



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, SUITE 601
DETROIT, MICHIGAN 48226
PHONE: (313) 224-3949 • TTY: 711
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WWW.DETROITMI.GOV

February 3, 2016

Honorable City Council:

RE: Petition No. 696 – Bedrock Real Estate Services request approval of a permanent encroachment along 1001 Woodward Avenue (in relation to the current plaza/outdoor seating).

Petition No. 696 – Bedrock Real Estate Services on behalf of 1001 Woodward LLC request to install and maintain an encroachment for sidewalk café seating on the west side of Woodward Avenue, 120 feet wide between Michigan Avenue, 100 feet wide, and State Street, 60 feet wide; also on the north side of Michigan Avenue, between Griswold Avenue, 90 feet wide and Woodward Avenue, 120 feet wide.

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

The request is being made to provide an outdoor seating area at 1001 Woodward Avenue where Bedrock Real Estate Services is reconstructing the sidewalks and plaza area around the building.

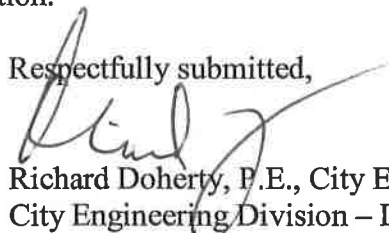
Traffic Engineering Division – DPW (TED), reports being involved and approves provided that a minimum 6 feet clear unobstructed sidewalk shall be maintained in front of the encroachment at all times. The TED provision is included as a part of the attached resolution.

Detroit Water and Sewerage Department (DWSD) reports being involved, but has no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution.

DTE – Gas reports being not involved; however in case of conflict or if the work is in close proximity to their gas lines they have remarks that are included as a part of the resolution. All other involved City Departments, including the Public Lighting Department and Public Lighting Authority; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting utility installations are 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, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Bedrock Real Estate and/or 1001 Webward LLC to install and maintain an encroachment for sidewalk café seating on the west side of Woodward Avenue, 120 feet wide between Michigan Avenue, 100 feet wide, and State Street, 60 feet wide; also on the north side of Michigan Avenue, between Griswold Avenue, 90 feet wide and Woodward Avenue, 120 feet wide. The area of sidewalk café seating including planters, barriers, and bike racks etcetera is more particularly described as follows:

Commencing at the Northeast corner of Lot 40 of Section 8, "Plat of the Governor and Judges Plan of the City of Detroit" as recorded in Liber 34 of Deeds, Page 543, Wayne County Records, Wayne County, Michigan, said point also being the intersection of the southerly right-of-way line of State Street (60 feet wide) and the westerly right-of-way line of Woodward Avenue (120 feet wide); thence S31°07'16"E 241.84 feet along said westerly right-of-way line of Woodward Avenue to the northeast corner of Lot 43 of said "Plat of the Governor and Judges Plan of the City of Detroit" and the Point Of Beginning; thence N58°58'03"E 7.00 feet; thence S31°07'16"E 173.84 feet; thence 18.33 feet along the arc of a 15 foot radius, non-tangential circular curve to the right, with a central angle of 70°00'36" and having a long chord that bears S54°01'26"W 17.21 feet; thence S89°01'42"W 224.92 feet; thence N01°11'21"W 5.16 feet to the southwest corner of Lot 46 of said "Plat of the Governor and Judges Plan of the City of Detroit"; thence the following eight (8) courses along the North right-of-way line of Michigan Avenue (100 feet wide): N88°48'39"E 29.42 feet, S31°15'20"E 1.59 feet, S76°22'30"E 1.42 feet, N58°44'40"E 3.47 feet, N88°48'39"E 125.33 feet, S31°15'20"E 1.50 feet, S76°23'50"E 1.41 feet and N58°44'40"E 61.47 feet to the westerly right-of-way line of Woodward Avenue (61 foot wide half width); thence N31°07'16"W 140.01 feet along said right-of-way line of Woodward Avenue; thence N58°58'03"E 1.00 feet along the southerly line of said lot 43 to the Point Of Beginning, being a part of Section 8, "Plat of the Governor and Judges Plan of the City of Detroit" and also part of the public rights-of-way of Woodward (variable width) and Michigan Avenue (100 feet wide) containing 0.08 acres of land, more or less, being subject to any easements, conditions or restrictions of record, if any.

