



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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

August 30, 2016

Honorable City Council:

RE: Petition No. 980 – Giffels Webster, request for various encroachments within Griswold Street and Grand River Avenue rights-of-way and the adjacent public alley right-of-way.

Petition No. 980 of Giffels Webster on behalf of 28 W. Grand River LLC, request to install and maintain encroachments with canopies on Griswold Street, 60 feet wide, between Grand River Avenue, 60 feet wide and Clifford Street, 60 feet wide; also with canopies on Grand River Avenue, between Griswold Street and Woodward Avenue, 120 feet wide. The request also includes installing and maintain bollards in the north-south public alley, 20 feet wide in the block of Grand River Avenue, Clifford Street, Griswold Street and Woodward Avenue.

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

The request is being made for a new development of a micro-loft and mixed use building on the northeast corner of Griswold Street and Grand River Avenue. The proposed canopies are to enhance the building entrances, and the bollards are being installed in the alley to protect building mounted utility meters and door openings.

Detroit Water and Sewerage Department (DWSD) reports having facilities in the encroachment area, but has no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution.

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.

Public Lighting Authority (PLA) report being involved and provisions protecting their facilities are included in the attached resolution.

Planning and Development Department (P&DD) report involvement. P&DD did a site plan review for BZA case # 48-15 which provided waivers to construct the new 23,881 square foot mixed use building. HDC Certificate of Appropriateness # 15-26B has been obtained by the applicant.



DTE Energy Gas, Comcast and SBC Telecommunications – report involvement; and provisions protecting all utilities and City services in the encroachment area are a part of the resolution.

All other involved City departments and privately owned utility companies reported no objections.

I am recommending adoption of the attached resolution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard Doherty', written over the typed name.

Richard Doherty, P.E., City Engineer
City Engineering Division – DPW

JK/

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 "28 W. Grand River LLC" or their assigns for encroachments with canopies on Griswold Street, 60 feet wide, between Grand River Avenue, 60 feet wide and Clifford Street, 60 feet wide; also with canopies on Grand River Avenue, between Griswold Street and Woodward Avenue, 120 feet wide; also with bollards in the north-south public alley, 20 feet wide in the block of Grand River Avenue, Clifford Street, Griswold Street and Woodward Avenue. All of the encroachments adjoining property described as: Land in the City of Detroit, Wayne County, Michigan being Lots 67 and 68 "Plan of Section Numbered Eight of the Territory of Michigan confirmed unanimously 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" as recorded in Liber 34, Page 543 of Deeds, Wayne County Records. And the encroachments further described as:

- 1) Two canopies on Grand River lying southerly of and adjoining the southerly line of the above described parcel and each having a clearance of 9 feet and a length of 12 feet and a width of 3 feet. One canopy being 7 feet from the southwesterly property corner and extending to a point being 19 feet from said corner. The other canopy being 12.21 feet from the southeasterly corner and extending to a point being 24.21 feet from said corner.
- 2) Canopies along the full length of the above described parcel lying westerly of and adjoining the westerly line of the parcel extending 3 feet into Griswold Street and maintaining a clearance of 9 feet.
- 3) Bollards as needed along the full length of the easterly property line of the above described parcel lying within 2 feet of said easterly line.

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 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 canopies shall have a minimum vertical under clearance of 9 feet; also a clear width of 18 feet shall be maintained in the north-south alley after the installation of the encroaching bollards; and be it further

PROVIDED, that the "28 W. Grand River 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 "28 W. Grand River 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 "28 W. Grand River LLC" or its assigns. Should damages to utilities occur "28 W. Grand River 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 "28 W. Grand River 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 "28 W. Grand River LLC" of the terms thereof. Further, "28 W. Grand River 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

