



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

May 14, 2015

Honorable Detroit City Council

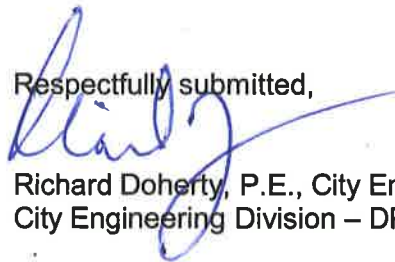
RE: Petition No. 542 - "Giffels Webster", in behalf of Corked Tusk Development LLC, request the vacation of 0.3 feet of the public street and 0.1 feet of the public alley rights-of-way adjacent to 1260 Library Street, however it was determined by the City Engineer that in the best interest of the City of Detroit that the request be treated as an encroachment.

Petition No. 542 of "Giffels Webster", 28 W. Adams, Ste. 1200, Det., MI., 48226, in behalf of "Corked Tusk Development LLC", whose address is 645 Griswold St., Ste. 4300, Detroit, Michigan 48226, originally requested the vacation of certain rights-of-way, however it was determined by the City Engineering Division/DPW that in the best interest of the City of Detroit the petition request be investigated as encroachments. Therefore, the petitioner respectfully request to maintain existing façade encroachments described as being 0.3 feet into Library Street (71 feet wide) and 0.1 feet into the north-south public alley (20 feet wide) all between Gratiot and E. Grand River Avenue(s), adjacent to 1260 Library Street.

The minor pre-existing encroachments where created by improvements to the façade of the building made by the previous owner. The encroachments are minor and will not interfere, alter or adjust current vehicular and pedestrian paths.

The request was approved by Planning and Development Department and the Traffic Engineering Division – DPW. The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

All other involved City departments and privately owned utility companies have reported no objections to the requested encroachments. 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, The City Engineering Division – DPW is hereby authorized and directed to issue permits to “Corked Tusk Development LLC”, whose address is 645 Griswold St., Ste. 4300, Detroit, Michigan 48226, to maintain existing façade encroachments described as being 0.3 feet into Library Street (71 feet wide) and 0.1 feet into the north-south public alley (20 feet wide) all between Gratiot and E. Grand River Avenue(s), adjacent to 1260 Library Street described as:

That 0.3 foot part of Library Street (71 feet wide) lying westerly of and abutting the west line of the North 45.00 feet of Lot 61 and that 0.1 foot part of the north – south public alley (20 feet wide) lying easterly of and abutting the east line of the North 45.00 feet of Lot 61 all between Gratiot Avenue and E. Grand River Avenue, of the “Plat of Section 7 Governor and Judges Plan” City of Detroit, County of Wayne, State of Michigan, as recorded in Liber 34, Page 544, Deeds, Wayne County Records;

WHEREAS, The Traffic Engineering Division – DPW requires that the Facade encroachment(s) not impede pedestrian and vehicular access, nor interfere with the maintenance of the public rights-of-way including utility company and Fire Department access, and

PROVIDED, That “Corked Tusk Development LLC”, whose address is 645 Griswold St., Ste. 4300, Detroit, Michigan 48226, or its assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any 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 the Traffic Engineering Division-DPW (if necessary); and further

PROVIDED, That all costs for the construction, maintenance, permits and use of the encroachments shall be borne by the “Corked Tusk Development 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 the “Corked Tusk Development LLC”, or its assigns. Should damages to utilities occur the “Corked Tusk Development 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 the “Corked Tusk Development LLC”, shall file with the Finance Department through the City Engineering Division – DPW, an indemnity agreement in form approved by the City of Detroit 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 the “Corked Tusk Development LLC”, of the terms thereof. Further, the “Corked Tusk

Development 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 the "Corked Tusk Development LLC", or its assigns and the encroachments 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, after reasonable consideration, 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 the "Corked Tusk Development LLC", acquires no implied or other privileges hereunder not expressly stated herein, however, there shall be no revocation or termination of the permit to allow the encroachments without a resolution from the Detroit City Council directing such revocation or termination before revoking such permit, the City Council may consider engineering reports and studies from City departments and owners of the parking structure; and further

PROVIDED, That the encroachment 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 with the Wayne County Register of Deeds.

