

October 23, 2017

Honorable City Council:

RE: Petition No. 1305 – Intersection Consulting Group, request of approval for the installation of a public art piece located in the triangular island at the intersection of Michigan Ave. and Vernor Highway on behalf of Hatch Detroit and Strategic Staffing Solutions.

Petition No. 1305 – Intersection Consulting Group on behalf of Hatch Detroit and Strategic Staffing Solutions request to install and maintain an encroachment consisting of an art installation in the public right-of-way being land dedicated for the opening of Vernor Highway, variable width, (now Fisher Freeway east-bound service drive) between 14th Street, 80 feet wide and Wabash Avenue, 65 feet wide.

The petition was referred to the City Engineering Division – DPW for investigation and report. This is our report.

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

Detroit Water and Sewerage Department (DWSD) reports being involved, but they have 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 Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting all 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 Hatch Detroit and Strategic Staffing Solutions or their assigns to install and maintain an encroachment consisting of an art installation on a traffic island in the public right-of-way being land dedicated for the opening of Vernor Highway (now Fisher Freeway east-bound service drive), variable width, between 14th Street, 80 feet wide and Wabash Avenue, 65 feet wide, and lying north of Michigan Avenue, 120 feet wide, on land in the City of Detroit, Wayne County, Michigan originally being a part of Lot 5 "Subdivision of part of the Godfroy Farm, P.C. 726 lying between Michigan Avenue and Grand River Avenue" as recorded in Liber 1, Page 293 of Plats, Wayne County Records. The encroachment consisting of a sculpture that is 16.5 feet in height with a base that is an 8 foot wide hexagon, 1.67 feet in height, all located on the traffic island on the easterly side of Fourteenth Street northerly of Michigan Avenue and located 24.6 feet (more or less) easterly of the easterly curb line of Fourteenth Street and 20.2 feet (more or less) westerly of the westerly curb line of Fisher Freeway east-bound service drive.

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 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 Hatch Detroit and Strategic Staffing Solutions 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 Hatch Detroit and Strategic Staffing Solutions 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 Hatch Detroit and Strategic Staffing Solutions or their assigns. Should damages to utilities occur Hatch Detroit and Strategic Staffing Solutions 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, Hatch Detroit and Strategic Staffing Solutions or their assigns 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 of Hatch Detroit and Strategic Staffing Solutions or their assigns of the terms thereof. Further, Hatch Detroit and Strategic Staffing Solutions or their assigns 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

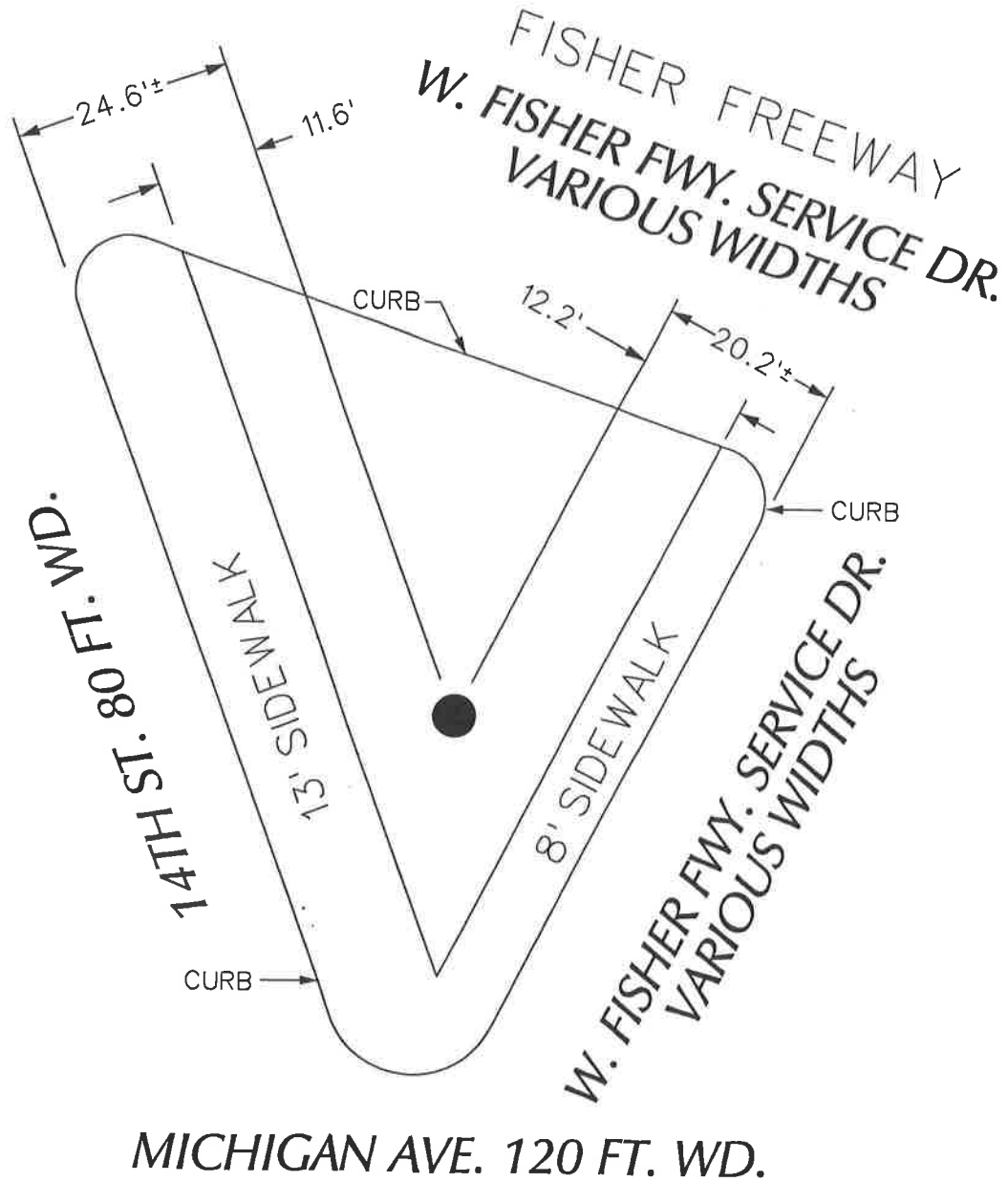
PROVIDED, that construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

PROVIDED, this resolution is revocable at the will, whim or caprice of the City Council, and Hatch Detroit and Strategic Staffing Solutions 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. 1305
 INTERSECTION CONSULTING GROUP
 2233 PARK AVE., SUITE 302
 DETROIT, MICHIGAN 48201
 C/O BRIAN ELLISON
 PHONE NO. 313 397-5863



● - REQUEST ENCROACHMENT
 (With Public Art Piece)

(FOR OFFICE USE ONLY)

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	DESCRIPTION	DRWN	CHKD	APPD	DATE
	REVISIONS				
	DRAWN BY	CHECKED			
	DATE	APPROVED			
	11-22-16				

REQUEST ENCROACHMENT
 INTO 14TH ST.
 AND W. FISHER FWY. SERVICE DR.
 (With Public Art Piece)

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1305

