



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
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March 22, 2017

Honorable City Council:

RE: Petition No. 1244 – Detroit Collaborative Design Center, request for an encroachment into the right-of-way in order to construct a public art installation on the median of Livernois Avenue.

Petition No. 1244 – Detroit Collaborative Design Center, request to install and maintain encroachments with a public art installation and protective bollards on the median of Livernois Avenue, 120 feet wide, between Cambridge Avenue, 60 feet wide and West Outer Drive, 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 to enhance the streetscape with a fiber art installation.

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

Detroit Water and Sewerage Department (DWSD) and the Great Lakes Water Authority (GLWA) both report being involved, but they have no objection provided the DWSD encroachment provisions and the GLWA provisions are followed. The DWSD and GLWA 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 Detroit Collaborative Design Center or their assigns to install and maintain encroachments with a public art installation and 17 protective bollards on the median of Livernois Avenue, 120 feet wide, between Cambridge Avenue, 60 feet wide and West Outer Drive, 100 feet wide. The encroachments located on land in the City of Detroit, Wayne County, Michigan and further described as follows: Commencing at the intersection of the south line of Chesterfield Road, 50 feet wide, and the east line of Livernois Avenue, 120 feet wide, said point also being the northwest corner of Lot 217 except that part taken for the widening of Livernois Avenue "Sherwood Forest Subdivision of part of the S.W. ¼ of Section 3, T.1S.R.11E. Greenfield Township (Now City of Detroit), Wayne County, Michigan" as recorded in Liber 39, Page 11 of Plats, Wayne County Records; thence S1°19'39"E along the east line of Livernois Avenue, 103.00 feet; thence S88°40'21"W 47.00 feet to the Point of Beginning; thence S1°19'39"E along the east line of the Livernois Avenue median 161.00 feet; thence S88°40'21"W 23.35 feet to the west line of the Livernois Avenue median; thence N1°19'39"W along the west line of the Livernois Avenue median 161.00 feet; thence N88°40'21"E 47.00 feet to the Point of Beginning. The 17 bollards maintaining a minimum distance of 5.00 feet from the face of the median curb. The art installations maintaining a minimum distance of 4.00 feet from the face of the median curb.

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 Great Lakes Water Authority, GLWA shall retain the right to fix or replace the existing 24 inch water main and the petitioner shall be responsible for replacement of any installations on the affected property; and be it further

PROVIDED, that GLWA shall be provided with completed construction plans showing the existing 24 inch water main located within the area of the proposed encroachments also including the locations of any footings prior to starting the work; and be it further

PROVIDED, that the petitioner must perform exploratory for elevation or verification of location inclusive of the required GLWA inspection for this work. Contact GLWA 10 days before and 3 days in advance of construction; and be it further

PROVIDED, that the petitioner maintain the GLWA minimum clearances being the 18 inch vertical clearance between the top of the GLWA facilities and any structure; also the minimum net horizontal clearance of 10 feet between the utilities or structures; and be it further

PROVIDED, that Detroit Collaborative Design Center 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; and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Detroit Collaborative Design Center 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 Detroit Collaborative Design Center or their assigns. Should damages to utilities occur Detroit Collaborative Design Center 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 the Petitioner, “Detroit Collaborative Design Center” shall file with the Department of Public Works – City Engineering Division 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 “Detroit Collaborative Design Center” of the terms thereof. Further, The Petitioner, “Detroit Collaborative Design Center” 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 Detroit Collaborative Design Center 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.

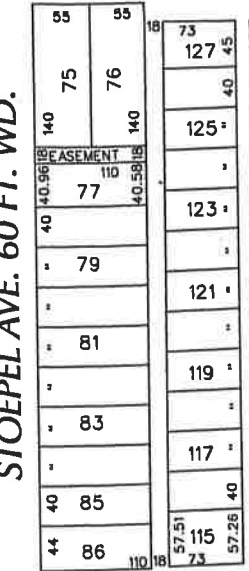
PETITION NO. 1244
 DETROIT COLLABORATIVE DESIGN CENTER
 4001 W. MCNICHOLS RD.
 DETROIT, MICHIGAN 48221
 C/O CHRISTINA HEXIMER
 PHONE NO. 313 993-1037



CHESTERFIELD RD.
 50 FT. WD.

W. OUTER DR.
 150 FT. WD.

STOEPEL AVE. 60 FT. WD.



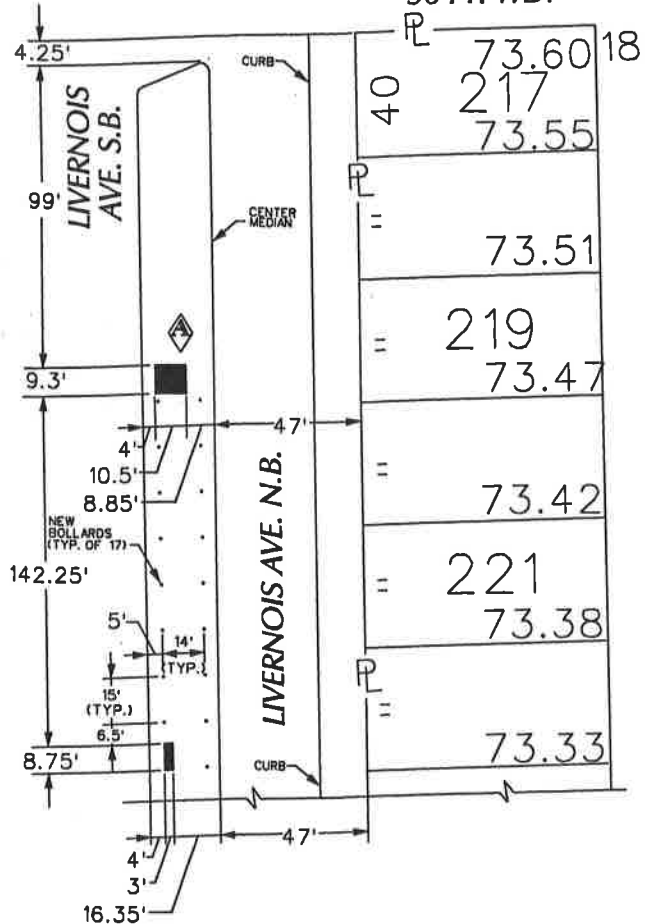
CAMBRIDGE AVE.
 60 FT. WD.



WARRINGTON DR. 50 FT. WD.

"REVISED"

CHESTERFIELD RD.
 50 FT. WD.



**- REQUEST ENCROACHMENT
 (With Public Art Installation
 & Bollards)**

(FOR OFFICE USE ONLY)

CARTO 27 D & 88 F

B					
A	REMOVING A PORTION OF THE ART WORK	WLW	KSM	KSM	3/10/17
	DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS					
	DRAWN BY	CHECKED			
	DATE	APPROVED			
	08-24-16				

**REQUEST ENCROACHMENT
 INTO LIVERNOIS
 AT 19376 - 19384 LIVERNOIS
 (With Public Art Installation & Bollards)**

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1244