



June 13, 2017

Honorable City Council:

RE: Petition No. 934– Jones Lang LaSalle, request for an encroachment permit for the construction of a performance space downtown Detroit within the Dequindre Cut to honor past member of the DRFC Board.

Petition No. 934 – Jones Lang LaSalle on behalf of Detroit Riverfront Conservancy (DRFC) request to install and maintain an encroachment consisting of a performance space including a pavilion and canopy within the Dequindre Cut in the area of East Lafayette Boulevard, 120 feet wide, Cherbonneau Place, 70 feet wide, Orleans Street variable width and St. Aubin Avenue, 120 feet wide.

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

The request is being made to provide a performance space in the Dequindre Cut, and will be named to honor a past member of the DRFC Board.

The Dequindre Cut Greenway was established as a public right-of-way under the jurisdiction of the Department of Public Works (DPW), and was approved by your Honorable Body on November 17, 2006, J.C.C. pages 3414-3424. A maintenance and use agreement with the DRFC was approved by your Honorable Body on December, 11, 2006, J.C.C. pages 3553-3571.

The request was approved by the Solid Waste Division – DPW, and the Traffic Engineering Division – DPW. City Engineering – DPW approves of the request provided that the DRFC accepts maintenance responsibility for the existing bridge abutment that will be used as a structural support for the canopy. A provision for the abutment maintenance is a part of the attached 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.

Public Lighting Department (PLD) reports involvement with underground facilities. PLD comments that due caution should be used during construction so as not to disturb the existing facilities. The area above PLD facilities is subject to future maintenance activities. Provisions for PLD have been made a part of the resolution.

DTE Energy – Electric reports having an existing conduit run in the area and must retain access to work in and around their equipment and conduit run. Provisions protecting the DTE facilities have been made a part of the resolution.



All other involved City Departments, including the Public Lighting 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,

A handwritten signature in black ink, appearing to read "Richard Doherty".

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 Detroit Riverfront Conservancy or their assigns to install and maintain encroachments consisting of a performance space including a pavilion and canopy within the Dequindre Cut in the area of East Lafayette Boulevard, 120 feet wide, Cherbonneau Place, 70 feet wide, Orleans Street variable width and St. Aubin Avenue, 120 feet wide. The encroachments located on land in the City of Detroit, Wayne County, Michigan and further described as part of the Dequindre Cut Greenway as established and described in the City of Detroit Journal of City Council on November 17, 2006, J.C.C. pages 3414-3424; and said part of the Dequindre Cut being more particularly described as follows: Commencing at a point in the northerly line of East Lafayette Boulevard, 120 feet wide, said point being the southeast corner of "Lafayette Park Subdivision of parts of Private Claims 6, 181, 7, 132, 12, 13, 8, and 17, City of Detroit, Wayne County Michigan" as recorded in Liber 80 of Plats, Pages 78 thru 91, Wayne County Records; thence along the easterly line of said "Lafayette Park Subdivision" the following four (4) courses: (1) N26°30'07"W 296.68 feet (Recorded as N26°30'13"W 296.61 feet); thence (2) N37°31'39"W 50.42 feet (Recorded as N37°31'45"W 50.42 feet); thence (3) N24°08'34"W 231.84 feet (Recorded as N24°08'40"W 231.84 feet); thence (4) N59°52'21"E 37.01 feet to the Point of Beginning; thence S26°07'13"E along a line that is 8.00 feet westerly of and parallel to the east face of the westerly abutment of the Macomb street bridge (bridge is demolished) 152.67 feet; thence N63°52'47"E 42.75 feet to the westerly edge of the Dequindre Cut shared use path, 20 feet wide; thence N26°07'13"W along the said westerly edge of the Dequindre Cut shared use path 335.67 feet; thence S63°52'47"W 42.75 feet; thence S26°07'13"E along a line that is 8.00 feet westerly of and parallel to the east face of the westerly abutment of the Macomb street bridge (bridge is demolished) 183.00 feet to the Point of Beginning.

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 the petitioner shall be responsible for the maintenance of the bridge abutment being used to support the canopy; and be it further

PROVIDED, that DTE – Energy shall have an easement around the existing conduit run and shall have full access to their facilities; and be it further

PROVIDED, that during construction the Public Lighting Department (PLD) facilities must not be disturbed or damaged; and all areas above PLD facilities are subject to future maintenance activity by PLD; and be it further

PROVIDED, that Detroit Riverfront Conservancy 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 Detroit Riverfront Conservancy 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 Detroit Riverfront Conservancy or their assigns. Should damages to utilities occur Detroit Riverfront Conservancy 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 Detroit Riverfront Conservancy 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 by Detroit Riverfront Conservancy of the terms thereof. Further, Detroit Riverfront Conservancy 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

