



February 27, 2018

Honorable City Council:

RE: Petition No. 1737 – Giffels Webster, request for encroachment into public alley bounded by Brush St. E. Fort St. Beaubien, and E. Lafayette.

Petition No. 1737 – Giffels Webster on behalf of Bedrock Real Estate Services LLC request to install and maintain encroachments consisting of emergency phone, ductwork, exhaust fan, and bollards along with other architectural elements, signs lighting, canopies, etcetera in the east-west public alley, 20 feet wide in the block of East Fort Street, 50 feet wide, East Lafayette Street, 60 feet wide, Brush Street, 48 feet wide and Beaubien Street, 120 feet wide; also in Brush Street and East Fort Street adjoining the property commonly known as 407 East Fort Street.

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).

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.

The Detroit Fire Department, Planning and Development Department and DTE Energy – Gas Division report involvement but no objection. Their provisions are part of the attached 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

RESOLVED, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Bedrock Real Estate LLC or their assigns to install and maintain encroachments consisting of emergency phone, ductwork, exhaust fan, and bollards along with other architectural elements (signs, lighting, canopies, etcetera) in the east-west public alley, 20 feet wide in the block of East Fort Street, 50 feet wide, East Lafayette Street, 60 feet wide, Brush Street, 48 feet wide and Beaubien Street, 120 feet wide; also in Brush Street and East Fort Street adjoining the property commonly known as 407 East Fort Street, above said encroachments on land in the City of Detroit, Wayne County, Michigan and further described as:

- 1) Emergency blue phone at grade and up to 10 feet above grade and being 1.5 feet wide and 1.5 feet long lying northerly of and adjoining the easterly 1.5 feet of the westerly of the westerly 12.3 feet on the northerly line of Lot 18 Block 6 "Plan of part of the Brush Farm" as recorded in Liber 7 pages 224 and 225 of City Records, Wayne County Records.
- 2) Mechanical equipment, ductwork and bollards at grade and extending up to 20.5 feet above grade and being 3.6 feet wide and 10.6 feet long northerly of and adjoining the easterly 5.3 feet on the northerly line of Lot 18 and the westerly 5.3 feet on the northerly line of Lot 19, all in Block 6 "Plan of part of the Brush Farm" as recorded in Liber 7 pages 224 and 225 of City Records, Wayne County Records.
- 3) Architectural elements on East Fort Street from 8.5 feet above grade to the top of the building 5 feet wide and 70.6 feet in length lying southerly of and adjoining the southerly line of Lots 17, 18 and 19 except the East 11.61 feet on the South line being the East 11.64 feet on the North line of Lot 19, also except that part of Lot 17 taken for widening Brush Street, all in Block 6 "Plan of part of the Brush Farm" as recorded in Liber 7 pages 224 and 225 of City Records, Wayne County Records.
- 4) Architectural elements on Brush Street from 8.5 feet above grade to the top of the building 4.6 feet and 6 feet wide within the following boundary: Beginning at the intersection of the easterly line of Brush Street and the northerly line of East Fort Street also being the southwesterly corner of the building, thence northerly along the easterly line of Brush Street 143.73 feet to a point being 5.4 feet northerly of the northerly line of line of Lots 17, 18 and 19 except the East 11.61 feet on the South line being the East 11.64 feet on the North line of Lot 19, also except that part of Lot 17 taken for widening Brush Street, all in Block 6 "Plan of part of the Brush Farm" as recorded in Liber 7 pages 224 and 225 of City Records, Wayne County Records; thence westerly at a right angle 4.6 feet; thence southerly along a line 4.6 feet westerly of and parallel to the easterly line of Brush Street 5.4 feet; thence westerly at a right angle 1.4 feet; thence southerly along a line 6.0 feet westerly of and parallel to the easterly line of Brush Street 3.6 feet; thence easterly at a right angle 1.4 feet; thence southerly along a line 4.6 feet westerly of and parallel to the easterly line of Brush Street 139.73 feet to a point 5 feet south of the north line of East Fort Street; thence easterly at a right angle 4.6 feet; thence northerly at a right angle 5.0 feet to the intersection of the easterly line of Brush Street and the northerly line of East Fort Street also being the southwesterly corner of the building and the point of beginning.
- 5) Architectural elements on the public alley, 20 feet wide from 8.5 feet above grade to the top of the building 5.4 feet wide lying northerly of and adjoining the northerly line of the easterly 2.0 feet of Lot 17, all of Lot 18, and the westerly 18.36 feet of Lot 19, all in Block 6 "Plan of part of the Brush Farm" as recorded in Liber 7 pages 224 and 225 of City Records, 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 any exterior changes to the building will require approval from the Detroit Historic Commission because the property is in a Historic District; and further

PROVIDED, that access must be maintained to all Fire Department connections and vehicle access routes for public safety; and further

PROVIDED, that the proposed use does not hinder or impede the operation, maintenance, or replacement of DTE Gas Company facilities; and 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, Bedrock Real Estate LLC 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 Bedrock Real Estate LLC 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 Bedrock Real Estate LLC or their assigns. Should damages to utilities occur Bedrock Real Estate LLC 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 Bedrock Real Estate LLC 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 Bedrock Real Estate LLC or their assigns of the terms thereof. Further, Bedrock Real Estate LLC 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 Bedrock Real Estate LLC acquires no implied or other privileges hereunder not expressly stated herein; and further

