



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

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September 8, 2015

Honorable City Council:

**RE: Petition No. 548 – SDG, request permission to encroach into rights-of-way listed within the report on behalf of Hartford Memorial Baptist Church located at 18700 James Couzens Freeway.**

Petition No. 548 of SDG Architects and Planners, on behalf of Hartford Memorial Baptist Church whose address is 18700 James Couzens, Detroit, MI 48235 request to vacate part of an alley in the block of Clarita, 50 feet wide, West Seven Mile Road, 106 feet wide, James Couzens, 106 feet wide, Ardmore, 50 feet wide, and Stansbury Avenue, 50 feet wide. The request is also for the following encroachments:

1. A 64'0" wide bridge encroachment above Clarita Avenue for a parking structure extension. The minimum clearance above the street surface to the underside of the encroachment will be 16'0".
2. A 3'0" wide sub-surface encroachment along a portion of James Couzens Service Drive right-of-way.
3. A 3'0" wide sub-surface encroachment along a portion of Lesure Avenue, 50 feet wide, right-of-way.
4. A 3'0" wide sub-surface encroachment along a portion of Clarita Avenue right-of-way.
5. A 3'0" wide sub-surface encroachment and a 2'0" wide above grade encroachment along a portion of the alley, 20 feet wide first east and parallel to James Couzens Service Drive right-of-way. The minimum clearance above the alley surface to the underside of the above grade encroachment will be 16'0".

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

The request is being made by Hartford Memorial Baptist Church in order to address parking issues by providing ample, safe and secure parking in a parking structure; also to construct an activity center for Church, Youth and Community functions; also to provide "incubator" retail space and new Church office space.

The request was approved by the Solid Waste Division – DPW, Traffic Engineering Division – DPW, and City Engineering Division – DPW.

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. DWSD reports that there are no water mains or sewers in the alley to be vacated and DWSD has no objection to the requested vacation.

Public Lighting Department (PLD) and Public Lighting Authority (PLA) report being involved and both approve provided certain conditions are met. The PLD reports that there is a cable pole 2 feet back of curb with connecting duct line at encroachment area #1 (Bridge encroachment). The cable pole has guy wires connected. The PLD cable pole and conduit would have to be relocated at project cost. PLA reports that the alley vacation is acceptable upon removal of all alley lights and cable at project cost. PLD and PLA conditions have been made a part of the attached resolution.

DTE Energy – Electric Division reports involvement with the project. The estimated costs of removing and/or rerouting such services are \$27, 565. A provision requiring the removal and/or relocation of DTE Energy electric service is a part of the resolution.

DTE Energy – Gas Division have determined this is not to be a build over, nor would this project require the rerouting of any mains in the area, and have agreed to allow the project to continue as planned. An easement the full width of Clarita must be maintained.

AT&T reports being involved and their services must be removed or rerouted at project cost or an easement granted.

Comcast reports being involved and their services must be removed or rerouted at project cost or an easement granted.

All other involved City departments and privately owned utility companies have reported no objections. Provisions protecting all utilities are a part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

  
Richard Doherty, P.E., City Engineer  
City Engineering Division – DPW

JMK/

Cc: Ron Brundidge, Director, DPW  
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER \_\_\_\_\_

**RESOLVED**, All that part of the northwest-southeast public alley, 20 feet wide, including that portion vacated and converted to easement on March 28, 1990 (J.C.C. pages 689 - 690); also a triangular part of the alley in the block of Clarita, 50 feet wide, West Seven Mile Road, 106 feet wide, James Couzens, 106 feet wide, Ardmore, 50 feet wide, and Stansbury Avenue, 50 feet wide, and more particularly described as lying southwesterly of and abutting the southwesterly and southwesterly line of Lot 385 also lying northeasterly of and abutting the northeasterly line of Lots 386 to 395, both inclusive, and part of Lot 396 and bounded on the east by the easterly line of said Lot 385 extended southerly to the northeasterly line of said Lot 396 "Ramm and Co's Northwestern Highway Subdivision No. 3 of part of the N.  $\frac{3}{4}$  of the E.  $\frac{1}{2}$  of the N.E.  $\frac{1}{4}$  of Section 7 T.1S.,R.11E. Greenfield Twp., City of Detroit, Wayne County, Michigan" as recorded in Liber 49, Page 7 of Plats Wayne County Records.