PETITION NO. 542
 GIFFELS WEBSTER
 28 W. ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 C/O JAMES FOSTER
 PHONE NO. 313 962-4442

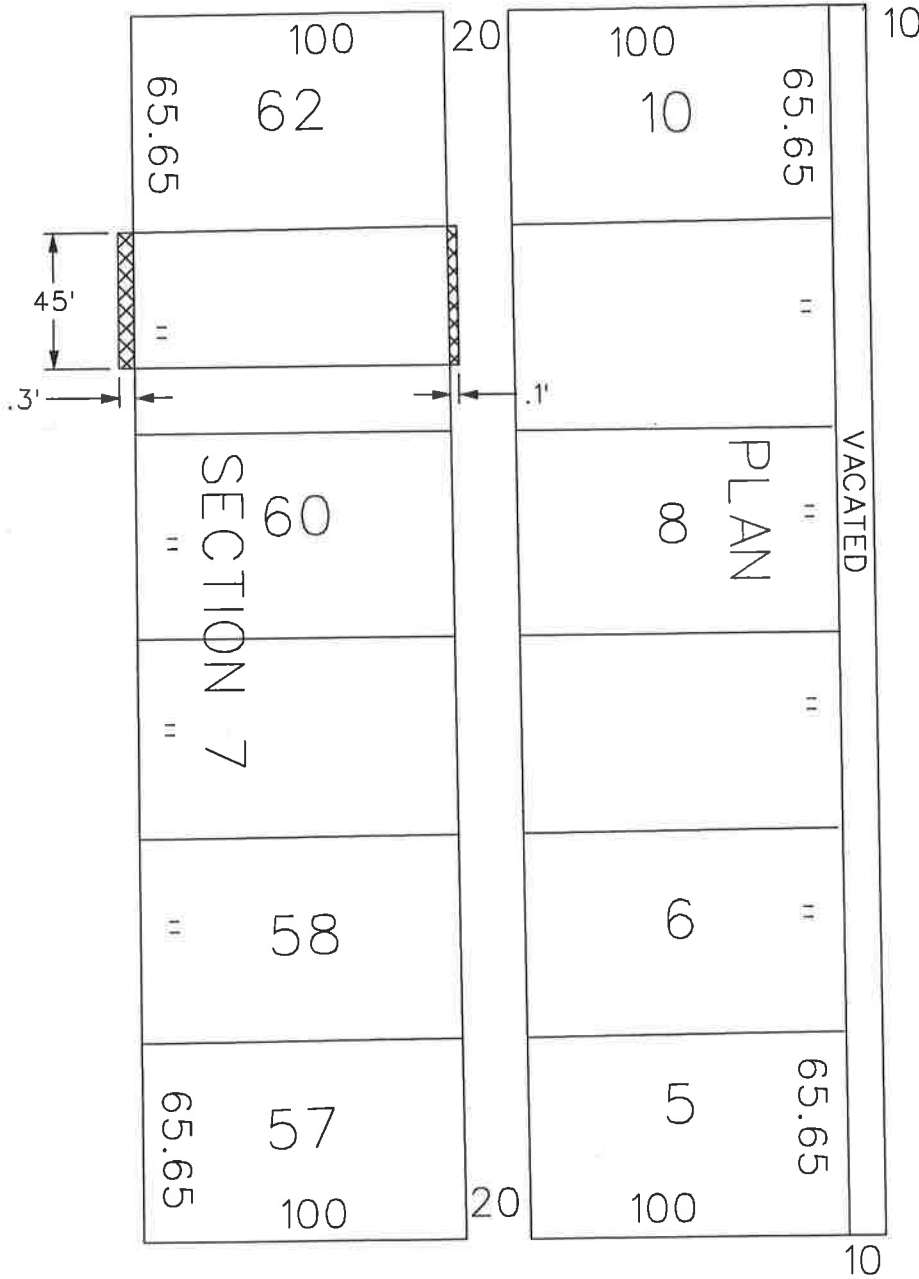
"REVISED"



GRAND RIVER AVE. 60 FT. WD.

LIBRARY AVE. 71 FT. WD.

BROADWAY AVE. 100 FT. WD.



GRATIOT AVE. 60 FT. WD.



- REQUEST ENCROACHMENT
 (With Facade Improvements)

(FOR OFFICE USE ONLY)

CARTO 28 A

B					
A	REVISED - CHANGE FROM VACATION TO ENCROACHMENT	WLW	KSM	KSM	02/11/15
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	02-06-15	APPROVED			

REQUEST ENCROACHMENT
 A PORTION OF 1260 LIBRARY ST.
 AND A PORTION OF THE NORTH/SOUTH PUBLIC ALLEY
 (With Facade Improvements)
 BETWEEN E. GRAND RIVER
 AND GRATIOT AVE.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 542