



October 24, 2017

Honorable City Council:

RE: Petition No. 1313 – Giffels Webster, request for encroachment into W. Grand Boulevard and Third Avenue rights-of-way with the installation of landscaping planters, lighting and irrigation, decorative pavement, and subsurface frost slabs.

Petition No. 1313 – Giffels Webster request for encroachments with landscaping planters, lighting and irrigation, decorative pavement and subsurface frost slabs on the north side of West Grand Boulevard, 150 feet wide between Third Avenue, 80 feet wide and the John C. Lodge Freeway, also on the west side of Third Avenue from West Grand Boulevard northerly to the east-west alley first north thereof.

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). TED requires a 6 foot wide clear sidewalk for pedestrian travel. The TED provision is a part of the attached resolution. The Detroit Fire Department (DFD) reports access must be maintained to fire hydrants and building fire connections. Public Lighting Department (PLD) reports a conduit on West Grand Boulevard. Provisions for DFD and PLD have been made a part of the resolution.

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 Great Lakes Water Authority; 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

RESOLVED, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to The Platform or their assigns to install and maintain encroachments consisting of landscaping planters with lighting and irrigation, decorative pavement and subsurface frost slabs on the north side of West Grand Boulevard, 150 feet wide between Third Avenue, 80 feet wide and the John C. Lodge Freeway, also on the west side of Third Avenue from West Grand Boulevard northerly to the east-west alley first north thereof; all on land in the City of Detroit, Wayne County, Michigan and being further described as follows:

- 1) Five planters in the West Grand Boulevard right-of-way, each of which shall be 12 feet in length, 6 feet in width and extending 2 feet in height (above grade) all lying southerly of Lots 176 through 182, both inclusive "Lothrop and Duffield's Subdivision of $\frac{1}{4}$ Sections 55 and 56, 10,000 Acre Tract" as recorded in Liber 17, Page 22 of Plats, Wayne County Records. All planters lying between 10 feet southerly of said Lots, and 16 feet southerly of said Lots; also spaced as follows: Beginning at a point 10.00 feet southerly of the southeasterly corner of said Lot 176 and thence westerly therefrom as measured along a line southerly of and parallel to the northerly line of West Grand Boulevard the following distances: 52.5 feet to a planter; thence 12 feet along the planter; thence 66.7 feet to the next planter; thence 12 feet along the planter; thence 35.3 feet to the next planter; thence 12 feet along the planter; thence 66.7 feet to the next planter; thence 12 feet along the planter; thence 35.3 feet to the last planter thence 12 feet along the planter to the end of the planter and the point of ending.
- 2) Two subsurface frost slabs in the West Grand Boulevard right-of-way all contained within a zone 2.5 feet wide with lengths of 193 feet and 68 feet beginning at grade and extending approximately 3.5 feet below grade in depth, all lying southerly of and adjoining the southerly line of Lots 176 through 181, both inclusive "Lothrop and Duffield's Subdivision of $\frac{1}{4}$ Sections 55 and 56, 10,000 Acre Tract" as recorded in Liber 17, Page 22 of Plats, Wayne County Records; all frost slabs lying southerly of and adjoining the southerly line of the above said Lots and extending 2.5 feet into West Grand Boulevard and spaced as follows: Beginning at the southeasterly corner of said Lot 176 and thence westerly therefrom as measured along the northerly line of West Grand Boulevard the following distances: from the southeast corner of said Lot 176 a distance of 193 feet to the end of the first frost slab; thence continuing westerly 34.4 feet to the beginning of the second frost slab; thence continuing westerly 68 feet to the end of the second frost slab and the point of ending.
- 3) Five planters in Third Avenue right-of-way, each of which shall be 10.7 feet in length, 5.5 feet in width, and extending 3 feet in height (above grade) all lying easterly of the easterly line of Lot 176 "Lothrop and Duffield's Subdivision of $\frac{1}{4}$ Sections 55 and 56, 10,000 Acre Tract" as recorded in Liber 17, Page 22 of Plats, Wayne County Records. All planters lying between 6.5 feet and 12.00 feet easterly of the easterly line of said Lot 176 and spaced as follows: Beginning at a point 6.42 feet easterly of the southeasterly corner of said Lot 176 thence northerly therefrom as measured along a line easterly of and parallel to the easterly line of said Lot 176 the following distances; 19.5 feet to the first planter; thence 10.7 feet to the end of the planter; thence 12.7 feet to the next planter; thence 10.7 feet to the end of the planter; thence 30.00 feet to the next planter; thence 10.7 feet to the end of the planter; thence 45.8 feet to the next planter; thence 10.7 feet to the end of the planter; thence 33.3 feet to the last planter; thence 10.7 feet to the end of the last planter and the point of ending.
- 4) One planter in Third Avenue, 36 feet long, 2 feet wide, and 3 feet in height above grade lying easterly of and adjoining the northerly 36 feet of the southerly 73.7 feet of Lot 176 "Lothrop

