



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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October 31, 2019

Honorable City Council:

RE: RE: Petition No. 928 – Giffels Webster, request for various encroachments within Woodward Avenue right-of-way and the adjacent public alley right-of-way.

Correction: Revised resolution to correct error.

Petition No. 928 of Giffels Webster on behalf of 600 Woodward LLC, request to install and maintain encroachments with a canopy on Woodward Avenue between Congress Street and Cadillac Square; also with a pedestrian bridge over the public alley connecting the Vinton building at 600 Woodward Avenue with the First National building parking garage.

The request is being made to rehabilitate an existing building and to provide for parking access at the Vinton Building located at 600 Woodward Avenue.

A resolution granting the petition was approved by your Honorable Body on July 19, 2016 and found in J.C.C. pages 1542- 1545.

However, a review by DPW-City Engineering has been made and the resolution as passed was incorrect as it pertained to a different encroachment meant to be considered under petition 736 for encroachments at 1201-1217 Woodward Avenue. The resolution for encroachment is revocable by your Honorable Body; therefore the recommended corrective action will involve revoking the incorrect resolution, and adopting the appropriate resolution.

I am recommending the corrective action of revoking the previously adopted resolution, and adopting of the attached revised 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 _____

WHEREAS, A resolution granting petition no. 928 was approved by your Honorable Body on July 19, 2016 and found in Journal of City Council pages 1542-1545; and

WHEREAS, the adopted resolution was incorrect as it pertained to a different encroachment meant to be considered under petition 736 for encroachments at 1201-1217 Woodward Avenue; and

WHEREAS, the adopted resolution provided that the resolution is revocable at the will, whim or caprice of the Detroit City Council, and Bedrock Real Estate Services acquired no implied or other privileges not expressly stated therein; therefore be it

RESOLVED, that the resolution for petition no. 928 approved on July 19, 2016 and found in Journal of City Council pages 1542-1545 is hereby revoked in its entirety; and further

WHEREAS, the resolution granting petition no. 928 was recommended for approval by your Honorable Body on July 19, 2016 and all involved City Departments; also privately owned utility companies reported no objections to the encroachments; and

WHEREAS, the following revised resolution granting the proper intentions of petition no. 928 for the requested encroachments including all necessary provisions is now being offered; therefore be it

RESOLVED, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to "600 Webward LLC" or their assigns for an encroachment with a canopy on Woodward Avenue, 190 feet wide, also with a pedestrian bridge over the public alley, 20 feet wide, all in the block of Woodward Avenue, 190 feet wide, Bates Street, 69.28 feet wide, Congress Street, 60 feet wide, and Cadillac Square, 200 feet wide adjoining property described as: Land in the City of Detroit, Wayne County, Michigan being Lot 94 and the southerly 40 feet of Lot 57 "Plan of Section Numbered One of the City of Detroit confirmed by the Governor and Judges on the 27th day of April, 1807 and ordered to be a record and to be signed by the Governor and attested by the Secretary of the Board, Attest Peter Audrain, Sec'y" as recorded in Liber 34, Page 550 of Deeds, Wayne County Records. The canopy encroachment being further described as being 5.5 feet wide, and 17 feet in length with a clearance of 8 feet 7 inches between the sidewalk grade and the bottom of the canopy and adjoining the northerly 17 feet of the southerly 39.69 feet of the westerly line of said Lot 57. The pedestrian bridge being further described as being 7.50 feet wide, and 12 feet in height, with a length being the full width of the alley, 20 feet wide, and with a clearance of 53 feet, more or less, between the alley grade and the bottom of the bridge; and adjoining the northerly 7.55 feet of the southerly 16.17 feet on the easterly line of said Lot 57, and adjoining the northerly 7.55 feet of the southerly 17.94 feet of the westerly line of said Lot 94.

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 the canopy shall be cantilevered and shall have a minimum vertical underclearance of 8 feet 7 inches and shall project 5 feet 5 inches over the sidewalk; and be it further

PROVIDED, that the pedestrian bridge shall have an 53 feet vertical underclearance; and be it further

PROVIDED, that the "600 Webward LLC" or its 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 (if necessary); and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by “600 Webward LLC”; 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 “600 Webward LLC” or its assigns. Should damages to utilities occur “600 Webward LLC” or its assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

PROVIDED, that the canopy and bridge be reviewed and approved by Planning and Development Department and the City Planning Commission for exterior changes in the PCA; and further

PROVIDED, That “600 Webward LLC” shall file with the Finance Department and/or City Engineering Division – DPW an indemnity 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 “600 Webward LLC” of the terms thereof. Further, “600 Webward LLC” shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; 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, this resolution is revocable at the will, whim or caprice of the City Council, and “600 Webward 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 and indemnity agreement with the Wayne County Register of Deeds.