



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER  
2 WOODWARD AVE. SUITE 601  
DETROIT, MICHIGAN 48226  
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WWW.DETROITMI.GOV

October 3, 2019

Honorable City Council:

**RE: Petition No. 1502 – Downtown Detroit Partnership, request for Right of Way Encroachment on property located at Woodward, Fort Street, and Larned in order to conduct a streetscape improvement project in Downtown Detroit.**

Petition No. 1502 – Downtown Detroit Partnership, request for encroachments with streetscape improvements. The encroachments are on the median of Woodward Avenue, 190 feet wide, between Larned Street, 60 feet wide, and Fort Street, 100 feet wide (Campus Martius).

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

The request has been made to enhance and beautify the two traffic medians on Woodward Avenue. The streetscape improvements were constructed in 2017 in concert with the opening of the QLINE.

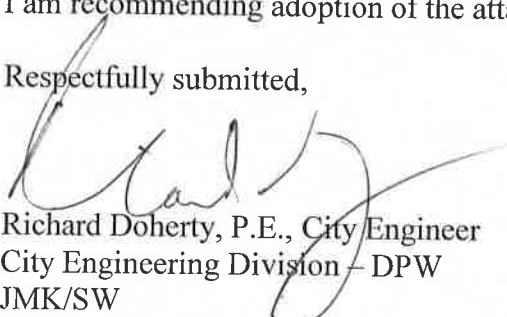
The request was approved by the Solid Waste Division – DPW, and City Engineering Division – DPW. The Detroit Police Department objected to the change because of the turnabout. The request was approved by the Traffic Engineering Division – DPW.

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/SW

Cc: Ron Brundidge, Director, DPW  
Mayor's Office – City Council Liaison

COUNCIL MEMBER \_\_\_\_\_

**RESOLVED**, that the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Downtown Detroit Partnership or their assigns to install and maintain encroachments with streetscape improvements including: plants, pedestrian pathways, non-standard paving materials, furnishings such as benches, swings, moveable chairs and tables, and public art such as archways and artistic seating objects. The improvements also include an irrigation system and underground electrical system. The encroachments are on the median of Woodward Avenue, 190 feet wide, between Larned Street, 60 feet wide, and Fort Street, 100 feet wide (Campus Martius). Encroachments are further described as follows: land in the City of Detroit, Wayne County, Michigan being part of Woodward Avenue, 190 feet wide lying westerly of Lots 53 through 62, both inclusive, "Plan of Section numbered One in the territory of Michigan confirmed by the Governor and Judges on 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 550 of Deeds, Wayne County Records; said encroachments all on two median islands, with island one between Larned Street, 60 feet wide, and Congress Street, 60 feet and 75 feet wide, also island two between Congress Street, 60 feet and 75 feet wide, and Fort Street, 100 feet wide (Campus Martius) including the turnabout lane at the north end of island two at Campus Martius; excepting the crosswalk area at north side of Larned Street crossing Woodward Avenue being the south 20.33 feet, more or less, of island one, also excepting the crosswalk area at south side of Congress street crossing Woodward Avenue being the north 23.58 feet, more or less, of island one, also excepting the crosswalk area at north side of Congress street crossing Woodward Avenue being the south 17.50 feet, more or less, of island two.

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 access is maintained to all fire department connections, and be it further

PROVIDED, that the remaining sidewalk width meets minimum ADA requirements and all City standards and policies are met; 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, Downtown Detroit Partnership 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 Downtown Detroit Partnership 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 Downtown Detroit Partnership or their assigns. Should damages to utilities occur Downtown Detroit Partnership 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 Downtown Detroit Partnership 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 Downtown Detroit Partnership or their assigns of the terms thereof. Further, Downtown Detroit Partnership 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 filing of said indemnity agreement shall be construed as acceptance of this Resolution by the "permitee"; and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Downtown Detroit Partnership, or their assigns; 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 or part thereof is revocable at the will, whim or caprice of the City Council, and Downtown Detroit Partnership acquires no implied or other privileges hereunder not expressly stated herein; and further

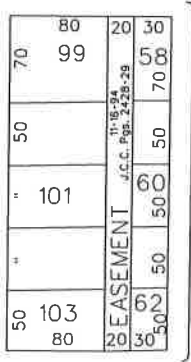
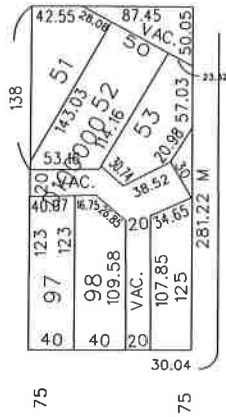
PROVIDED, that the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and be it further

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

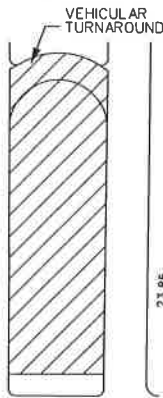
PETITION NO. 1502  
DOWNTOWN DETROIT PARTNERSHIP  
ONE CAMPUS MARTIUS, SUITE 380  
DETROIT, MICHIGAN 48226  
C/O ERIC B. LARSON  
PHONE NO. 313 566-8250



GRISWOLD ST. VARIOUS WIDTHS



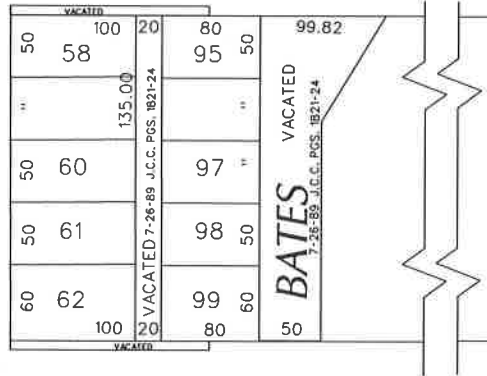
WOODWARD AVE.  
190 FT. WD.



CADILLAC SQUARE 200 FT. WD.



CONGRESS ST. 60 FT. WD.



RANDOLPH ST.  
120 FT. WD.

LARNED ST. 60 FT. WD.

- REQUEST ENCROACHMENT  
*(With Streetscape Improvements)*

(FOR OFFICE USE ONLY)

CARTO 28 B

B				
A				
	DESCRIPTION	DRWN	CHKD	APPD DATE
	REVISIONS			
	DRAWN BY	CHECKED		
	DATE	APPROVED		
	10-30-17			

REQUEST ENCROACHMENT  
INTO WOODWARD  
AT 500 - 650 WOODWARD  
*(With Streetscape Improvements)*

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1502