



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

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September 26, 2017

Honorable City Council:

**RE: Petition No. 1446 – The Albert in Capitol Park, request to encroach in an area located at Griswold Street in order to install bike racks.**

Petition No. 1446 – The Albert in Capitol Park and their agent Border Sachse Real Estate request to install and maintain an encroachment consisting of a bike rack on the easterly sidewalk of Griswold Street, 60 feet wide, east of Capitol Park and north of State Street, 60 feet wide, and south of Grand River Avenue, 60 feet wide. The request is being made to provide a place for bicycle parking for the retail stores at the Albert in Capitol Park.

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 of the request provided that certain provisions are met. The TED provisions are included in the resolution.

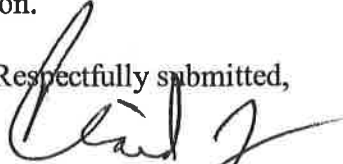
Detroit Water and Sewerage Department (DWSD) reports being involved, but they have no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution.

Planning and Development Department reports that the location is adjacent to the Lower Woodward Historic District and HDC approval is required. A provision for HDC approval is 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 The Albert in Capitol Park and/or their agent Border Sachse Real Estate or their assigns to install and maintain an encroachment consisting of a bike rack on the easterly sidewalk of Griswold Street, 60 feet wide, east of Capitol Park and north of State Street, 60 feet wide, and south of Grand River Avenue, 60 feet wide. The bike rack is 9 feet long and 3.5 feet wide and 3 feet, 4 inches tall. Encroachment location described as follows: Land in the City of Detroit, Wayne County, Michigan being part of Griswold Avenue, 60 feet wide lying from 10.75 feet to 14.25 feet westerly of the westerly line of Lot 73; also lying from 5.75 feet to 14.75 feet northerly of the southerly line of said Lot 73 "Plan of Section Numbered Eight in the Territory of Michigan, confirmed by the Governor and Judges in the 27<sup>th</sup> 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 Plats, 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 6 feet wide clear, unobstructed sidewalk shall be maintained for pedestrian traffic in front of the encroachment area at all times; and that minimum ADA requirements, plus all city standards, provisions and policies are met, and further

**PROVIDED**, that prior to installation the petitioner shall obtain approval from the City of Detroit Historic District Commission, 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 The Albert in Capitol Park and/or their agent Border Sachse Real Estate 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 The Albert in Capitol Park and/or their agent Border Sachse Real Estate 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 The Albert in Capitol Park and/or their agent Border Sachse Real Estate or their assigns. Should damages to utilities occur The Albert in Capitol Park and/or their agent Border Sachse Real Estate 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 Albert in Capitol Park and/or their agent Border Sachse Real Estate 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 The Albert in Capitol Park and/or their agent Border Sachse Real Estate or their assigns of the terms thereof. Further, The Albert in Capitol Park and/or their agent Border Sachse Real Estate 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 The Albert in Capitol Park and their agent Border Sachse Real Estate 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

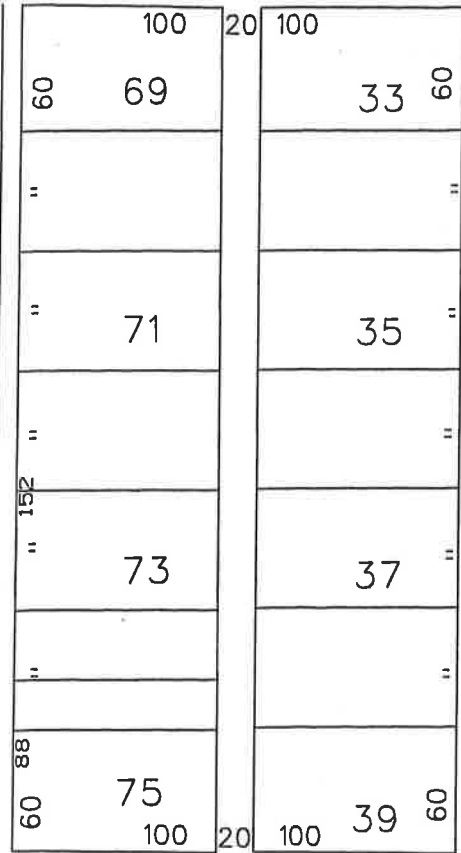
PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 1446  
 THE ALBERT IN CAPITOL PARK  
 C/O BRODER & SACHSE REAL ESTATE SERVICES  
 1214 GRISWOLD AVE.  
 DETROIT, MICHIGAN 48226  
 C/O MAX GORDON  
 PHONE NO. 248 647-4100



GD. RIVER AVE. 60 FT. WD.

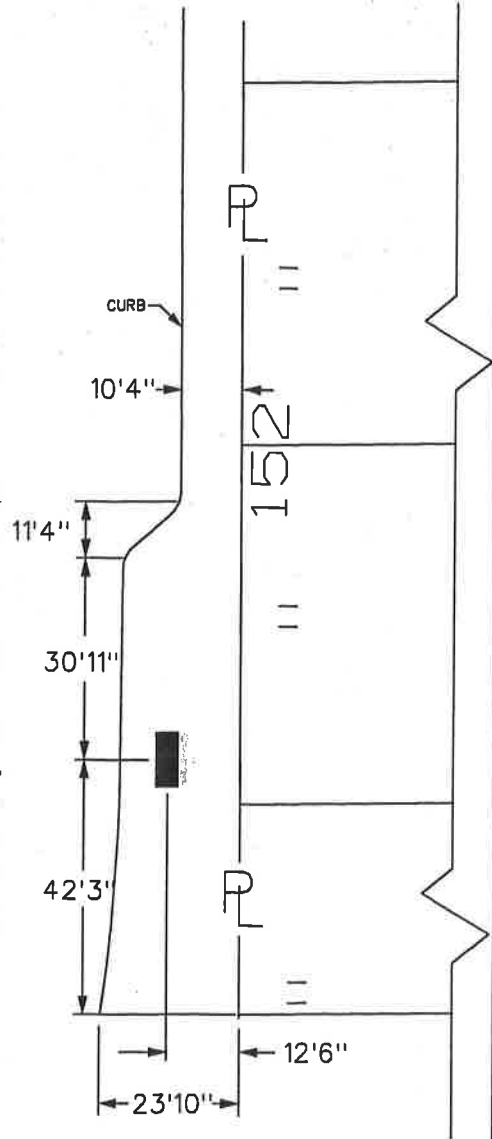
GRISWOLD AVE. 60 FT. WD.



WOODWARD AVE. 100 FT. WD.

GRISWOLD AVE. 60 FT. WD.

STATE ST. 60 FT. WD.



 - REQUEST ENCROACHMENT  
 (With Bike Rack)

(FOR OFFICE USE ONLY)

CARTO 28 B

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	04-27-17	APPROVED			

REQUEST ENCROACHMENT  
 INTO GRISWOLD  
 AT 1214 GRISWOLD  
 (With Bike Rack)

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X 1446