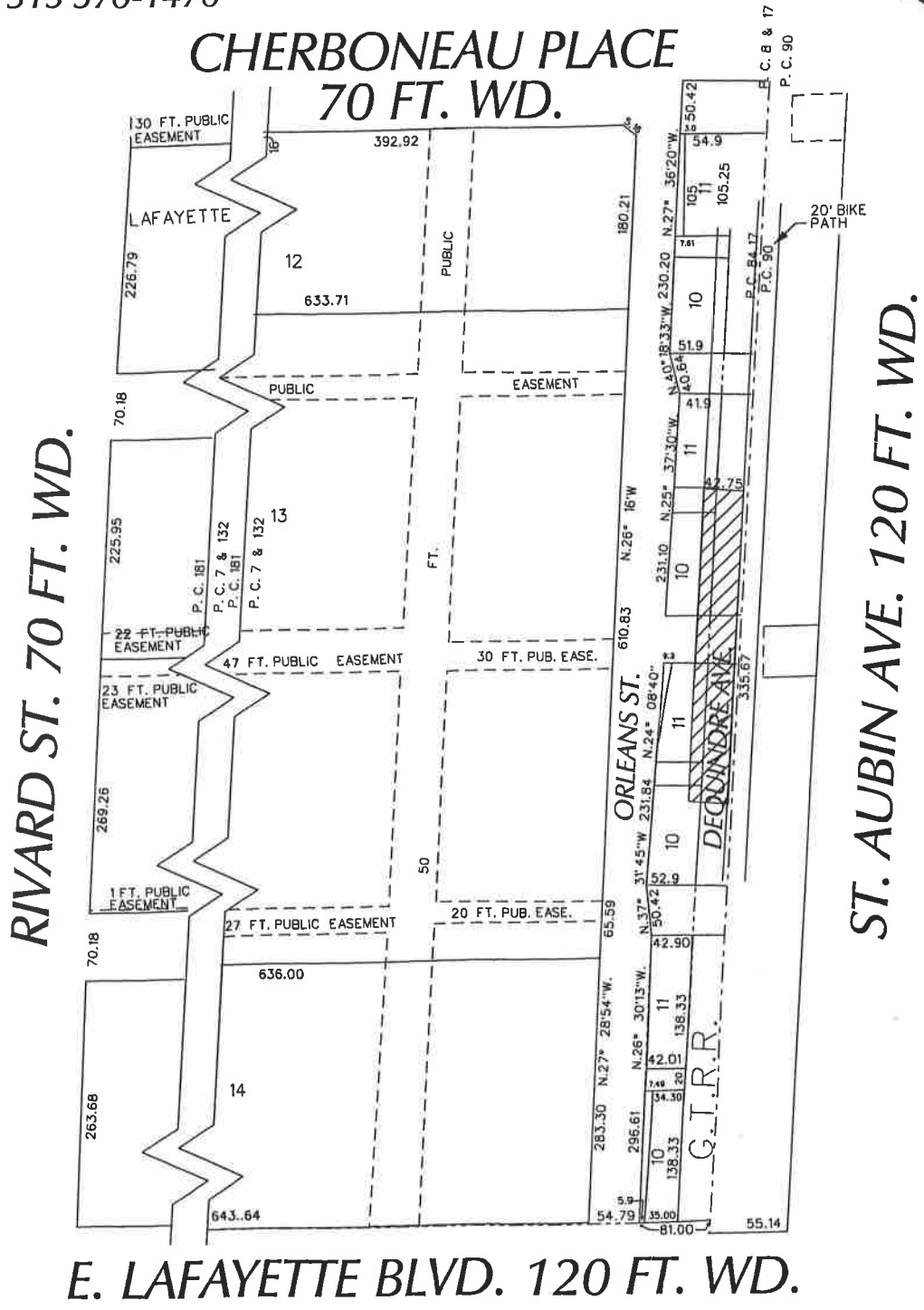
PROVIDED, that construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

PROVIDED, this resolution is revocable at the will, whim or caprice of the City Council, and Detroit Riverfront Conservancy 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. 934
 JONES LANG LASALLE
 226 E. HUDSON AVE., SUITE 200
 ROYAL OAK, MICHIGAN 48067
 C/O RHONDA COLLINS
 PHONE NO. 313 570-1476



 - REQUEST ENCROACHMENT
 (With Performance Space)

(FOR OFFICE USE ONLY)

CARTO 38 B & C

REQUEST ENCROACHMENT
 A PORTION OF DEQUINDRE AVE.
 VARIOUS WIDTHS IN THE AREA BOUND BY
 RIVARD ST., CHERBONEAU PLACE, ST. AUBIN AVE.
 AND E. LAFAYETTE BLVD.
 (With Performance Space)

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 934

B					
A	AS BUILT	JK		6-14-17	
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	08-12-16	APPROVED			