



April 3, 2018

Honorable City Council:

RE: Petition No. 1778 – Bedrock Real Estate Services, LLC, request for a series of encroachments into rights-of-way within the E. Grand River Ave., Broadway Ave. and Gratiot Ave. block

Petition No. 1778 – Bedrock Real Estate, LLC request for encroachments with a balcony over the alley at the rear of 1274 Library and for a sidewalk café on Library Avenue, 71 feet wide, from East Grand River southward for 65.65 feet, and on East Grand River, 60 feet wide from Library Avenue to the north-south alley, 20 feet wide first east of Library Avenue.

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 provided that a minimum 6 feet wide clear unobstructed sidewalk width for pedestrian traffic, and a provision for clearance is a part of 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.

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 Bedrock Real Estate, LLC or their assigns to install and maintain encroachments with a balcony over the alley at the rear of 1274 Library, on land in the City of Detroit, Wayne County, Michigan described as: Balcony(s) above grade from 37 feet to 94 feet in height and 6 feet in width extending over the alley, and lying easterly of and adjoining the easterly line of the southerly 48.3 feet of Lot 62 "Governor and Judges Plan of Section Numbered Seven in the City of Detroit" as recorded in Liber 34, Page 544 of Deeds, 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 access is maintained to all fire department connections, and be it further

PROVIDED, that the proposed use does not hinder or impede the operation, maintenance or replacement of DTE Gas Company facilities, 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, 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 by 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 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; and be it also

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 with a sidewalk café on Library Avenue, 71 feet wide, from East Grand River Avenue southward for 65.65 feet, and on East Grand River Avenue, 60 feet wide from Library Avenue to the north-south alley, 20 feet wide, first east of Library Avenue, on land in the City of Detroit, Wayne

County, Michigan described as: Sidewalk café area lying northerly of and adjoining the northerly line of Lot 62, also lying westerly of and adjoining the westerly line of said Lot 62 "Governor and Judges Plan of Section Numbered Seven in the City of Detroit" as recorded in Liber 34, Page 544 of Deeds, Wayne County Records. And further described as: Beginning at the southwesterly corner of said Lot 62, thence northerly along the westerly line of said Lot 62 a distance of 65.70 feet (calc.) to the northwesterly corner of said Lot 62 thence easterly along the northerly line of said Lot 62 a distance of 100.90 feet (calc.) to the northeasterly corner of said Lot 62; thence northerly at a right angle to the northerly line of said Lot 62 a distance of 5.7 feet; thence westerly along a line that is 5.7 feet northerly of and parallel to the northerly line of said Lot 62 a distance of 110.4 feet, thence southerly at a right angle along a line 9.50 feet westerly of and parallel to the westerly line of said Lot 62 a distance of 25.4 feet; thence westerly at a right angle 5.00 feet; thence southerly along a line 14.5 feet westerly of and parallel to the westerly line of said Lot 62 a distance of 46.00 feet; thence easterly at a right angle 14.5 feet to the southwesterly corner of said Lot 62, and the point of beginning.

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 of 6.0 feet wide clear and unobstructed sidewalk shall be maintained for pedestrian traffic in front of the outdoor seating area at all times; and an additional 2.5 feet of sidewalk width required for accommodating street furniture shall be maintained at all times; and be it further

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

PROVIDED, that the proposed use does not hinder or impede the operation, maintenance or replacement of DTE Gas Company facilities, 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, 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) hour's 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 if any tent or other enclosure is to be used on the subject site, Bedrock Real Estate Services, 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; 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 the area being used as an Outdoor Café shall meet the general requirements set by the “Outdoor Café Guidelines” as adopted by the City Council and guided by Section 50-2-20 (aka code 1964 § 58-2-8.1) of the City Code; and further

PROVIDED, that the petitioner obtains all necessary licenses and permits every year from Departments having jurisdiction over the outdoor café process; and further

PROVIDED, that said activities are conducted under the rules and regulations of the Department of Public Works and the supervision of the Police Department; and further

PROVIDED, that the sale of food or soft drinks is held under the direction and inspection of the Detroit City Health Department; and further

PROVIDED, that the “permitee” remit the required annual fee(s) to Department of Public Works – City Engineering Division for issuance of a use-permit and confirm license of the establishment in compliance with City Code; and further

PROVIDED, that this use-permit shall be for a period of one year, after receiving approval of City Council, and may be renewable thereafter on an annual basis; and further

PROVIDED, that the “permitee”, prior to obtaining said permit file an indemnity agreement in a form approved by the Law Department, saving and protecting the City of Detroit harmless from any or all claims, damages or expenses that may arise by reason of the issuance of said permit and the faithful performance by the “permitee” of the terms thereof; and in addition, to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and further

