



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

February 27, 2017

Honorable City Council:

RE: Petition No. 1203 – Wayside Missionary Baptist Church request to erect a structural buffer/barrier to ensure the safety of the church members and property.

Petition No. 1203– Wayside Missionary Baptist Church request for an encroachment with a fence and bollards. The fence is on the south side of East Warren Avenue, 60 feet wide between Crane Avenue, 60 feet wide and Rohns Avenue, 66 feet wide; also on the west side of Rohns Avenue, between East Forest Avenue, 70 feet wide and East Warren Avenue. The Bollards are to be installed on the west side of Rohns Avenue, between East Forest Avenue and East Warren Avenue.

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 security for the church members and the church parking lot .

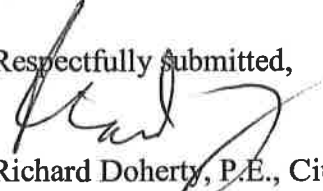
The request was approved by the Solid Waste Division – DPW, and the Traffic Engineering Division – DPW.

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 Wayside Missionary Baptist Church to install and maintain an encroachment with a fence and bollards. The fence is on the south side of East Warren Avenue, 60 feet wide between Crane Avenue, 60 feet wide and Rohns Avenue, 66 feet wide; also on the west side of Rohns Avenue, between East Forest Avenue, 70 feet wide and East Warren Avenue. The Bollards are to be installed on the west side of Rohns Avenue, between East Forest Avenue and East Warren Avenue.

- 1) The fence encroachment extends 1 foot north of the north property line and 1 foot east of the east property line of land described as: Lots 107, 108, 109 and 110 "John M. Brewer & Co's Crane Avenue Subdivision of part of P.C. 644 between Mack and Gratiot Ave's, City of Detroit, Wayne County, Michigan" as recorded in Liber 16 Page 80 of Plats, Wayne County Records.
- 2) The four (4) bollards are located in the Rohns street right-of-way berm area, 10 feet east of the east property line and beginning 1 foot south of the south line of Forest Avenue and spaced 5 feet apart, lying easterly of the easterly line of Lot 107 "John M. Brewer & Co's Crane Avenue Subdivision of part of P.C. 644 between Mack and Gratiot Ave's, City of Detroit, Wayne County, Michigan" as recorded in Liber 16 Page 80 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 access to all fire hydrants and Fire Department connections shall be maintained; 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 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 Wayside Missionary Baptist Church 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; and further

PROVIDED, that the property owner shall enter into a maintenance agreement with City Engineering Division – DPW for the encroachment area, and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Wayside Missionary Baptist Church 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 Wayside Missionary Baptist Church. Should damages to utilities occur Wayside Missionary Baptist Church 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 the Petitioner, “Wayside Missionary Baptist Church” shall file with the Finance Department an indemnity agreement in 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 “Wayside Missionary Baptist Church” of the terms thereof. Further, The Petitioner, “Wayside Missionary Baptist Church” shall agree to pay all claims, damages or expenses that may arise out of the use, repair and maintenance of the proposed Encroachments; and further

PROVIDED, this resolution is revocable at the will, whim or caprice of the City Council, and Wayside Missionary Baptist Church 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. 1203
 WAYSIDE MISSIONARY BAPTIST CHURCH
 4860 ROHNS AVE.
 DETROIT, MICHIGAN 48214
 C/O DR. JAMES YOUNGER
 PHONE NO. 313 402-6881



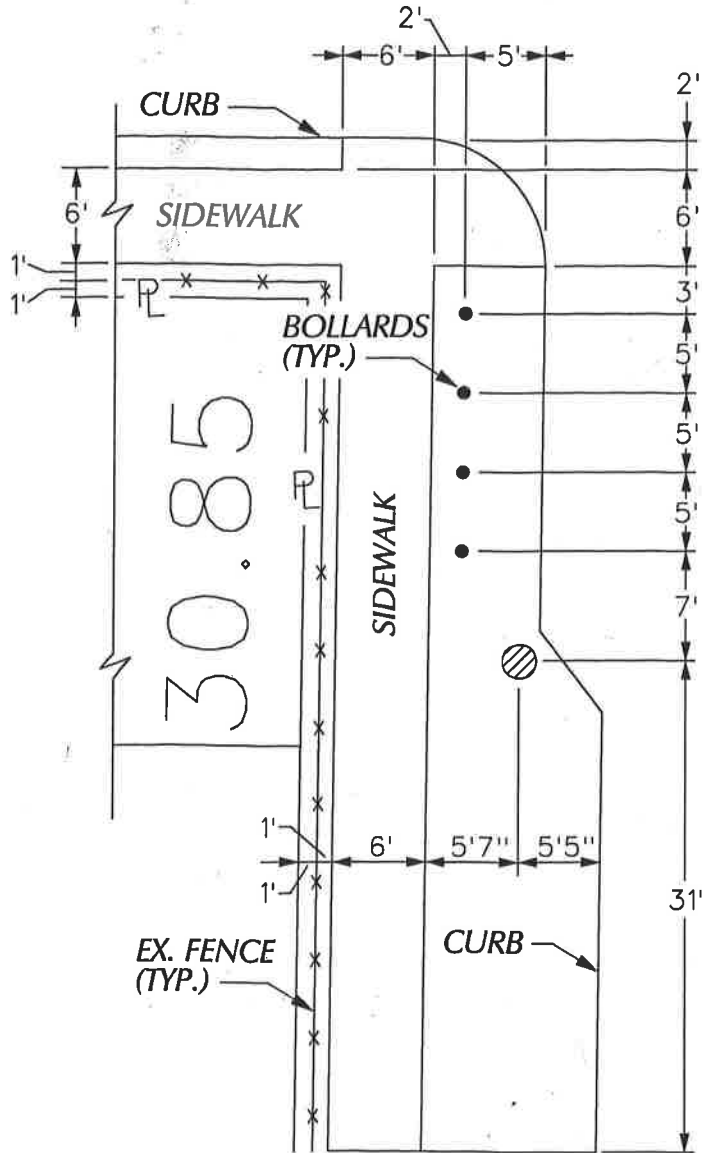
E. WARREN AVE. 60 FT. WD.

E. WARREN AVE. 60 FT. WD.

CRANE AVE. 60 FT. WD.

31.62	12	117.09	30	102.85	103	105	105	102.85	18	118.15	118.13	107	30	100.85
										118.12			30	
										118.11	109			
										118.10				
										246.10	111			
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										245.98	119			
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										245.96	121			
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										245.93	123			
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										245.91	125			
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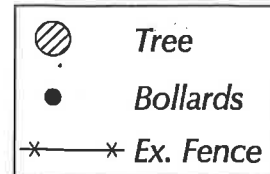
ROHNS AVE. 66 FT. WD.



ROHNS AVE. 66 FT. WD.

E. FOREST AVE. 70 FT. WD.

DRIVEWAY



● - REQUEST ENCROACHMENT
 (With Existing Fence and New Bollards)

(FOR OFFICE USE ONLY)

CARTO 48 F

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	08-29-16	APPROVED			

REQUEST ENCROACHMENT
 INTO ROHNS
 AT 4860 ROHNS AVE.
 (With Existing Fence
 and New Bollards)

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1203