Be and the same is hereby vacated as public alley right-of-way to become part and parcel of the abutting property, subject to the following provisions:

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, That the petitioner shall be responsible for removal and/or rerouting of any DTE Energy – Electric service at project cost or an easement granted, and further

PROVIDED, That AT&T and their services must be removed or rerouted at project cost or an easement granted, and further

PROVIDED, That Comcast and their services must be removed or rerouted at project cost or an easement granted, and further

PROVIDED, That PLA requires removal of all alley lights and cable at project cost, and further

PROVIDED, That before construction over the portion vacated public alley, mentioned above, the petitioner shall apply to Buildings, Safety Engineering and Environmental Department for a building permit, and further

PROVIDED, That whenever it becomes necessary to remove the paved alley return (into Ardmore Avenue), such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the petitioner, their heirs or assigns, and

**Be it also RESOLVED**, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to "Hartford Memorial Baptist Church"

whose address is 18700 James Couzens, Detroit, MI 48235 or to their assigns for the following five encroachment areas listed below:

1. A 64'0" wide bridge encroachment above Clarita Avenue, 50 feet wide, for a parking structure extension (bridge). The minimum clearance above the street surface to the underside of the encroachment will be 16'0". The encroachment location described as lying southerly of and adjoining the southerly line of Lot 398 except that part taken for widening James Couzens Drive; also lying northerly of and adjoining the northerly line of Lots 399 and 400 except that part taken for widening James Couzens Drive, "Ramm and Co's Northwestern Highway Subdivision No. 3 of part of the N.  $\frac{3}{4}$  of the E.  $\frac{1}{2}$  of the N.E.  $\frac{1}{4}$  of Section 7 T.1S.,R.11E. Greenfield Twp., City of Detroit, Wayne County, Michigan" as recorded in Liber 49, Page 7 of Plats Wayne County Records.
2. A 3'0" wide sub-surface encroachment for foundations only along a portion of James Couzens Service Drive right-of-way. The encroachment location described as lying southwesterly of the southwesterly line of Lots 386 through 405, both inclusive, except that part of said Lots taken for widening James Couzens Drive, also lying southwesterly of and adjoining the southwesterly line of Lots 419 through 426, both inclusive, except that part taken for widening James Couzens Drive "Ramm and Co's Northwestern Highway Subdivision No. 3 of part of the N.  $\frac{3}{4}$  of the E.  $\frac{1}{2}$  of the N.E.  $\frac{1}{4}$  of Section 7 T.1S.,R.11E. Greenfield Twp., City of Detroit, Wayne County, Michigan" as recorded in Liber 49, Page 7 of Plats Wayne County Records.
3. A 3'0" wide sub-surface encroachment for foundations only along a portion of Lesure Avenue, 50 feet wide, The encroachment location described as lying easterly of and adjoining the easterly line of Lots 313 and 314 "Ramm and Co's Northwestern Highway Subdivision No. 3 of part of the N.  $\frac{3}{4}$  of the E.  $\frac{1}{2}$  of the N.E.  $\frac{1}{4}$  of Section 7 T.1S.,R.11E. Greenfield Twp., City of Detroit, Wayne County, Michigan" as recorded in Liber 49, Page 7 of Plats Wayne County Records.
4. A 3'0" wide sub-surface encroachment for foundations only along a portion of Clarita Avenue, 50 feet wide. The encroachment location described as lying southerly of the southerly line of Lot 398 except that part taken for James Couzens Drive also lying southerly of the southerly line of a public alley adjoining said Lot 398 as measured along said southerly line of Lot 398 extended easterly 2.5 feet, also lying northerly of and adjoining the northerly line of Lots 399 and 400, except that part taken for widening James Couzens Drive, also lying northerly of and adjoining the northerly line of Lots 355, 356 and 357 also lying northerly of and adjoining the northerly line of the vacated public alley lying between said Lots 357 and 400, all in "Ramm and Co's Northwestern Highway Subdivision No. 3 of part of the N.  $\frac{3}{4}$  of the E.  $\frac{1}{2}$  of the N.E.  $\frac{1}{4}$  of Section 7 T.1S.,R.11E. Greenfield Twp., City of Detroit, Wayne

County, Michigan" as recorded in Liber 49, Page 7 of Plats Wayne County Records.

