



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER  
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WWW.DETROITMI.GOV

October 17, 2016

Honorable City Council:

**RE: Petition No. 1058 – Green Garage, request for a fence to encroach in the Second Avenue right-of-way located at 4111 Second Avenue.**

Petition No. 1058 – Green Garage, LLC request to install and maintain an encroachment with fence on the west side of Second Avenue, 100 feet wide, between Alexandrine Avenue, 100 feet wide, and Willis Avenue, 100 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 as part of a development consisting of a small seasonal retail space, and a large open green space to hold programmed local community events.

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 involvement as the location is in a Historic District. The project has already obtained the necessary Certificate of Appropriateness.

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.

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 Green Garage to install and maintain an encroachment with a wrought iron fence on the west side of Second Avenue, 100 feet wide, between Alexandrine Avenue, 100 feet wide, and Willis Avenue, 100 feet wide. The encroachment is 139.67 feet in length beginning 3 feet south of the north line of the described property and extending southerly therefrom; and is 8 feet east of the east line of property described as: Land in the City of Detroit, Wayne County, Michigan, being Lot 15, Block 96 "Subdivision of part of the Cass Farm to be known as Blocks 89 to 96 inclusive" as recorded In Liber 1, Pages 175, 176 and 177 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, the petitioner comply with the Certificate of Appropriateness from by the Detroit Historical Commission; and be it further

**PROVIDED**, that the remaining sidewalk being a minimum of 9 feet wide 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 Green Garage, 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 Green Garage, 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 Green Garage, LLC or their assigns. Should damages to utilities occur Green Garage, 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 Green Garage, LLC acquires no implied or other privileges hereunder not expressly stated herein; and further

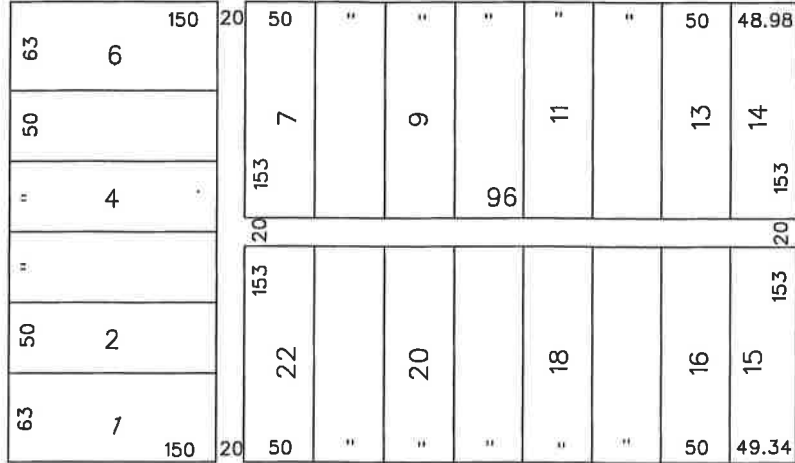
PROVIDED, that the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and further

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. 1058  
 GREEN GARAGE  
 4444 SECOND AVE.  
 DETROIT, MICHIGAN 48201  
 C/O JOE GALLAGHER  
 PHONE NO. 248 345-8309

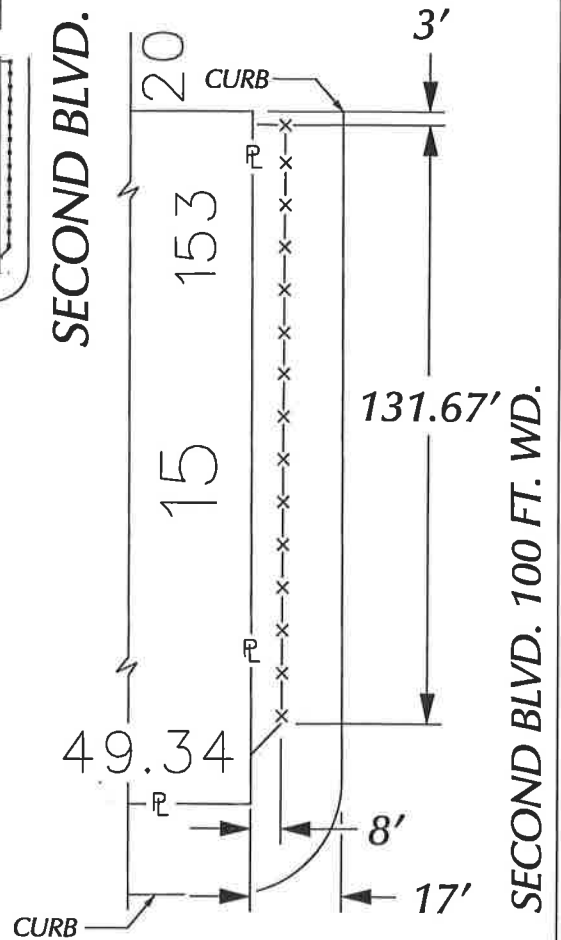


THIRD AVE. 70 FT. WD.



ALEXANDRINE AVE. 100 FT. WD.

SECOND BLVD. 100 FT. WD.



ALEXANDRINE AVE. 100 FT. WD.

-x-x-x- REQUEST ENCROACHMENT  
 (With Wrought Iron Fencing)

(FOR OFFICE USE ONLY)

CARTO 30 E

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	04-13-16	APPROVED			

REQUEST ENCROACHMENT  
 INTO SECOND  
 AT 4111 SECOND AVE.  
 (With Wrought Iron Fencing)

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1058