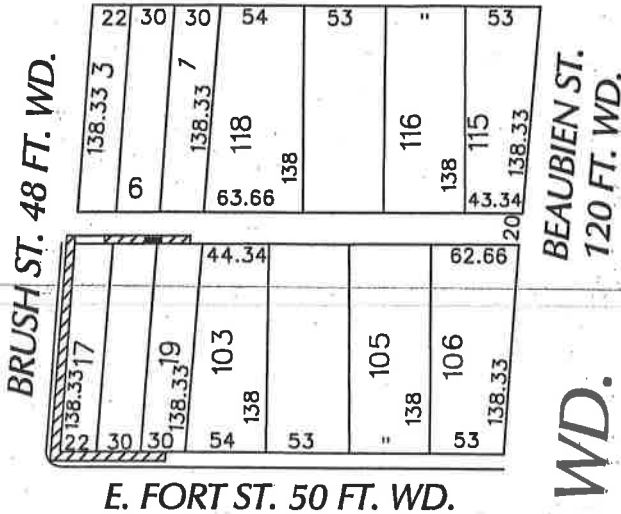
PROVIDED, that the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and further

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

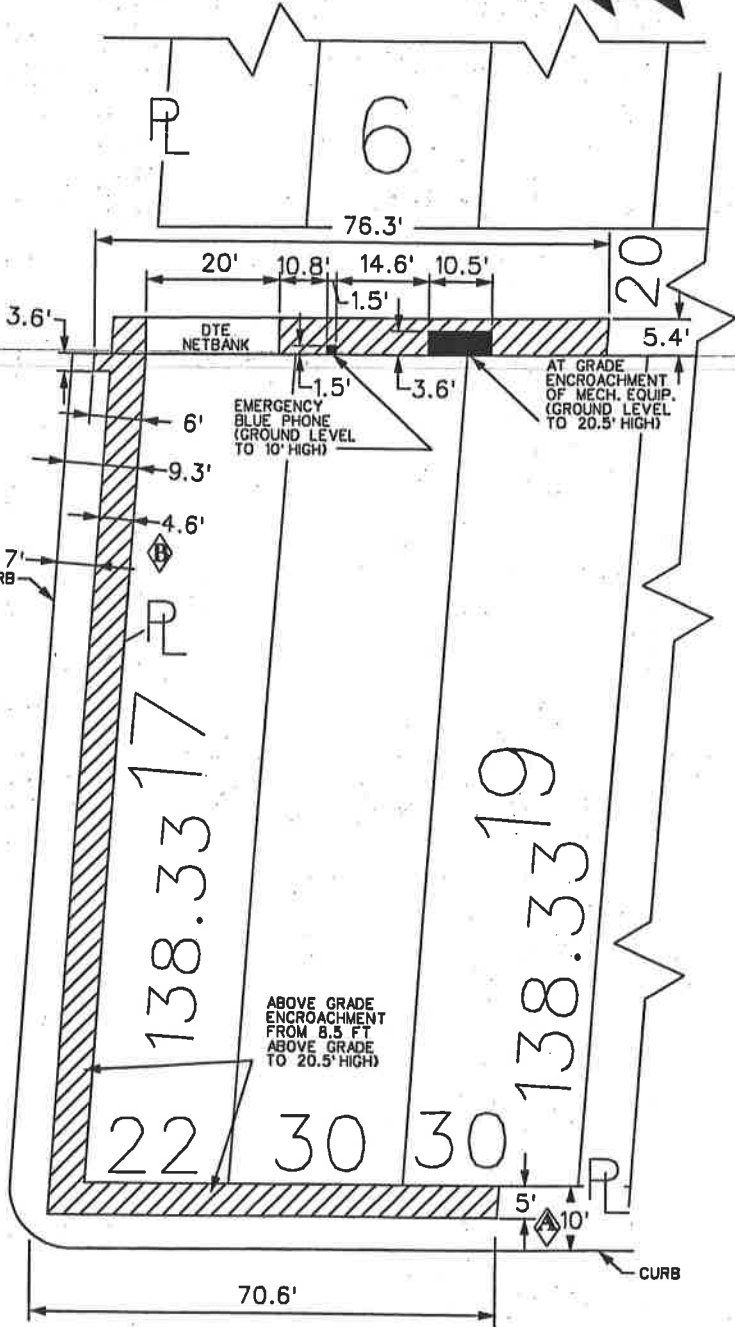
PETITION NO. 1737
 GIFFELS WEBSTER
 28 W. ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 C/O MICHAEL MARKS P.E.
 PHONE NO. 313 962-4442



E. LAFAYETTE AVE. 60 FT. WD.



"REVISED"



- REQUEST ENCROACHMENT (With Architectural Elements, Signs, Lighting, Canopies, etc... 8.5' Above Grade to Top of Building)
- REQUEST ENCROACHMENT (With Emergency Blue Phone Duckwork, Exhaust Fan and Bollards)

E. FORT ST. 50 FT. WD.

(FOR OFFICE USE ONLY)

CARTO 28 F

B	REDUCING ENCROACHMENT ON BRUSH ST.	WLW	KSM	KSM	1/17/18
A	REDUCING ENCROACHMENT ON E. FORT ST.	WLW	KSM	KSM	1/17/18
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	10-03-17	APPROVED			

REQUEST ENCROACHMENT
 A PORTION OF THE EAST/WEST PUBLIC ALLEY
 (With Emergency Blue Phone, Duckwork,
 Exhaust Fan and Bollards)
 AND INTO E. FORT AND BRUSH ST.
 (With Architectural Elements, Signs, Lighting,
 Canopies, etc... 8' Above Grade to Top of Building)
 AT 407 E. FORT ST.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1737