS AT RIVERTOWN CONDOMINIUM ASSOCIATION
 6533 E. JEFFERSON AVE.
 DETROIT, MICHIGAN 48207
 C/O CINDY KOPCHAK
 PHONE NO. 313 259-0011



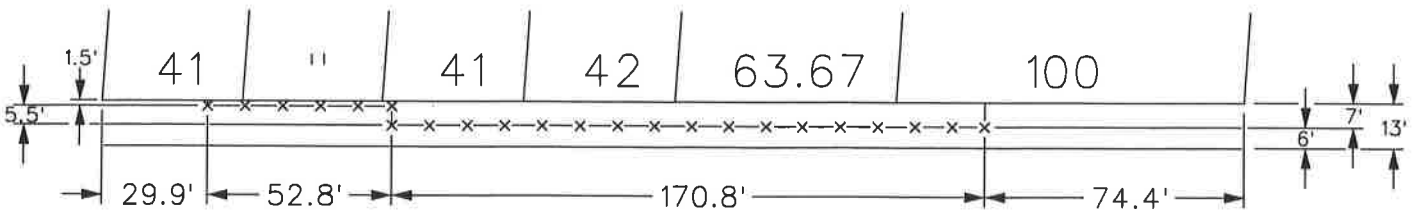
LAFAYETTE AVE. E. 50 FT. WD.

BEAUFAIT AVE. 71 FT. WD.



BELLEVUE AVE. 66 FT. WD.

JEFFERSON AVE. E. 120 FT. WD.



- REQUEST ENCROACHMENT
 (With Fencing)

JEFFERSON AVE. E. 120 FT. WD.

(FOR OFFICE USE ONLY)

CARTO 46 C

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	01-26-15	APPROVED			

**REQUEST ENCROACHMENT
 INTO JEFFERSON AVE. E.
 AT 6533 JEFFERSON AVE. E.
 (With Fencing)**

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 476