5. A 3'0" wide sub-surface encroachment for foundations and a 2'0" wide above grade encroachment along a portion of the alley, 20 feet wide first east and parallel to James Couzens Service Drive right-of-way. The minimum clearance above the alley surface to the underside of the above grade encroachment will be 16'0". The encroachment location described as lying northeasterly of and adjoining Lots 396, 397 and 398 and bounded on the west by the easterly line of Lot 385 extended southerly to the northeasterly line of said Lot 396, all in "Ramm and Co's Northwestern Highway Subdivision No. 3 of part of the N.  $\frac{3}{4}$  of the E.  $\frac{1}{2}$  of the N.E.  $\frac{1}{4}$  of Section 7 T.1S.,R.11E. Greenfield Twp., City of Detroit, Wayne County, Michigan" as recorded in Liber 49, Page 7 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 (1-800-482-5000) 72 hours (three working days) prior to starting any underground construction; and be it further

PROVIDED, That DTE Energy – Electric Division reports involvement and the petitioner or property owner shall be responsible for the cost of removing, and/or relocating/rerouting the DTE electric services. The estimated cost is \$27,565 and for more information, contact Ms. Kimberly Tassen, Right-of-way Facilitator at (313) 235-4458; and be it further

PROVIDED, That Public Lighting Department (PLD) has facilities consisting of a cable pole 2 feet back of curb with connecting duct line at encroachment area #1 (Bridge encroachment). The cable pole has guy wires connected. The PLD cable pole and conduit would have to be relocated at project cost. Co-ordinate with Denise Williams – Senior Assistant Mechanical Engineer for PLD at 313-267-7216; and be it further

PROVIDED, That Public Lighting Authority requires removal of any alley lights and cable at project cost; and be it further

PROVIDED, That the “Hartford Memorial Baptist Church” or their 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 “Hartford Memorial Baptist Church” or their 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 "Hartford Memorial Baptist Church" or their assigns. Should damages to utilities occur "Hartford Memorial Baptist Church" or their assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

PROVIDED, That "Hartford Memorial Baptist Church" or their assigns 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 "Hartford Memorial Baptist Church" or their assigns of the terms thereof. Further, "Hartford Memorial Baptist Church" or their assigns shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

