



February 12, 2019

Honorable City Council:

RE: Petition No. 1829 – Olympia Development of Michigan, LLC, request to encroach into the public rights-of-way with a private storm water management system on Montcalm Street.

Petition No. 1829 – Giffels Webster on behalf of Olympia Development of Michigan, LLC request for an encroachment consisting of a private storm water management system. The encroachment is to be located on the South side of Montcalm Street, 50 feet wide, between Woodward Avenue, 120 feet wide, and Park Avenue, 60 feet wide; also on the East side of Park Avenue, between Columbia Street (now an easement) 50 feet wide, and Montcalm Street.

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

The request is being made as part of an upgrade to the Fox Theatre. The storm sewer outlet will redirect a portion of the storm-water to Montcalm Street, and ultimately into the existing sewer in Park Avenue. The work will be performed in accordance with the following standards: Michigan Plumbing Code, DPW – City Engineering Division and Detroit Water and Sewerage Department.

The request was approved by the Solid Waste Division – DPW, and City Engineering Division – DPW. Traffic Engineering Division – DPW (TED) approves provided that affected curb, sidewalk and pavement is restored; and that the road closure for the work to be performed is approved by TED. The TED conditions are 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.

DTE-Energy Electric reports involvement, but no objection. The storm sewer line must maintain an 18 inch vertical clearance from DTE's conduit running north and south at the alley east of Park Avenue, and south of Montcalm Street. A provision for the required DTE clearance is a part of the attached resolution.

DTE-Gas Company reports involvement, but no objection. DTE- Gas Company reports an 8 inch gas main located 14 feet west of the east line of Park Avenue. A provision for the unimpeded operation, maintenance and replacement (if needed) of the gas line is 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,

A handwritten signature in black ink, appearing to read "Richard Doherty". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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 Olympia Development of Michigan or their assigns to install and maintain a subsurface encroachment consisting of a private storm water management system. The encroachment is to be located on the South side of Montcalm Street, 50 feet wide, between Woodward Avenue, 120 feet wide, and Park Avenue, 60 feet wide; also on the East side of Park Avenue, between Columbia Street (now an easement) 50 feet wide, and Montcalm Street; further described as:

Land in the City of Detroit, Wayne County, Michigan, being that part of Park Avenue, 60 feet wide, lying westerly of and adjoining the westerly line of Lot 10, and extending 31 feet into Park Avenue; also being part of Montcalm Street, 50 feet wide, lying northerly of and adjoining the northerly line of Lots 10, 9, 8, 7, 6 and westerly 25 feet of Lot 5 and including that part of Lot 7 opened as a public alley, and extending 16 feet into Montcalm Street "Lothrop's Subdivision of Park Lot 83 and part of Park Lot 82" as recorded in Liber 39, Page 430 of Deeds, Wayne County Records. Said subsurface encroachments further described as follows:

Beginning at the northwest corner of Lot 10 "Lothrop's Subdivision of Park Lot 83 and part of Park Lot 82" as recorded in Liber 39, Page 430 of Deeds, Wayne County Records; thence N60°E along the southerly line of Montcalm Street, 225 feet; thence N30°W a distance of 16 feet; thence S60°W a distance of 256 feet; thence S30°E a distance of 27 feet; thence N60°E a distance of 31 feet; thence N30°W along the easterly line of Park Avenue, 11 feet to the northwest corner of said Lot 10 and the Point of Beginning. Bearings based on said "Lothrop's Subdivision".

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 affected sidewalks, curbs and pavements shall be restored per City Standards after completion of the installation of the subsurface storm water management system. All costs associated with the restoration work shall be borne by the petitioner, or their assigns. Petitioner shall be responsible to seek approval of DPW – Traffic Engineering Division for any associated lane or sidewalk closure prior to starting construction work, and be it further

PROVIDED, that the encroaching storm sewer must maintain 18 inches of vertical clearance from DTE-Energy's electrical conduit running north and south at the alley first east of Park Avenue, and south of Montcalm Street, and be it further

PROVIDED, that the encroaching storm sewer does not hinder or impede the operation, maintenance or replacement of DTE Gas Company facilities including the 8 inch gas main located 14 feet West of the East right-of-way line of Park Avenue, 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 any proposed utility crossing DWSD water mains or sewers perpendicularly must maintain a minimum of 18 inches vertical clearance. Also any proposed utility running adjacent to DWSD water mains and sewers must maintain a minimum of 10 feet lateral clearance including any conduit and/or manhole walls. No utility is allowed to run along the top of the water main or sewer, and be it further

PROVIDED, that there are possibilities of several water and sewer lines crossing in the vicinity of proposed work, field verify their location and depth to maintain the DWSD required clearance, and be it further

PROVIDED, that any proposed work that involves DWSD utilities (water mains and/or sewers), an approval and a permit is required from DWSD before commencement of work, and be it further

PROVIDED, Olympia Development of Michigan 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 and the Detroit Water and Sewerage 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 Olympia Development of Michigan 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 Olympia Development of Michigan or their assigns. Should damages

to utilities occur Olympia Development of Michigan 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 Olympia Development of Michigan 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 Olympia Development of Michigan LLC or their assigns of the terms thereof. Further, Olympia Development of Michigan 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, that the petitioner or their assigns provide the Depart of Public Works – City Engineering Division with as-built drawings that include the location of the underground sewer including the depth below street grade of the encroachment; and be it further

