



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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DETROIT, MICHIGAN 48226
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August 31, 2015

Honorable City Council:

RE: Petition No. 709 – Republic Tavern & New GAR, LLC request to place a garbage bin/flower planter on the sidewalk of the G.A.R. building on Cass Avenue.

Petition No. 709 – Republic Tavern & New GAR, LLC request to install and maintain an encroachment with garbage bin/flower planter on Cass Avenue, 71 feet wide between Grand River Avenue, 100 feet wide and Adams Avenue, 60 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 because the G.A.R building is on a triangular lot with no alley or service side; currently employees have to cross at the intersection of Cass and Grand River to take out garbage. The garbage bin would allow for curbside pickup. The bin would be custom made to blend with the building and would be disguised as a planter.

Planning and Development Department reports involvement as the G.A.R. Building is in a Historic District, therefore the project will need Historic District Approval prior to installation.

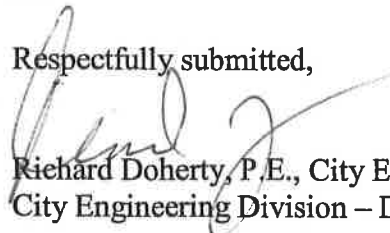
Detroit Water and Sewerage Department (DWSD) reports being involved, but has no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution.

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.

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 Republic Tavern & New GAR, LLC for encroachment with a garbage bin/flower planter on Cass Avenue, 71 feet wide between Grand River Avenue, 100 feet wide and Adams Avenue, 60 feet wide. The encroachment will extend 36 inches into Cass Avenue from the face of the building and will be 12 feet in length and 36 inches in height. The planter will be located 52.5 feet (more or less) from the intersection of Cass Avenue and Grand River Avenue and extend northward 12 feet. The encroachment is in Cass Avenue, 71 feet wide lying easterly of and adjoining the easterly line of property described as: Land in the City of Detroit, Wayne County Michigan, being a triangular piece of land bounded by Cass, Grand River and Adams Avenues and being 85.64 feet on the northerly line, and 118.28 feet on the easterly line, and 137.64 feet on the southerly line "Plat of the Subdivision of Part of the Cass Farm, North of the Grand River Road" as recorded in Liber 1, Page 74 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, that prior to installation of the encroachment, the petitioner must obtain approval by the Detroit Historical Commission; and be it further

PROVIDED, That the remaining sidewalk being 7 feet 5 inches from the encroachment to the curb be maintained free and clear from obstruction; 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 Republic Tavern & New GAR, 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), Detroit Historical Commission; and further

PROVIDED, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Republic Tavern & New GAR, 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 Republic Tavern & New GAR, LLC or their assigns. Should damages to utilities occur Republic Tavern & New GAR, 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

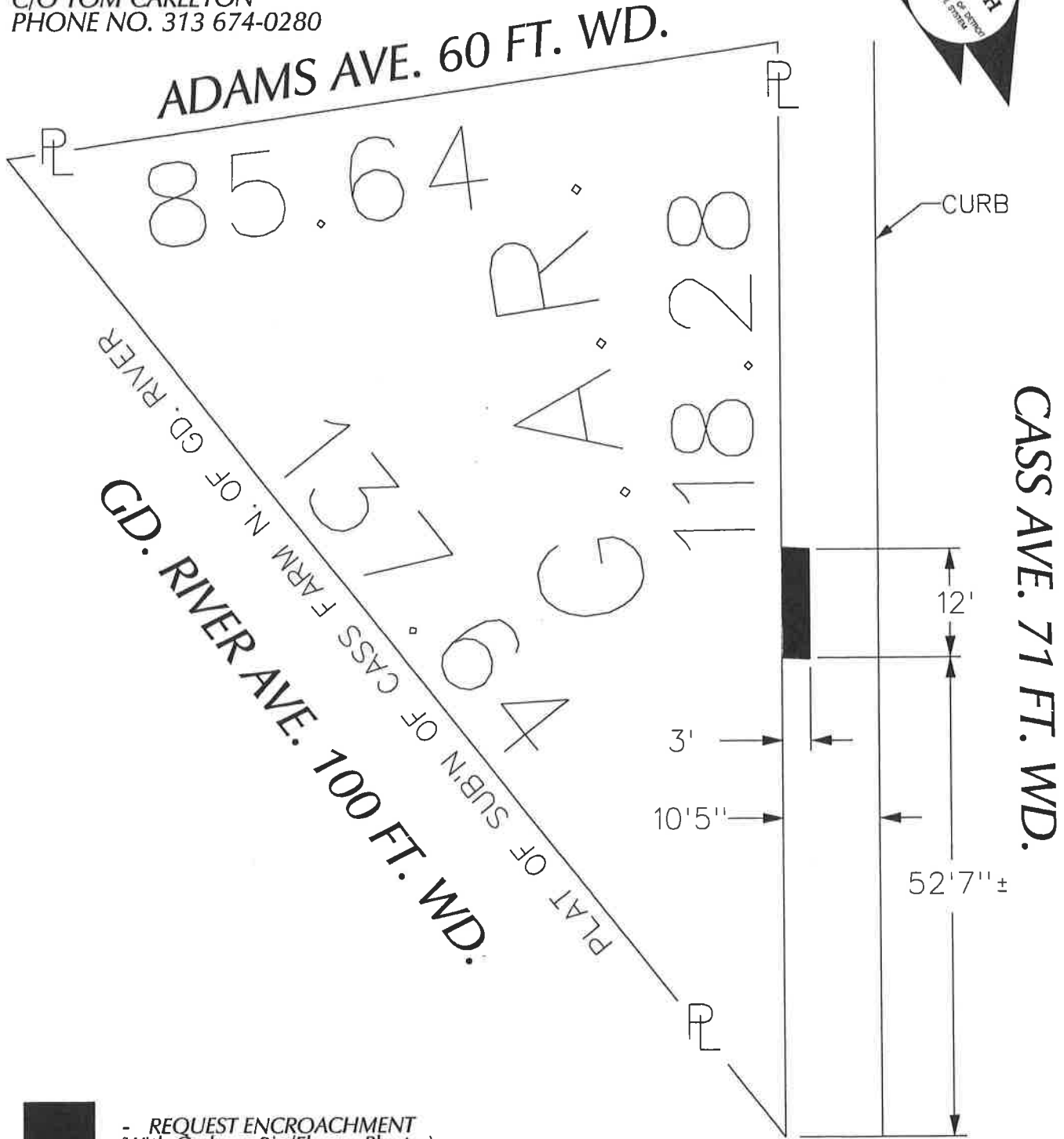
encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division – DPW; and further

PROVIDED, this resolution is revocable at the will, whim or caprice of the City Council, and Republic Tavern & New GAR, 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.

PETITION NO. 709
 REPUBLIC TAVERN & NEW GAR, LLC
 1942 GRAND RIVER AVE.
 DETROIT, MICHIGAN 48226
 C/O TOM CARLETON
 PHONE NO. 313 674-0280



- REQUEST ENCROACHMENT
 (With Garbage Bin/Flower Planter)

(FOR OFFICE USE ONLY)

CARTO 28 B

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DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	06-24-15	APPROVED			

REQUEST ENCROACHMENT
 (With Garbage Bin/Flower Planter)
INTO CASS
AT 1942 GRAND RIVER

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 709