



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER  
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DETROIT, MICHIGAN 48226  
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January 17th, 2020

Honorable City Council:

**RE: Petition No. 162 – Barbat Holdings, LLC, propose to construct an entry canopy in the right of way of 415 Clifford Street.**

Petition No. 162 – Barbat Holdings, LLC, request for encroachments with a pre-existing sub-surface basement area, entry canopy, window canopies, and new planters. The encroachments are at 415 Clifford Street in the block of Bagley Avenue, 120 feet wide, Grand River Avenue, 60 feet wide, Clifford Avenue, 60 feet wide, and Times Square, 60 feet wide.

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

The request is being made for building renovation including interior and exterior work.

The request was approved by the Solid Waste Division – DPW, City Engineering Division – DPW, and Traffic Engineering – DPW with provisions that are a part of the resolution.

Detroit Water and Sewerage Department (DWSD) reports involvement, but 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 Barbat Holdings, LLC or their assigns to install and maintain encroachments with entry canopy, window canopies, and new planters. The encroachments are at 415 Clifford Street in the block of Bagley Avenue, 120 feet wide, Grand River Avenue, 60 feet wide, Clifford Avenue, 60 feet wide, and Times Square, 60 feet wide, adjoining Lots 28 through 30, both inclusive "Governor and Judges Plan of Section number ten" as recorded in Liber 34, Page 553, Deeds, Wayne County Records. Encroachments are further described as follows:

- 1) Entry canopy along the Bagley Avenue right-of-way beginning 82 feet 5 inches south of the northwest property corner then south 13 feet along the west property line and extending 18 feet 6 inches into the Bagley Avenue right-of-way and being 10 feet 8 inches above grade.
- 2) Six window canopies along the Bagley Avenue right-of-way extending 1 foot 10 inches into the Bagley Avenue right-of-way and beginning 5 feet 4 inches south of the northwest property corner and continuing south along the west property line 82 feet 5 inches and being 10 feet 4 inches above grade.
- 3) Three new planters along the Bagley Avenue right-of-way: First planter 5 feet long & 3 feet wide, second and third planters 13 feet 7 inches long & 3 feet wide. All three planters lying between 16 feet and 19 feet west of the west property line beginning 16 feet 7 inches south of the north property line and ending 68 feet 7 inches south of the north property line.
- 4) Two new planters with two canopy columns along the Bagley Avenue right-of-way. Both planters are 5 feet long & 3 feet wide. Both planters lying between 11 feet 9 inches west of the west property line and 14 feet 9 inches west of the west property line beginning 80 feet south of the north property line and ending 96 feet 11 inches south of the north property line.
- 5) Basement areaways the full length of the building structure (98 feet) along Bagley Avenue and 12.5 feet below grade extending 16 feet into the Bagley Avenue right-of-way.

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, Barbat Holdings, 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 Barbat Holdings, 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 Barbat Holdings, LLC or their assigns. Should damages to utilities occur Barbat Holdings, 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 Barbat Holdings, 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 Barbat Holdings, LLC or their assigns of the terms thereof. Further, Barbat Holdings, 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 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 Barbat Holdings, LLC, 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 Barbat Holdings, 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

