



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
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July 11, 2018

Honorable City Council:

RE: Petition No. 1770 – 45 Grand River, LLC, request to encroach into West Grand River and Griswold at 45 West Grand River Avenue.

Petition No. 1770 – 45 Grand River, LLC, request for encroachments consisting of exterior architectural elements such as signs, lighting, canopies, etcetera on the south side of West Grand River Avenue, 60 feet wide between Woodward Avenue, 120 feet wide and Griswold Street, 60 feet wide; also on the east side of Griswold Street, between State Street, 60 feet wide and West Grand River Avenue.

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

The request is being made to allow for the installation of exterior architectural elements such as signs, lighting and canopies on a building being rehabilitated by Bedrock Real Estate Services.

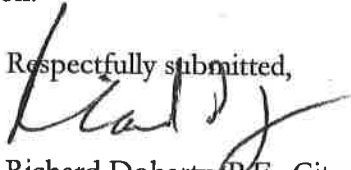
The request was approved by the Solid Waste Division–DPW, and City Engineering Division –DPW. Traffic Engineering Division–DPW (TED) approves provided certain conditions are met. The TED provisions are a part of the attached resolution. The Planning and Development Department notes that the building is in a Historic District and any exterior changes will need Historic District Commission (HDC) approval. A provision for HDC approval 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.

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

COUNCIL MEMBER _____

RESOLVED, that the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to 45 Grand River, LLC, or their assigns for encroachments consisting of exterior architectural elements such as signs, lighting, canopies, etcetera on the south side of West Grand River Avenue, 60 feet wide between Woodward Avenue, 120 feet wide and Griswold Street, 60 feet wide; also on the east side of Griswold Street, between State Street, 60 feet wide and West Grand River Avenue. The encroachments further described as: Land in the City of Detroit, Wayne County, Michigan, lying northerly of and adjoining the northerly line of the westerly 40 feet Lot 69 and extending 3.5 feet northerly thereof; also lying westerly of and adjoining the westerly line of Lot 69 and extending 7.6 feet westerly thereof all in "Plan of the Section numbered eight in the Territory of Michigan, Confirmed unanimously by the Governor and Judges in 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; also all the above lying between a minimum elevation of 8.5 feet above grade and a maximum elevation of 78.0 feet above grade (top of the building).

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 any changes to the exterior of the building will require Historic District Commission approval, and be it further

PROVIDED, that the encroachments shall be completely cantilevered and shall not have any support at grade level; also a minimum eight (8) feet clear height (under clearance) shall be maintained at the ground level, 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 45 Grand River, 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 45 Grand River, 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 by 45 Grand River, LLC or their assigns. Should damages to utilities occur 45 Grand River, 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 45 Grand River, 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 45 Grand River, LLC or their assigns of the terms thereof. Further, 45 Grand River, 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 45 Grand River, 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 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.

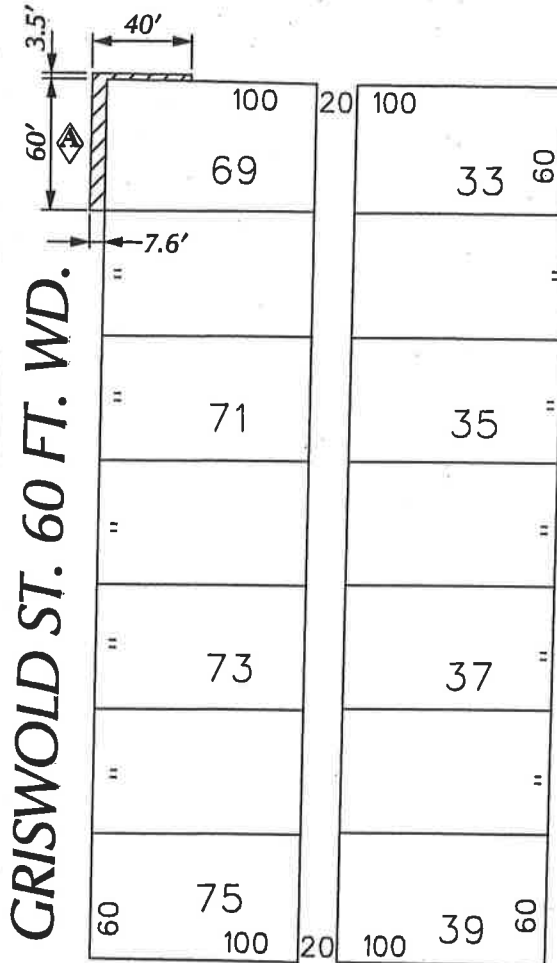
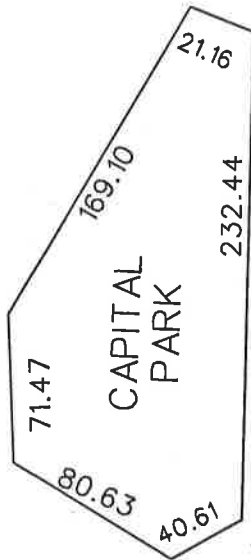
PETITION NO. 1770
 GRAND RIVER LLC
 C/O GIFFELS WEBSTER
 28 W. ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 C/O MICHAEL MARKS P.E.
 PHONE NO. 313 980-1469

"REVISED"



W. GRAND RIVER AVE. 60 FT. WD.

DETAILS OF ENCROACHMENT SHOWN ON NEXT SHEET



WOODWARD AVE. 120 FT. WD.

STATE ST. 60 FT. WD.



- REQUEST ENCROACHMENT
 (With Exterior Architectural Elements from
 8 Feet Above Grade to 78 Feet Above Grade)

(FOR OFFICE USE ONLY)

CARTO 28 B

B					
A	REMOVING SIDEWALK CURB AT GRADE	JK	KSM	KSM	5/9/18
	DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	JK	CHECKED	KSM		
DATE	02-06-18	APPROVED			

**REQUEST ENCROACHMENT
 ON GRISWOLD ST. AND W. GRAND RIVER AVE.
 (For Various Architectural Elements)**

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1770