



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

July 8, 2015

Honorable City Council:

RE: Petition No. 639 – Giffels Webster, on behalf of 207 East Baltimore, LLC request permission to install and maintain an entrance canopy, wall sconces and up-lighting encroaching into the public right-of-way at 207 East Baltimore.

Petition No. 639 of Giffels Webster, on behalf of 207 East Baltimore, LLC whose address is P.O. Box 160, Detroit MI 48207 request to install and maintain encroachments with a canopy over the door, five (5) recessed up-lights in the sidewalk and six (6) wall sconces attached to the building face on Baltimore Avenue, 60 feet wide. The request is being made to facilitate the re-development of an existing structure into apartments.

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

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.

Traffic Engineering Division – DPW (TED), reports being involved and approves provided certain conditions are met. The TED conditions have been made a part of the attached resolution.

Comcast and SBC Telecommunications – report involvement; and provisions protecting all utilities in the encroachment area are a part of the resolution. All other involved City departments and privately owned utility companies reported no objections.

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

Michael Duggan. MAYOR

BY COUNCIL MEMBER _____

RESOLVED, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to "207 East Baltimore, LLC" whose address is P.O. Box 160, Detroit MI 48207 for an encroachment with a canopy over the door, five (5) recessed up-lights in the sidewalk and six (6) wall sconces attached to the building face on 207 East Baltimore Avenue, adjoining property described as: Land in the City of Detroit, Wayne County, Michigan being Lots 64, 63 and the westerly ½ of 62 "Patrick McGinnis Subdivision of part of fractional section 31 in the City of Detroit, Wayne County, Michigan" as recorded in Liber 4, Page 93 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 72 hours prior to starting any underground construction where they plan the underground encroachment; and be it further

PROVIDED, That the petitioner shall be responsible to meet the following conditions of DPW -Traffic Engineering Division or get a variance from DPW -Traffic Engineering Division:

- 1) The in-ground lighting shall be finished flush with the sidewalk and the sidewalk shall be made ADA compliant after the installation of the in-ground up-lighting.
- 2) The canopy shall be cantilevered and shall provide a minimum vertical clearance of 12 feet between the existing sidewalk and the bottom of the proposed canopy.
- 3) The wall sconces shall provide a minimum vertical clearance of 12 feet between the existing sidewalk and the bottom of the sconce.

PROVIDED, That the "207 East Baltimore, LLC" or his 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 "207 East Baltimore, LLC"; 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 "207 East Baltimore, LLC" or his assigns. Should damages to utilities occur "207 East Baltimore, LLC" 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 "207 East Baltimore, 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 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 "207 East Baltimore, LLC" of the terms thereof. Further, "207 East Baltimore, LLC" 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 "207 East Baltimore, 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.

PETITION NO. 639
 GIFFELS WEBSTER
 28 W. ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 C/O EDWARD SIEGEL
 PHONE NO. 313 638-1470



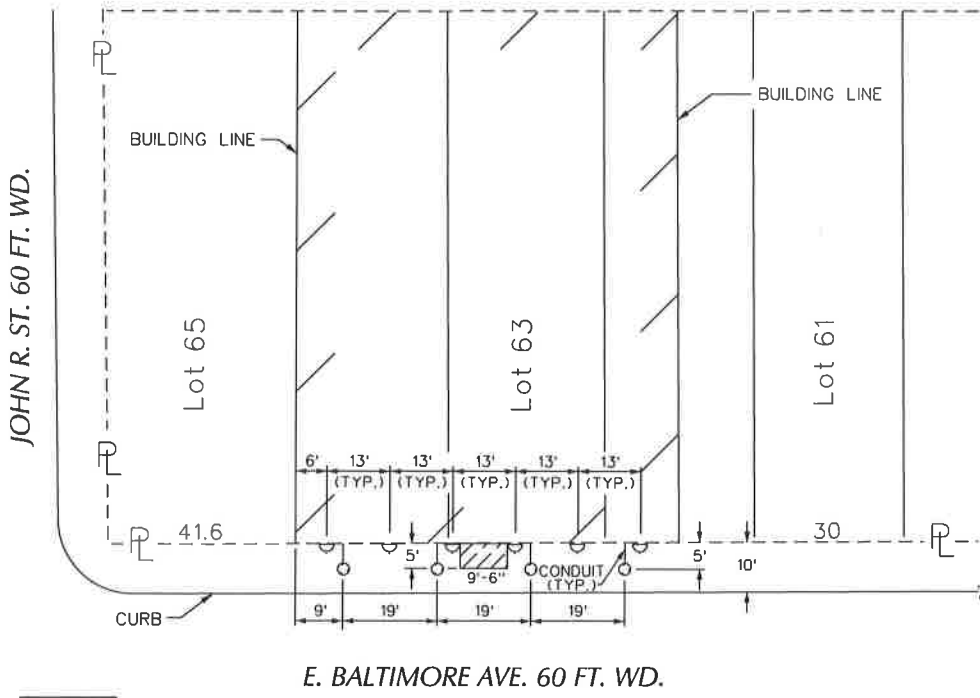
JOHN R. ST. 60 FT. WD.

E. MILWAUKEE AVE. 60 FT. WD.

BRUSH ST. 60 FT. WD.

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E. BALTIMORE AVE. 60 FT. WD.



LEGEND

- In-Ground LED Floodlight w/PVC Cable Conduit
- Vario LED Exterior Wall Sconce
- 5' X 9'-6" Galvanized Steel / Wood Canopy

REQUEST ENCROACHMENT
 (With Canopy, Wall Sconces & Uplighting)
 (FOR OFFICE USE ONLY)

CARTO 31 F

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REQUEST ENCROACHMENT
INTO E. BALTIMORE
AT 207 E. BALTIMORE
 (With Canopy, Wall Sconces & Uplighting)

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|-----------------------------|-------|
| CITY OF DETROIT | |
| CITY ENGINEERING DEPARTMENT | |
| SURVEY BUREAU | |
| JOB NO. | 01-01 |
| DRWG. NO. | X 639 |