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 a minimum 6 feet clear unobstructed sidewalk shall be maintained in front of the encroachment at all times; 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 DTE – Gas division reports no involvement, however, in case there is a conflict or close proximity to DTE Energy utility gas lines that requires a relocation and/or abandoning, please contact the Public Improvement Department, Attention: Mr. Michael Fedele – Supervisor at 313-389-7211 or Laura Forrester – Gas Planner at 313-389-7261, for the estimated costs of removing and/or relocating/rerouting, including the following: Field investigation, Survey, Design and drawing of the gas utilities; 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 Bedrock Real Estate and/or 1001 Webward LLC 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 Bedrock Real Estate and/or 1001 Webward 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 Bedrock Real Estate and/or 1001 Webward LLC or their assigns. Should damages to utilities occur Bedrock Real Estate and/or 1001 Webward LLC shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; 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

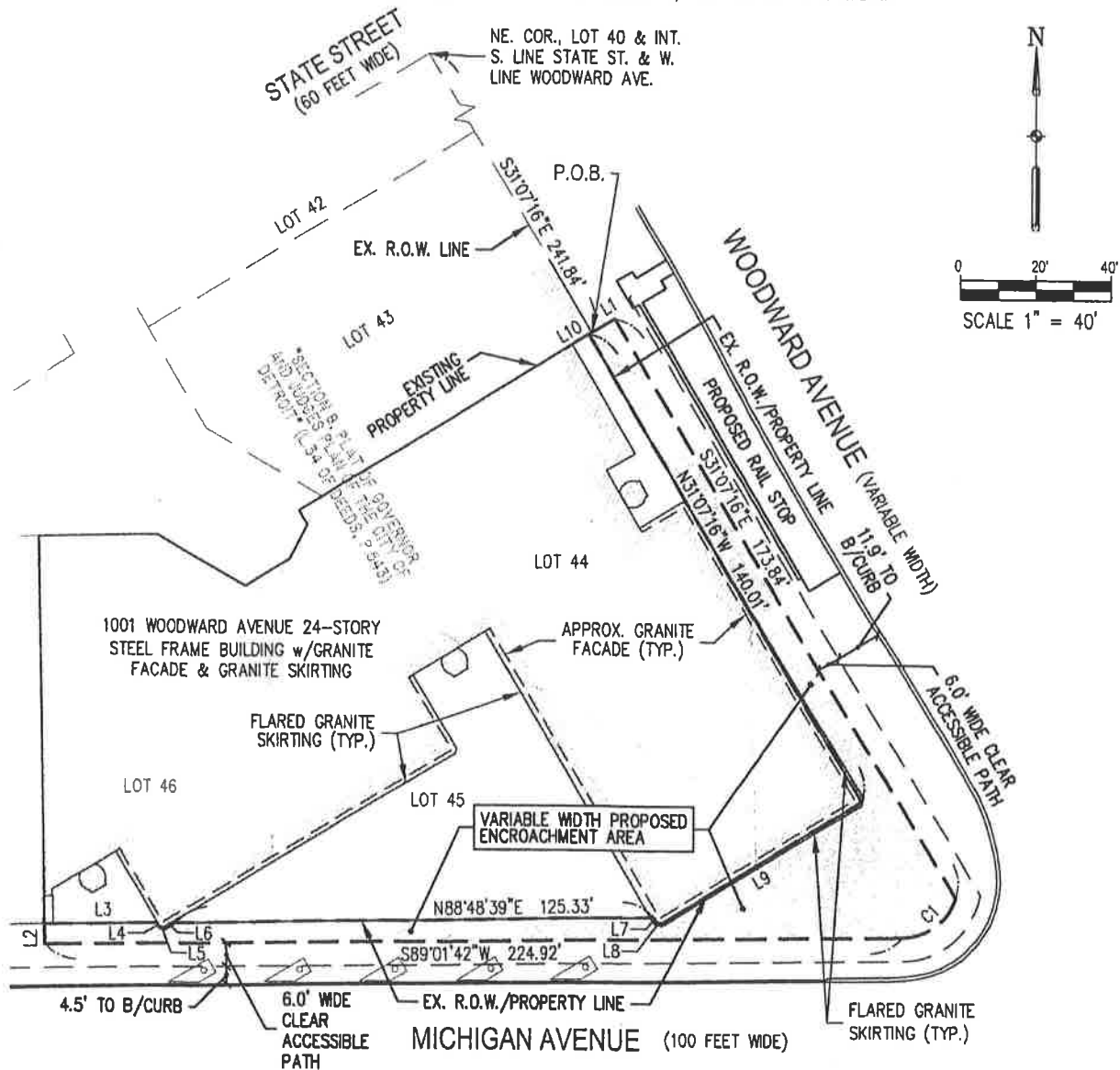
PROVIDED, this resolution is revocable at the will, whim or caprice of the City Council, and Bedrock Real Estate and/or 1001 Webward LLC acquires no implied or other privileges hereunder not expressly stated herein; and further

