



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  
FAX: (313) 224-3471  
WWW.DETROITMI.GOV

January 19, 2016

Honorable City Council:

**RE: Petition No. 753, Zagster, Inc. request an encroachment in front of the Henry Ford Health System located at 1515 Woodward Avenue.**

Petition No. 753 – Zagster, Inc. requests to install and maintain an encroachment consisting of three bicycle racks in the sidewalk of Woodward Avenue, 120 feet wide, between Clifford Avenue, 60 feet wide and Park 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 to provide a bicycle sharing service for Henry Ford Health System employees.

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.

Planning and Development Department reports that the encroachments will be in the Lower Woodward Historic District; but they have no objection.

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 Energy – Gas Division reports involvement and their remarks have been made 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 Zagster Inc. and/or their assigns to install and maintain encroachments for three bicycle racks on the sidewalk on the west side of Woodward Avenue, 120 feet wide, between Clifford Avenue, 60 feet wide and Park Avenue, 60 feet wide. The encroachment will be adjoining land in the City of Detroit, Wayne County, Michigan being Lot 26 "Plan of the Section numbered Eight in the territory of Michigan confirmed unanimously by the Governor and Judges in the 27<sup>th</sup> 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 of Deeds, Wayne County Records. The encroachment will be 12.9 feet in length and 3.5 feet in width; and the location described as: beginning 24 feet north of the south line of said Lot 26 and extending northerly to 36.9 feet north of the south line of said Lot 26.

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 for the encroachment; and be it further

PROVIDED, that the bicycle racks with the bicycle mounted thereon shall leave a minimum 6 feet clear sidewalk for pedestrian traffic; and be it further

PROVIDED that the petitioner shall seek permission of the abutting owner before installing the bicycle racks; and be it further

PROVIDED, that the petitioner and/or the abutting property owner shall be responsible for maintaining and cleaning the sidewalk surface around the encroachment; and be it further

PROVIDED, that the petitioner shall bear all costs associated with the installation and maintenance of the bicycle racks and ensure that the sidewalk adjacent to the encroachment is not damaged due to the bicycle rack installation; and be it further

PROVIDED, that DTE – Gas division reports involvement. The nature of their services, and the estimated costs of removing and/or relocating/rerouting, including the following: Field investigation, Survey, Design and drawing of the gas utilities will be determined by Michcon Gas Company's Public Improvement Department. Please contact the following persons at 313-389-7211 (Michael Fedele – Supervisor and/or (Laura Forrester – Gas Planner); and be it further

PROVIDED, that the necessary permits shall be obtained from the City Engineering Division – DPW and the Buildings and Safety Engineering Department (if necessary). 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 Zagster Inc. and/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 Zagster Inc. and/ or their assigns. Should damages to utilities Zagster Inc. and/ 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 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