and Duffield's Subdivision of ¼ Sections 55 and 56, 10,000 Acre Tract" as recorded in Liber 17, Page 22 of Plats, Wayne County Records.

- 5) Two subsurface frost slabs: The first being 26.5 feet in length, 5 feet in width and 3.5 feet in depth below the existing grade and lying easterly of and adjoining the easterly line of the southerly 26.5 feet of the northerly 57.5 feet of Lot 176 "Lothrop and Duffield's Subdivision of ¼ Sections 55 and 56, 10,000 Acre Tract" as recorded in Liber 17, Page 22 of Plats, Wayne County Records. The second frost slab being 37.7 feet in length, 2 feet in width, and 3.5 feet in depth below the existing grade and lying easterly of and adjoining the easterly line of the southerly 37.7 feet of Lot 176 "Lothrop and Duffield's Subdivision of ¼ Sections 55 and 56, 10,000 Acre Tract" as recorded in Liber 17, Page 22 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 a minimum clear sidewalk width of 6 feet shall be maintained adjacent to the proposed planters for use by pedestrians at all times, and further

PROVIDED, that access shall be maintained for the Detroit Fire Department to all fire hydrants and building fire department connections, and further

PROVIDED, that due caution is used so as not to disturb Public Lighting Department conduit bank and hand holes located 12 feet 6 inches behind the curb on West Grand Boulevard, and 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 The Platform 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 The Platform 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 The Platform or their assigns. Should damages to utilities occur The Platform 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 the petitioner enter into a maintenance agreement for the decorative (non-standard) sidewalk pavement on West Grand Boulevard and Third Avenue; 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, The Platform 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 The Platform or their assigns of the terms thereof. Further, The Platform 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