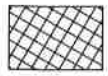
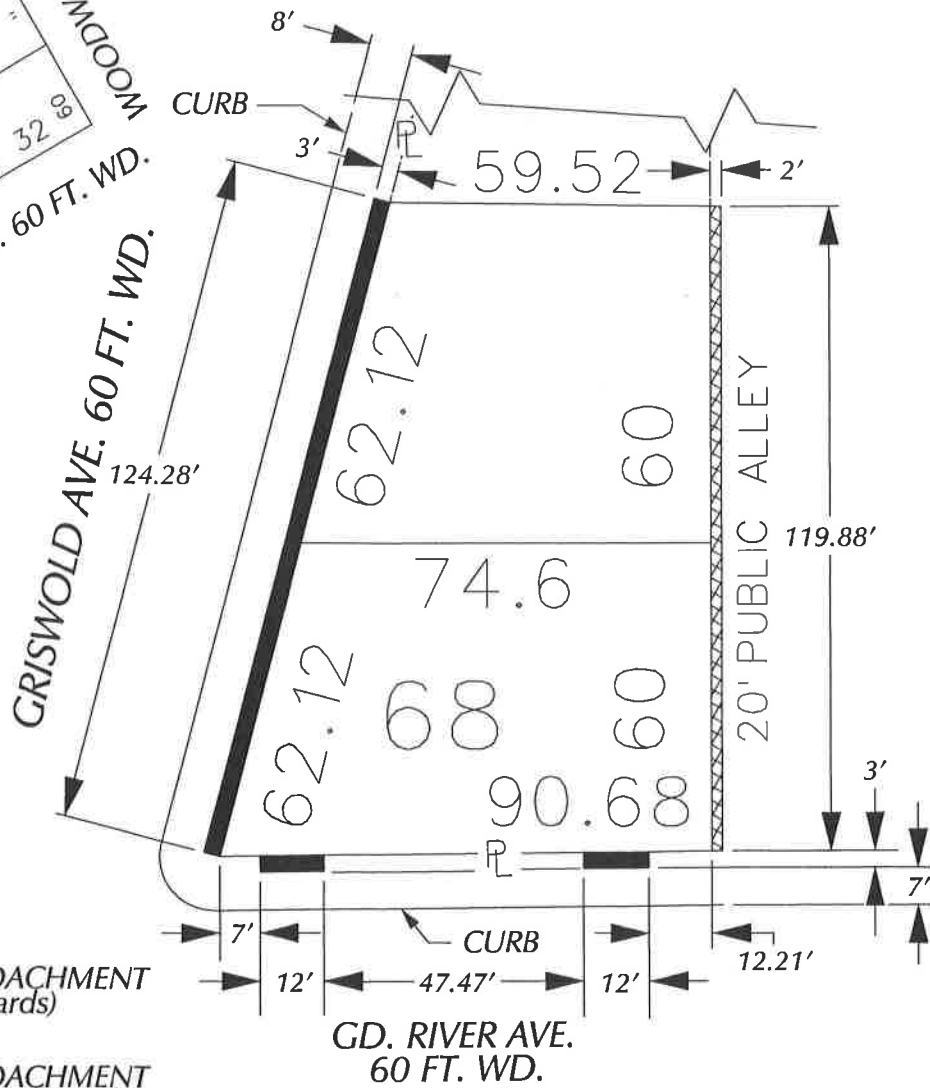
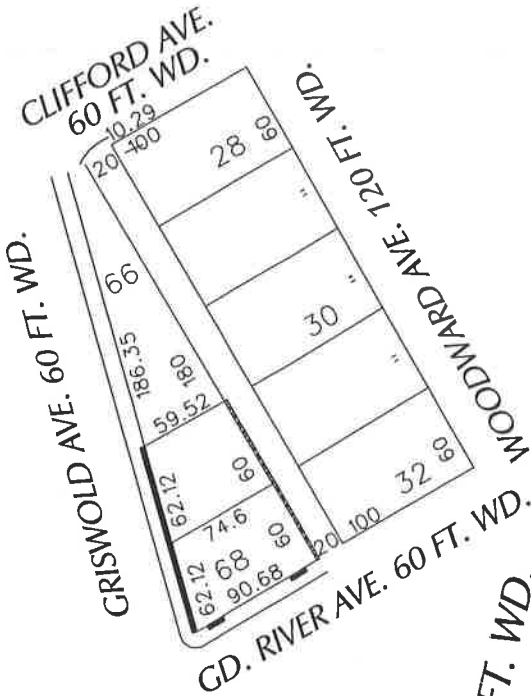
PROVIDED, this resolution is revocable at the will, whim or caprice of the City Council, and "28 W. Grand River LLC" acquires no implied or other privileges hereunder not expressly stated herein; and further

PROVIDED, the installation and maintenance of the encroachments referred to herein shall be construed as acceptance of this resolution by the permittee; 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.

PETITION NO. 980
 GIFFELS WEBSTER
 28 W. ADAMS AVE., SUITE 1200
 DETROIT, MICHIGAN 48226
 C/O DEIRDRE CLEIN
 PHONE NO. 313 962-4442



- REQUEST ENCROACHMENT
 (With Bollards)



- REQUEST ENCROACHMENT
 (With Canopies ± 9' High)

(FOR OFFICE USE ONLY)

CARTO 28 B

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	02-25-16	APPROVED			

REQUEST ENCROACHMENT
 INTO GRISWOLD AND G.D. RIVER AVE.
 AT 28 W. G.D. RIVER AVE.
 (With Canopies)
 AND A PORTION OF THE NORTH/SOUTH PUBLIC ALLEY
 (With Bollards)
 BETWEEN G.D. RIVER AND CLIFFORD AVE.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01
 DRWG. NO. X 980