



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER  
2 WOODWARD AVENUE, SUITE 601  
DETROIT, MICHIGAN 48226  
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WWW.DETROITMI.GOV

February 23, 2017

Honorable City Council:

**RE: Petition No. 1318 – Giffels Webster request for encroachments into Washington Boulevard, Park Avenue, and Bagley Avenue.**

Petition No. 1318 – Giffels Webster on behalf of VG Statler City LLC requests to install and maintain encroachments with awnings, displays, stairs, café seating, planters and landscaping features on the west side of Washington Boulevard, 195 feet wide, between Clifford Avenue, 60 feet wide and Park Avenue, 60 feet wide; also on the east side of Bagley Avenue, 120 feet wide, between Clifford Avenue, and Park Avenue; also on the south side of Park Avenue, 60 feet wide, from Bagley Avenue, to Washington Boulevard.

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, and to allow street activity at the new mixed-use establishment.

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.

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 Giffels Webster or their assigns to install and maintain encroachments with awnings, displays, stairs, café seating, planters and landscaping features on the west side of Washington Boulevard, 195 feet wide, between Clifford Avenue, 60 feet wide and Park Avenue, 60 feet wide; also on the east side of Bagley Avenue, 120 feet wide, between Clifford Avenue, and Park Avenue; also on the south side of Park Avenue, 60 feet wide, from Bagley Avenue, to Washington Boulevard. The encroachments further described as follows:

- 1) The canopies and sidewalk café seating including planters, barriers, and bike racks, etcetera shall extend 9.7 feet into Washington Boulevard from the building frontage, the full length of the property, 360.8 feet and extending to the full height of the building; also eight landscaped planters 20 feet long, 6.5 feet wide and 18 inches in height and spaced 20 feet apart lying 2.5 feet behind the curb. All lying easterly of Lots 16 through 21, both inclusive "Governor and Judges Plan of Section No.10 of the City of Detroit" as recorded in Liber 34, Page 553 Deeds, Wayne County Records.
- 2) The canopies and sidewalk café seating including planters, barriers, and bike racks, etcetera on Bagley Avenue shall extend to the full height of the building and be contained within the following boundary: Beginning at a point in the easterly line of Bagley Avenue, being 71.20 feet, as measured along the easterly line of Bagley Avenue, northerly of the north line of Clifford Avenue, 60 feet wide, thence N29°41'02"E along said easterly line of Bagley Avenue, 283.75 feet; thence N60°18'58"W 6.5 feet; thence S30°52'12"W 57.45 feet; thence S35°02'10"W 30.13 feet; thence S29°41'02"W 196.31 feet; thence S60°18'58"E 10.50 feet to the point of Beginning; also seven landscaped planters 15 feet long, 6 feet wide and 18 inches in height and spaced 10 feet apart lying 2.5 feet behind the curb. All lying westerly of Lots 22 through 26, both inclusive "Governor and Judges Plan of Section No.10 of the City of Detroit" as recorded in Liber 34, Page 553 Deeds, Wayne County Records.
- 3) The canopies and sidewalk café seating including planters, barriers, and bike racks, etcetera shall extend 2.25 feet into Park Avenue from the building frontage, the full length of the property, 99.0 feet and extending to the full height of the building. All lying northerly of Lots 21 and 22 "Governor and Judges Plan of Section No.10 of the City of Detroit" as recorded in Liber 34, Page 553 Deeds, 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 remaining sidewalk being a minimum of 6 feet wide from the encroachment to the curb, or a 6 foot wide sidewalk pathway between the planters and the sidewalk café area be maintained free and clear from obstruction; and be it further

PROVIDED, that the petitioner shall be responsible to seek approval from impacted stakeholders for the outdoor café seating, and further

PROVIDED, that the petitioner is required to provide details of the layout of awnings, outdoor café seating, retail displays and planters for review and approval by Traffic Engineering Division of the Department of Public Works prior to installation, and further

PROVIDED, that any construction or encroachment installation within 50 feet of the Detroit People Mover (DPM) shall require notification and approval of the DPM, 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 Giffels Webster 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, Detroit Historical Commission; 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 the area being used as an Outdoor Café shall meet the general requirements set by the “Outdoor Café Guidelines” as adopted by the City Council and guided by Section 50-2-8.1 of the City Code; and further

PROVIDED, that the petitioner obtains all necessary licenses and permits every year from Departments having jurisdiction over the outdoor café process; and further

PROVIDED, that said activities are conducted under the rules and regulations of the Department of Public Works and the supervision of the Police Department; and further

PROVIDED, that the sale of food or soft drinks is held under the direction and inspection of the Institute of Population Health; and further

PROVIDED, that the petitioner is responsible to obtain approval of the Michigan Liquor Control Commission, if necessary and approval from the Detroit Police Liquor License Bureau if serving liquor; and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Giffels Webster 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 Giffels Webster or their assigns. Should damages to utilities occur Giffels Webster 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