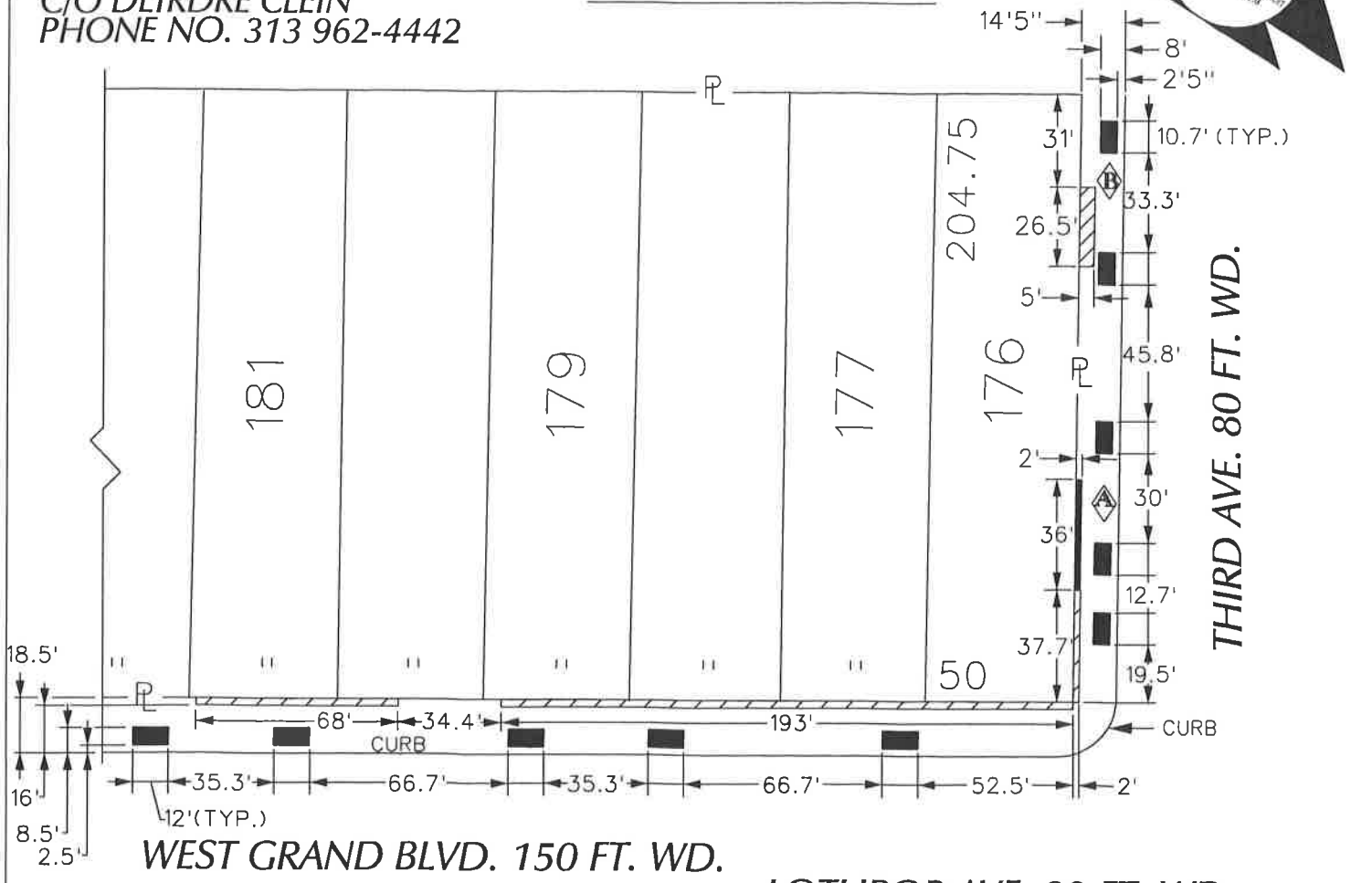
PROVIDED, this resolution is revocable at the will, whim or caprice of the City Council, and The Platform acquires no implied or other privileges hereunder not expressly stated herein; and further



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.

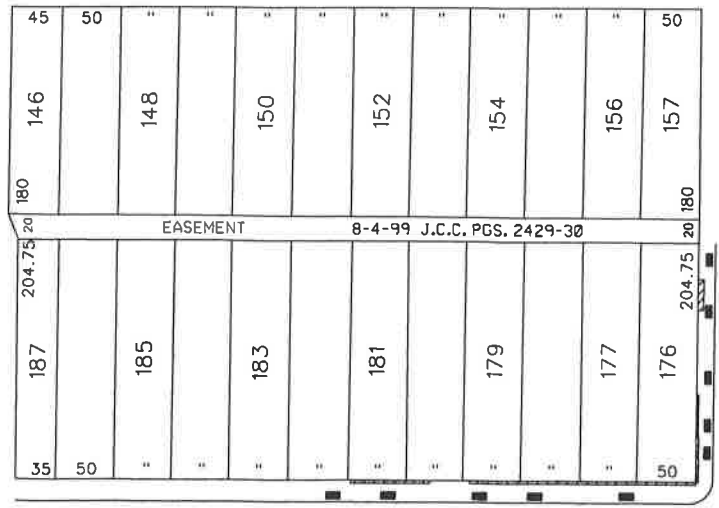
PETITION NO. 1313
 GIFFELS WEBSTER
 28 ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 C/O DEIRDRE CLEIN
 PHONE NO. 313 962-4442

"REVISED"



-  - REQUEST ENCROACHMENT (With Sub-Surface Frost Slabs)
-  - REQUEST ENCROACHMENT (With Planters)

JOHN C. LODGE FWY.



(FOR OFFICE USE ONLY)

CARTO 31 B

B	SUB-SURFACE FROST SLAB ONLY	WLW	KSM	KSM	02/02/17
A	PLANTER SIZE INCREASED FROM 4' X 16' TO 2' X 36'	WLW	KSM	KSM	02/15/17
REVISIONS		DRWN	CHKD	APPD	DATE
DRAWN BY	WLW	CHECKED			
DATE	12-09-16	APPROVED			

REQUEST ENCROACHMENT INTO W. GRAND BLVD. AND THIRD AVE. AT 2921 W. GRAND BLVD. (With Planters and Sub-Surface Frost Slabs)

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1313