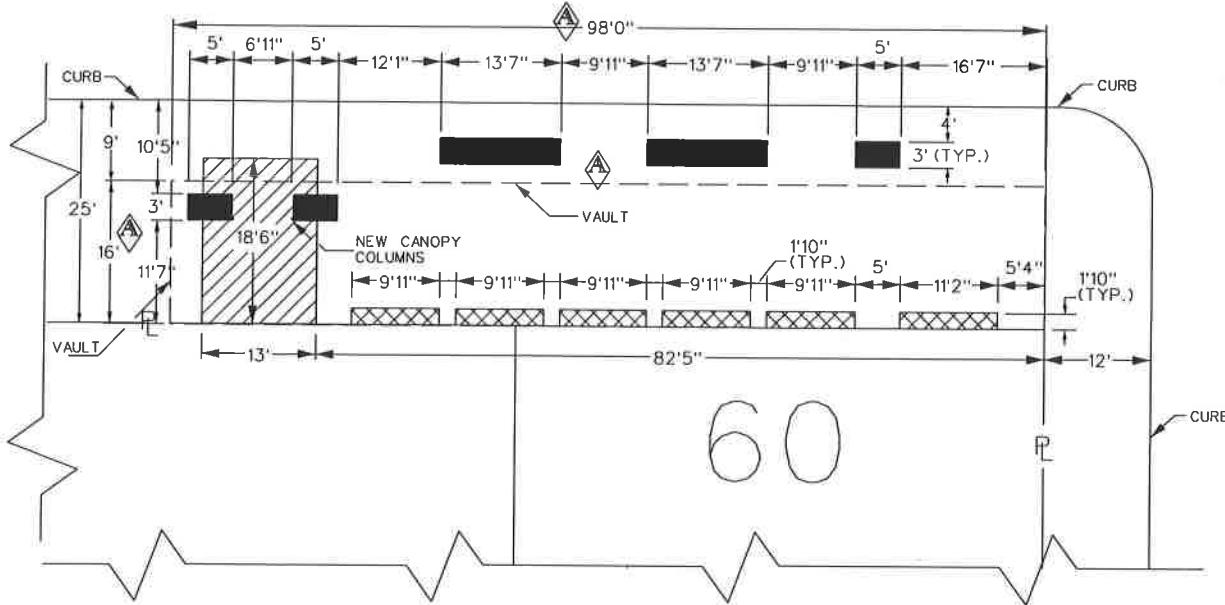
PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 162  
 BARBAT HOLDINGS, LLC  
 7499 MIDDLEBELT RD.  
 WEST BLOOMFIELD, MICHIGAN 48322  
 C/O JOE BARBAT  
 PHONE NO. 248 426-2109

"REVISED"



BAGLEY AVE. 120 FT. WD.

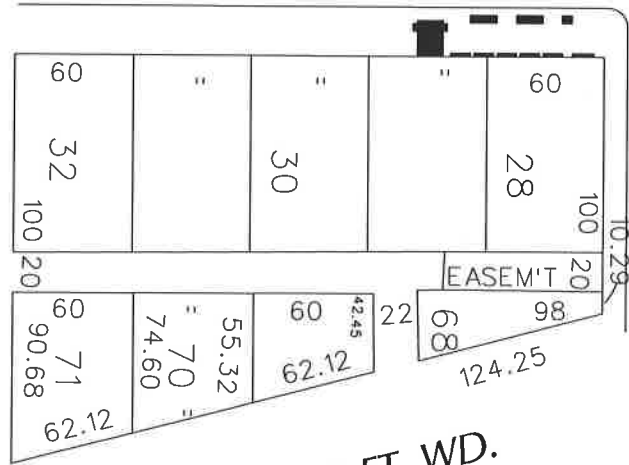


CLIFFORD AVE. 60 FT. WD.

BAGLEY AVE. 120 FT. WD.

GD. RIVER AVE. 60 FT. WD.

CLIFFORD AVE. 60 FT. WD.



--- VAULT.

 - REQUEST ENCROACHMENT  
 (With Entry Canopy  
 10'-8" Above Grade)

 - REQUEST ENCROACHMENT  
 (With Window Canopies  
 10'-4" Above Grade)

 - REQUEST ENCROACHMENT  
 (With New Planters)

(FOR OFFICE USE ONLY)

CARTO 28 B

<b>B</b>					
<b>A</b>	ENTIRELY SHADY INDICATED THE PUBLIC SIDEWALK AREA FALLS OUTSIDE OF THE PROPERTY LINE.				
	SA	KSM			11/22/19
	DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	WLW	CHECKED	KSM		
DATE	04-26-19	APPROVED			

REQUEST ENCROACHMENT  
 INTO BAGLEY  
 AT 415 CLIFFORD  
 (With Entry and Window Canopies  
 and New Planters)

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU  
 JOB NO. 01-01  
 DRWG. NO. X 162