PROVIDED, that filing of said indemnity agreement shall be construed as acceptance of this Resolution by the "permittee"; and further

PROVIDED, that the petitioner is responsible to obtain approval of the Michigan Liquor Control Commission, if necessary and approval from the Detroit Police Liquor License Bureau if serving liquor; and further

PROVIDED, that the designated outdoor seating area shall be identified through the use of railings or other physical barrier in order to regulate the serving of liquor within the perimeter of the café; and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Bedrock Real Estate Services, 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 Bedrock Real Estate Services, LLC, or their assigns. Should damages to utilities occur Bedrock Real Estate Services, 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, this resolution is revocable at the will, whim or caprice of the City Council, and Bedrock Real Estate Services, LLC, or their assigns 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

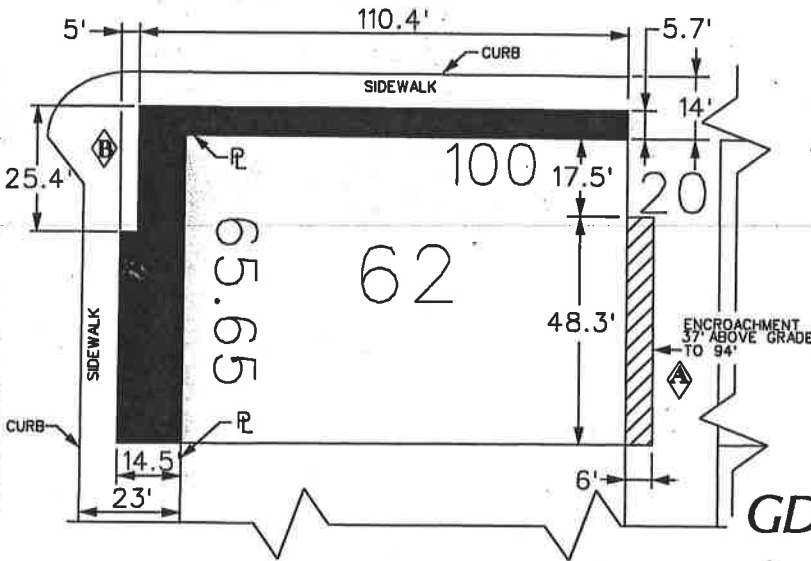
PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 1778
 BEDROCK REAL ESTATE SERVICES, LLC
 C/O GIFFELS WEBSTER
 1092 WOODWARD AVE.
 DETROIT, MICHIGAN 48226
 C/O MICHAEL MARKS
 PHONE NO. 313 962-4442



GD. RIVER AVE. 60 FT. WD.

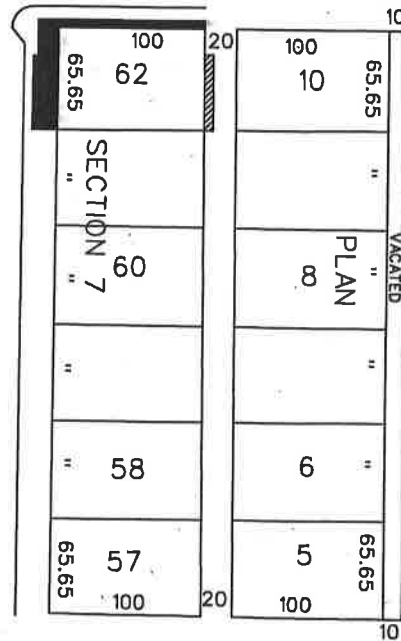
LIBRARY AVE. 71 FT. WD.



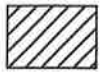
"REVISED"

GD. RIVER AVE. 60 FT. WD.

LIBRARY AVE. 71 FT. WD.



BROADWAY AVE. 100 FT. WD.



- REQUEST ENCROACHMENT
(With Balcony)



- REQUEST ENCROACHMENT
(With Outdoor Seating)

GRATIOT AVE. 60 FT. WD.

(FOR OFFICE USE ONLY)

CARTO 28 A

B	CHANGE OUTDOOR SEATING CONFIGURATION ON GD. RIVER AND LIBRARY AVE.	WLW	KSM	KSM	1/03/18
A	CHANGE BALCONY ABOVE GRADE ELEVATION FROM 13 FEET TO 37 FEET IN HEIGHT.	WLW	KSM	KSM	1/03/18
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	10-06-17	APPROVED			

REQUEST ENCROACHMENT
 A PORTION OF THE NORTH/SOUTH PUBLIC ALLEY
 (With Balcony)
 AND INTO LIBRARY AND GD. RIVER AVE.
 AT 1274 LIBRARY
 (With Outdoor Seating)

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1778