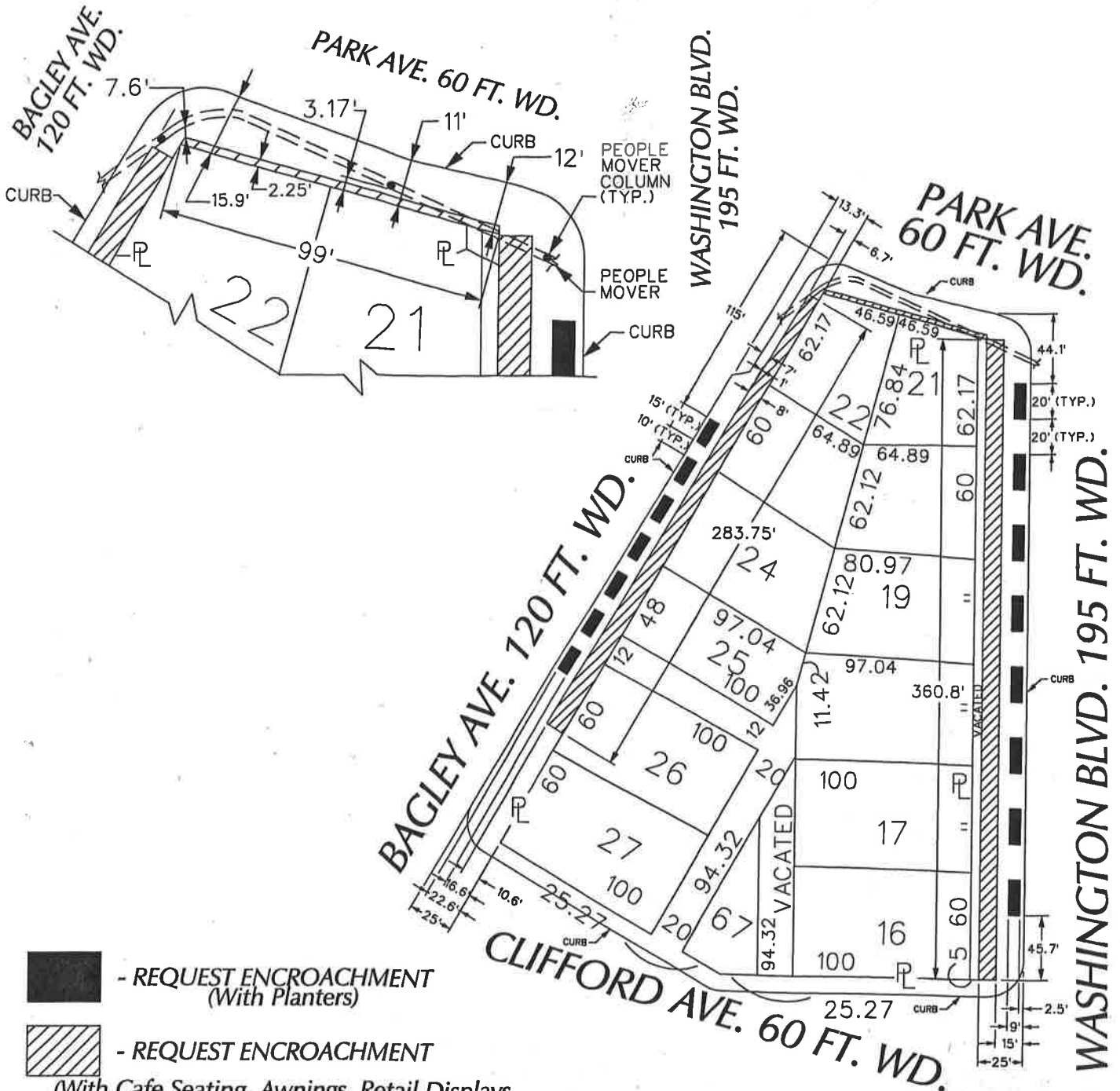
PROVIDED, that the Petitioner, “VG Statler City LLC” shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance by “VG Statler City LLC” of the terms thereof. Further, The Petitioner, “VG Statler City LLC” 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 Giffels Webster and VG Statler City 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. 1318  
 GIFFELS WEBSTER  
 28 W. ADAMS, SUITE 1200  
 DETROIT, MICHIGAN 48226  
 C/O DEIRDRE CLEIN  
 PHONE NO. 313 962-4442



 - REQUEST ENCROACHMENT  
 (With Planters)

 - REQUEST ENCROACHMENT  
 (With Cafe Seating, Awnings, Retail Displays  
 Stairs, and Landscaping)

(FOR OFFICE USE ONLY)

CARTO 28 B

REQUEST ENCROACHMENT  
 INTO PARK, BAGLEY AVE. AND WASHINGTON BLVD.  
 AT 313 PARK  
 PARK AVE.  
 (With Awnings, Retail Displays)  
 WASHINGTON BLVD. AND BAGLEY AVE.  
 (With Planters, Cafe Seating, Awnings,  
 Retail Displays, Stairs, and Landscaping)

**CITY OF DETROIT**  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU

JOB NO. 01-01  
 DRWG. NO. X 1318

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	11-18-16	APPROVED			