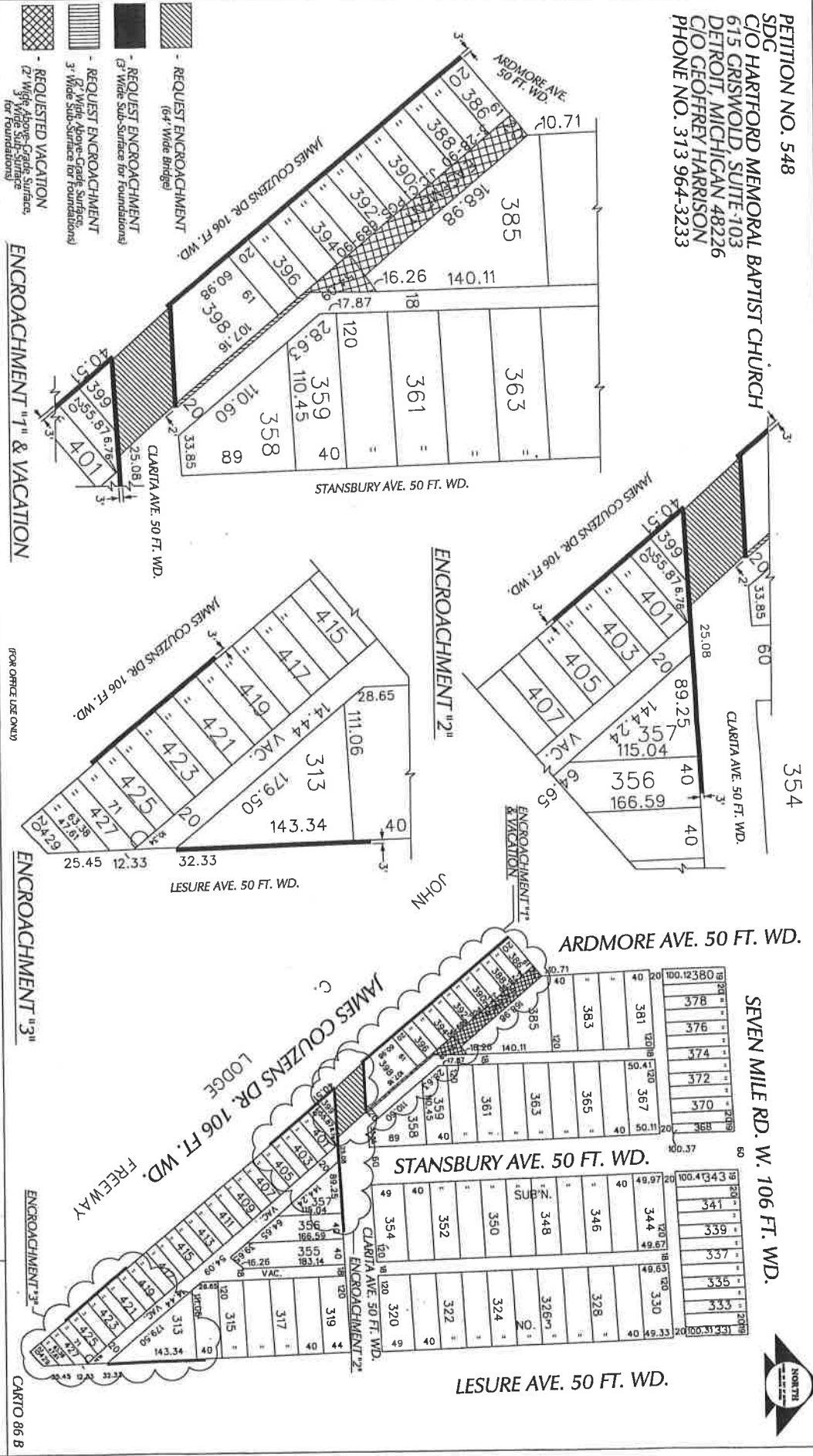
PROVIDED, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall 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 "Hartford Memorial Baptist Church" 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; and before revoking such permit, the City Council may consider engineering reports and studies from City departments and the owners of the encroachments; 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.

PETITION NO. 548  
 SDG  
 C/O HARTFORD MEMORIAL BAPTIST CHURCH  
 615 CRISWOLD, SUITE 103  
 DETROIT, MICHIGAN 48226  
 C/O GEOFFREY HARRISON  
 PHONE NO. 313 964-3233



ENCROACHMENT "1" & VACATION

ENCROACHMENT "2"

ENCROACHMENT "3"

DATE	REVISION	BY	DATE
03-12-15	APPROVED		

REVISION	BY	DATE
WJW		

REQUEST ENCROACHMENT INTO VARIOUS LOCATIONS AT 18700 JAMES COUZENS N.B. SERVICE DR. REQUEST TO VACATE A PORTION OF A NORTH/SOUTH PUBLIC ALLEY BETWEEN ARDMORE AVE., SEVEN MILE RD. W., STANSBURY AVE. AND JAMES COUZENS DR.

FOR OFFICE USE ONLY

CITY OF DETROIT	JOB NO.	01-01
CITY ENGINEERING DEPARTMENT	DWG. NO.	X 548
SURVEY BUREAU		