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 with the Wayne County Register of Deeds.

SITE ENCROACHMENT PLAN

BEING PART OF SECTION 8, "PLAT OF GOVERNOR AND JUDGES PLAN OF THE CITY OF DETROIT" IN WAYNE COUNTY, STATE OF MICHIGAN



LINE TABLE		
Line No.	Bearing	Length
L1	N58°58'03"E	7.00
L2	N1°11'21"W	5.16
L3	N88°48'39"E	29.42
L4	S31°15'20"E	1.59
L5	S76°22'30"E	1.42

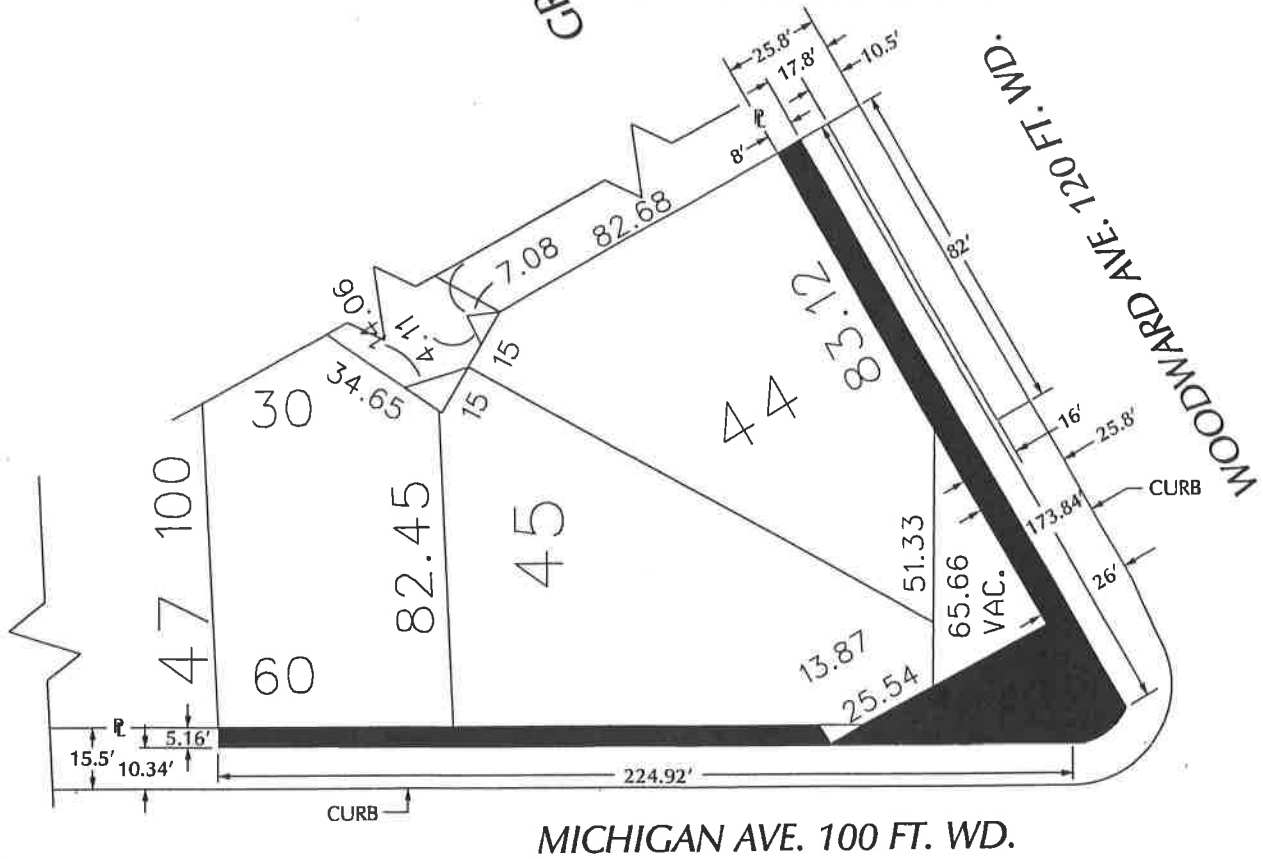
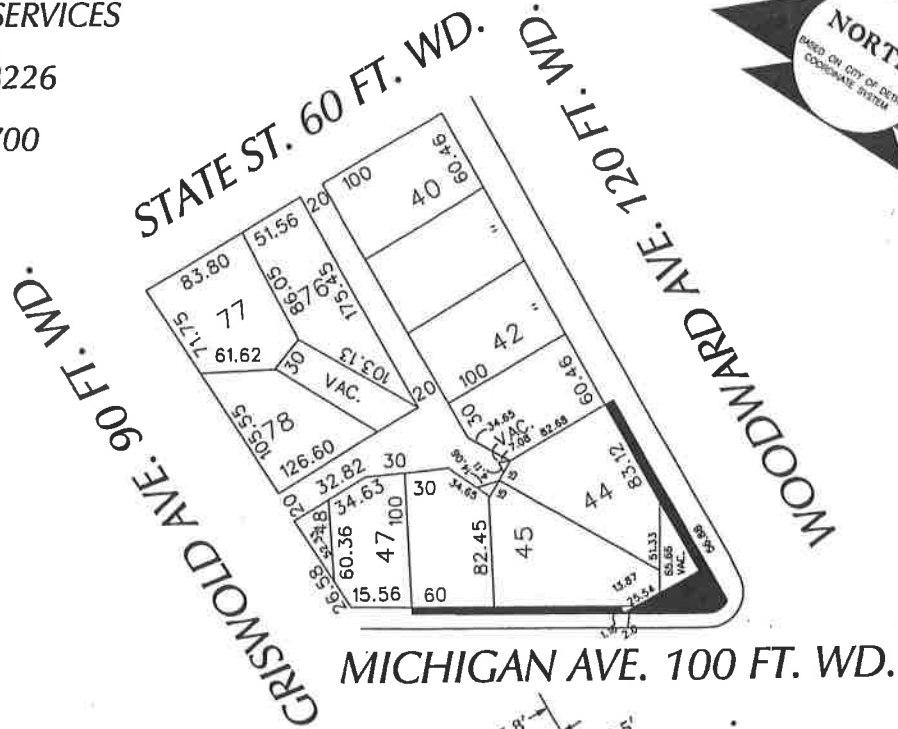
LINE TABLE		
Line No.	Bearing	Length
L6	N58°44'40"E	3.47
L7	S31°15'20"E	1.50
L8	S76°23'50"E	1.41
L9	N58°44'40"E	58.16
L10	N58°58'03"E	1.00

SURVEY LEGEND

EX.	EXISTING
P.O.B.	POINT OF BEGINNING
TYP.	TYPICAL
R.O.W.	RIGHT-OF-WAY
	PROPOSED ENCROACHMENT AREA

CURVE TABLE					
Curve No.	Length	Radius	Delta	Chord Bearing	Chord Length
C1	18.33	15.00	70°00'36"	S54°01'26"W	17.21

PETITION NO. 696
 BEDROCK REAL ESTATE SERVICES
 1092 WOODWARD AVE.
 DETROIT, MICHIGAN 48226
 C/O SCOTT R. COLLINS
 PHONE NO. 313 373-8700



REQUEST ENCROACHMENT
 (With Outdoor Seating)

(FOR OFFICE USE ONLY)

CARTO 28 B

B										REQUEST ENCROACHMENT INTO MICHIGAN AND WOODWARD AVE. AT 1001 WOODWARD (With Outdoor Seating)		CITY OF DETROIT CITY ENGINEERING DEPARTMENT	
A												SURVEY BUREAU	
DESCRIPTION		DRWN	CHKD	APPD	DATE	JOB NO.		01-01					
DRAWN BY		WLW				DRWG. NO.		X 696					
DATE		06-15-15				APPROVED							