



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER  
2 WOODWARD AVE. SUITE 601  
DETROIT, MICHIGAN 48226  
PHONE: (313) 224-3949 • TTY:711  
FAX: (313) 224-3471  
WWW.DETROITMI.GOV

October 25, 2017

Honorable City Council:

**RE: Petition No. 1344 – Greektown Preservation Society, request for an encroachment permit to install a community garbage compactor in the north alley of the 500 block of Monroe between St Antoine and Beaubien.**

Petition No. 1344 – Greektown Preservation Society request to install and maintain an encroachment consisting of a garbage compactor and motor in the east-west public alley, 20 feet wide in the block of Monroe Avenue, 50 feet wide, Macomb Street, 60 feet wide, Beaubien Street, 60 feet wide and St. Antoine Street, 60 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). TED approves provided that 11 feet of the alley remains clear for vehicular traffic, and a provision for clearance is 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 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 Greektown Preservation Society or their assigns to install and maintain an encroachment consisting of a garbage compactor extending 8 feet into the alley and motor for the compactor extending 2 feet into the alley. All in the east-west public alley, 20 feet wide in the block of Monroe Avenue, 50 feet wide, Macomb Street, 60 feet wide, Beaubien Street, 60 feet wide and St. Antoine Street, 60 feet wide, on land in the City of Detroit, Wayne County, Michigan described as:

- 1) Compactor being 23.00 feet in length and 8 feet in width, and lying southerly of and adjoining the southerly line of the westerly 23.00 feet of the easterly 24.00 feet of Lot 9 (south of and adjoining Macomb Street) "Plat of the Antoine Beaubien Farm" as recorded in Liber 27, Page 197 of Deeds, Wayne County Records.
- 2) Motor for compactor being 4.00 feet in length and 2 feet in width, and lying southerly of and adjoining the southerly line of the westerly 4.00 feet of the easterly the easterly 5.00 feet of Lot H "Plat of a part of the L. Beaubien Farm in the City of Detroit as surveyed into Town Lots for the Proprietors by John Mullett Surveyor" as recorded in Liber 6 of City Records, Pages 475-478, 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 11 feet clear width of alley shall be available at all times for vehicular traffic; 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, Greektown Preservation Society 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 Greektown Preservation Society 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 Greektown Preservation Society or their assigns. Should damages to utilities occur Greektown Preservation Society 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 Greektown Preservation Society 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 Greektown Preservation Society or their assigns of the terms thereof. Further, Greektown Preservation Society 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 Greektown Preservation Society 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

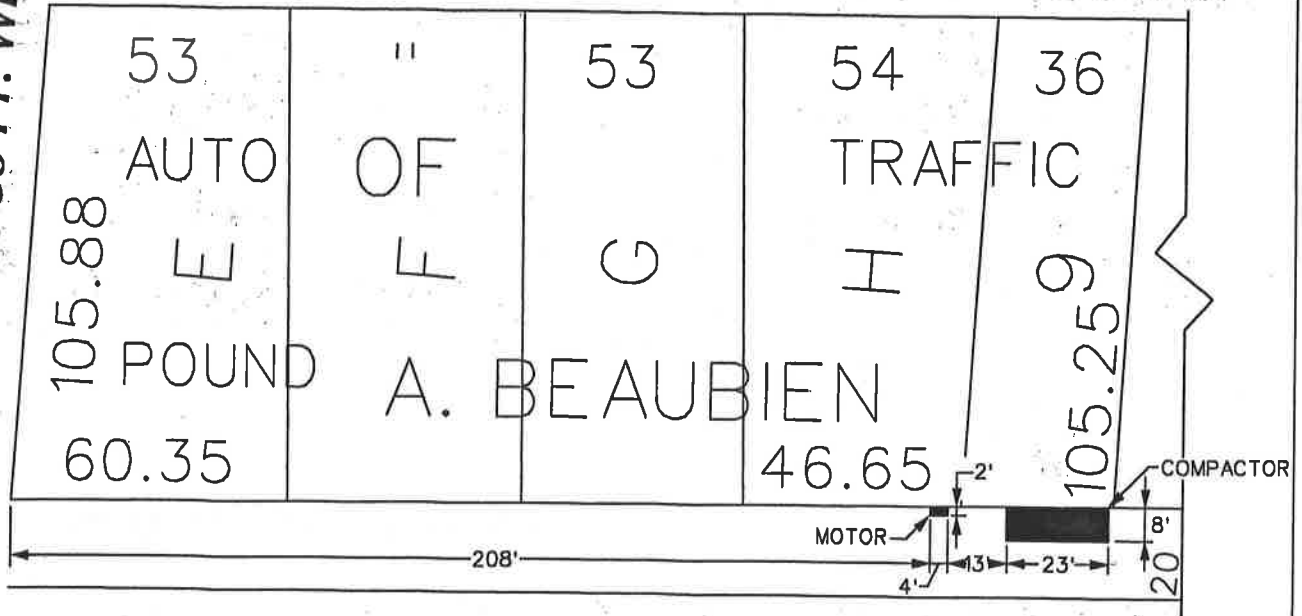
PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 1344  
 GREEKTOWN PRESERVATION SOCIETY  
 541 MONROE ST.  
 DETROIT, MICHIGAN 48226  
 C/O TASSO TEFTSIS  
 PHONE NO. 313 732-5171



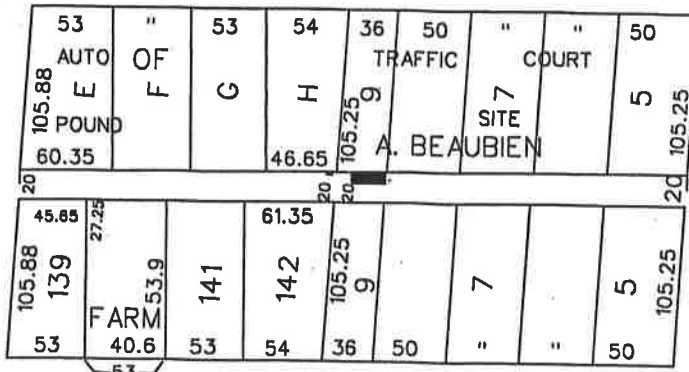
MACOMB ST. 60 FT. WD.

BEAUBIEN ST. 60 FT. WD.



BEAUBIEN ST. 60 FT. WD.

MACOMB ST. 60 FT. WD.



MONROE AVE. 50 FT. WD.

ST. ANTOINE ST. 60 FT. WD.



- REQUEST ENCROACHMENT  
 (With Compactor and Motor)

(FOR OFFICE USE ONLY)

CARTO 28 A

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	WLW		CHECKED		
DATE	12-09-16		APPROVED		

REQUEST ENCROACHMENT  
 INTO EAST/WEST PUBLIC ALLEY, 20 FT. WD.  
 AT 500 MACOMB ST.  
 (With Compactor and Motor)

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X1344