



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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October 31, 2019

Honorable City Council:

RE: Petition No. 736 – Bedrock Real Estate Services request approval of a permanent encroachment for potential seating along the front of the building located at 1201/1217 Woodward.

Correction: Revised resolution to correct error.

Petition No. 736 – Bedrock Real Estate Services request to install and maintain an encroachment for sidewalk café seating on Woodward Avenue, 120 feet wide, and State Street, 60 feet wide. The request is also to install and maintain encroachments for storefront canopy on Woodward Avenue and a retractable awning at the exit doors in the north-south alley at the rear. All of the encroachments are in the block bounded by State Street, 60 feet wide, and West Grand River, 60 feet wide, Griswold, 60 feet wide, and Woodward Avenue, 120 feet wide.

The request is being made to rehabilitate an existing building and to provide for a possible future outdoor café for the building at 1201-1217 Woodward Avenue.

A resolution granting the petition was approved by your Honorable Body on July 19, 2016 and found in J.C.C. pages 1545- 1548.

However, a review by DPW-City Engineering has been made and the resolution as passed was incorrect as it pertained to a different encroachment meant to be considered under petition 928 for encroachments at 600 Woodward Avenue. The resolution for encroachment is revocable by your Honorable Body; therefore the recommended corrective action will involve revoking the incorrect resolution, and adopting the appropriate resolution.

I am recommending the corrective action of revoking the previously adopted resolution, and adopting of the attached revised 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 _____

WHEREAS, A resolution granting petition no. 736 was approved by your Honorable Body on July 19, 2016 and found in Journal of City Council pages 1545-1548; and

WHEREAS, the adopted resolution was incorrect as it pertained to a different encroachment meant to be considered under petition 928 for encroachments at 600 Woodward Avenue; and

WHEREAS, the adopted resolution provided that the resolution is revocable at the will, whim or caprice of the Detroit City Council, and Bedrock Real Estate Services acquired no implied or other privileges not expressly stated therein; therefore be it

RESOLVED, that the resolution for petition no. 736 approved on July 19, 2016 and found in Journal of City Council pages 1545-1548 is hereby revoked in its entirety; and further

WHEREAS, the resolution granting petition no. 736 was recommended for approval by your Honorable Body on July 19, 2016 and all involved City Departments; also privately owned utility companies reported no objections to the encroachments; and

WHEREAS, the following revised resolution granting the proper intentions of petition no. 736 for the requested encroachments including all necessary provisions is now being offered; therefore be it

RESOLVED, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Bedrock Real Estate Services to install and maintain an encroachment for sidewalk café seating 128 feet in length (being the entire Woodward frontage) and 8 feet in width from the property line extended into the right-of-way on Woodward Avenue, 120 feet wide, between State Street, 60 feet wide, and West Grand River, 60 feet wide, and Sidewalk café seating 116 feet in length (being the entire State Street frontage) and 8 feet in width from the property line extended into the right-of-way on State Street, 60 feet wide between Griswold Street, 60 feet wide and Woodward Avenue, 120 feet wide; also to install and maintain encroachments a canopy along the Woodward building entrance, being 30 feet in length, 6 feet in width and having a vertical clearance of 12 feet 4 inches, and a retractable awning over the alley exit being 30 feet in length, 10 feet in width retractable to 1 foot in width and having a vertical clearance of 17 feet in the alley the block bounded by State Street, 60 feet wide, and West Grand River, 60 feet wide, Griswold, 60 feet wide, and Woodward Avenue, 120 feet wide. The sidewalk café seating shall include planters, barriers, and bike racks etcetera. All of the encroachments adjoining property described as: Land in the City of Detroit, Wayne County, Michigan, being Lots 38 and 39 "Plan of the Section Numbered Eight in the Territory of Michigan confirmed unanimously by the Governor and Judges in the 27th day of April, 1807 and ordered to be a record and to be signed by the Governor

and attested by the secretary of the Board” as recorded in Liber 34, Page 543 Deeds, 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 retractable awning is to be maintained in the retracted position during non-business hours to provide the necessary utility clearances; and be it further

PROVIDED, that a minimum 6 feet wide clear unobstructed sidewalk shall be maintained for pedestrian traffic in front of the outdoor seating area at all times; and be it further

PROVIDED, that the minimum under clearance of the storefront canopy be 12 feet 4 inches and for the retractable awning 17 feet; and 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 Bedrock Real Estate Services 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 Bedrock Real Estate Services; and further

PROVIDED, that the area being used as an Outdoor Café shall meet the general requirements set by the “Outdoor Café Guidelines” as adopted by the City Council and guided by Section 50-2-8.1 of the City Code; and further

PROVIDED, that the petitioner obtains all necessary licenses and permits every year from Departments having jurisdiction over the outdoor café process; and further

PROVIDED, that said activities are conducted under the rules and regulations of the Department of Public Works and the supervision of the Police Department.

PROVIDED, that the sale of food or soft drinks is held under the direction and inspection of the Institute of Population Health; and further

PROVIDED, that the petitioner is responsible to obtain approval of the Michigan Liquor Control Commission, if necessary and approval from the Detroit Police Liquor License Bureau if serving liquor; 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 Services or their assigns. Should damages to utilities occur Bedrock Real Estate Services 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 Services 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.