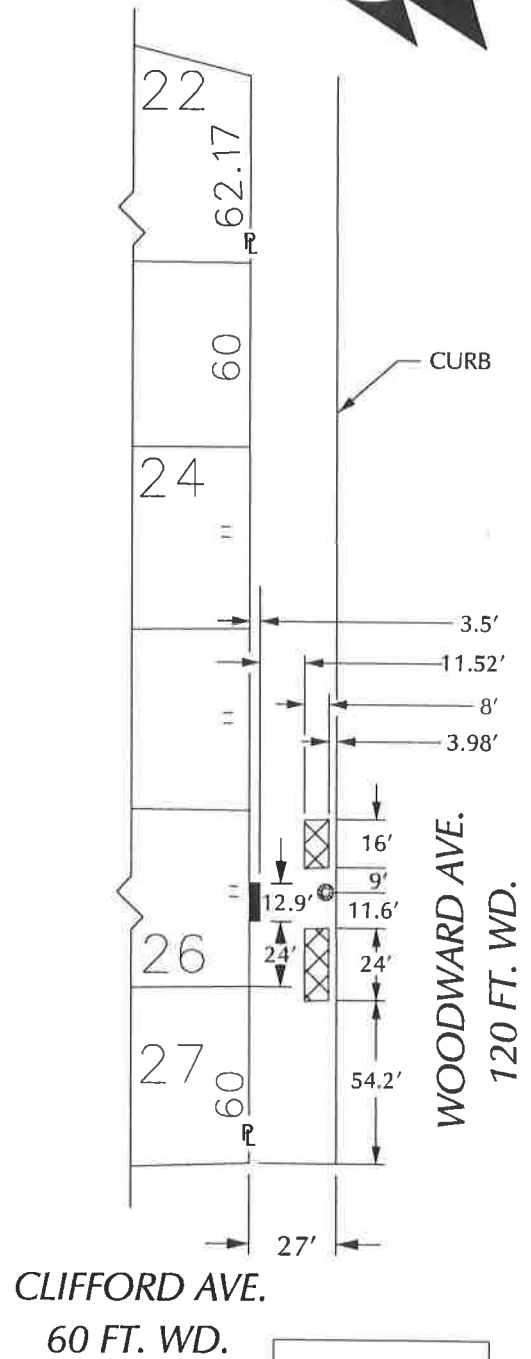
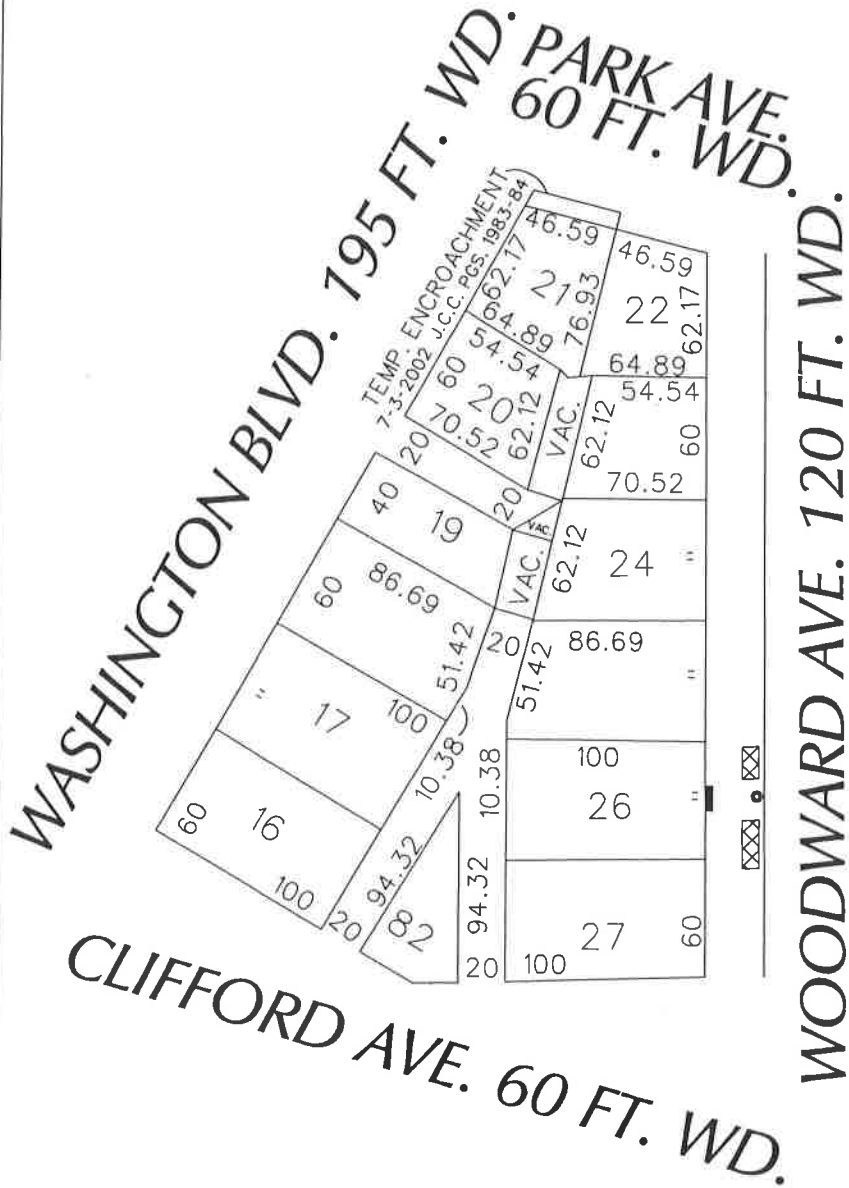
PROVIDED, That Zagster Inc. shall file with the Finance Department and/or City Engineering Division – DPW an indemnity agreement in a form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance by Zagster Inc. of the terms thereof. Further, Zagster Inc. shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

PROVIDED, this resolution is revocable at the will, whim or caprice of the City Council, and Zagster Inc. 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. 753  
 ZAGSTER, INC.  
 C/O HENRY FORD HEALTH SYSTEM  
 24 THORNDIKE ST. SUITE 2  
 CAMBRIDGE, MA. 02141  
 C/O KEVIN TEEL  
 PHONE NO. 617 302-7293



⊗ Light pole  
 ⊠ Planter Box

CARTO 28 B

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION					
REVISIONS					
DRWN	CHKD	APPD	DATE		
DRAWN BY WLW		CHECKED			
DATE 08-05-15		APPROVED			

REQUEST ENCROACHMENT  
 (With Bike Rack)  
 INTO WOODWARD  
 AT 1515 WOODWARD AVE.

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU  
 JOB NO. 01-01  
 DRWG. NO. X 753