PROVIDED, that the petitioner shall apply to and become a participating member of "Miss Dig" to comply with Michigan Public Act 53 of 1974, "Protection of Underground Facilities (460.701 - 460.718)"; and further

PROVIDED, this resolution is revocable at the will, whim or caprice of the City Council, and Olympia Development of Michigan LLC acquires no implied or other privileges hereunder not expressly stated herein; and further

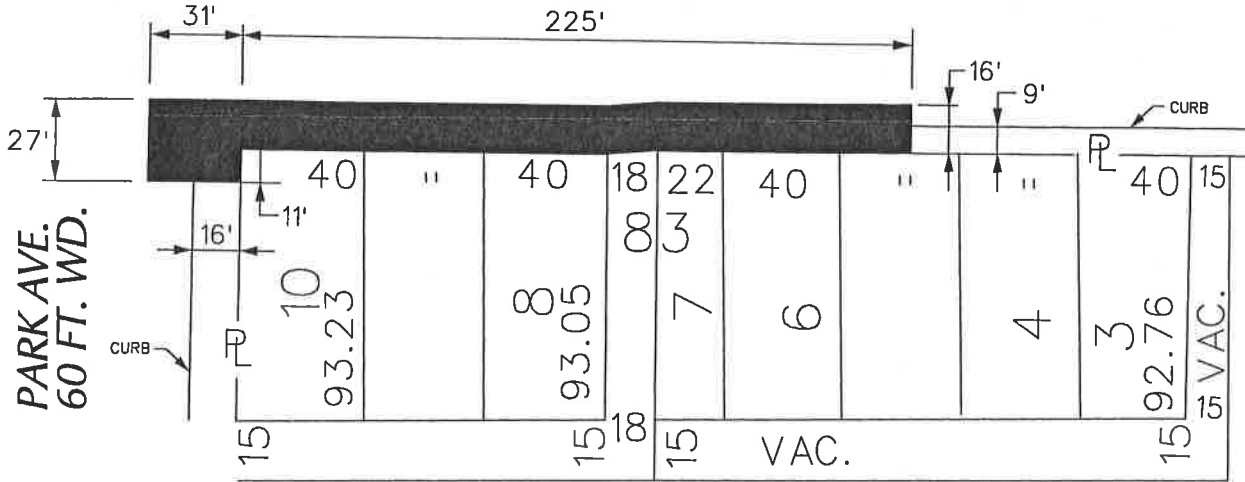
PROVIDED, that the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and be it further

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. 1829
 OLYMPIA DEVELOPMENT OF MICHIGAN LLC
 C/O GIFFELS WEBSTER
 28 W. ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 C/O MICHAEL MARKS P.E.
 PHONE NO. 313 962-4442

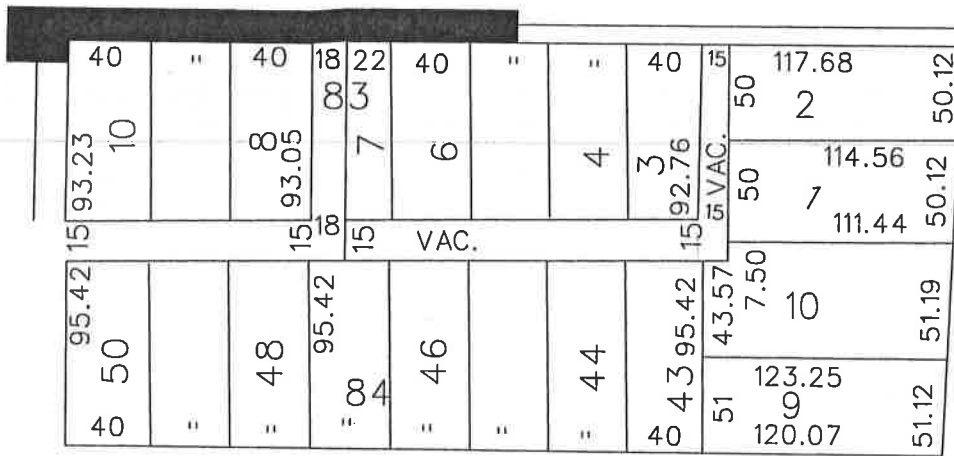


MONTCALM ST. 50 FT. WD.



MONTCALM ST. 50 FT. WD.

PARK AVE. 60 FT. WD.



WOODWARD AVE.
 120 FT. WD.

COLUMBIA ST. 50 FT. WD.

EASEMENT

■ - REQUEST ENCROACHMENT
 (With Private Storm Water Management System)

(FOR OFFICE USE ONLY)

CARTO 29 E

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	01-23-18	APPROVED			

**REQUEST ENCROACHMENT
 INTO GRISWOLD AND MONTCALM
 AT 67 MONTCALM
 (With Private Storm Water
 Management System)**

**CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU**

JOB NO. 01-01
 DRWG. NO. X 1829