



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
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March 4, 2019

Honorable City Council:

RE: Petition No. 204 – Bedrock Management Services LLC, request to encroach into the public right-of-way at 620 and 630 Woodward Avenue which is bounded by Woodward Avenue, Cadillac Square, the north-south alley east of Woodward and Congress Street.

Petition No. 205 – Bedrock Management Services LLC, request for an encroachment with existing areaways (basements) below the sidewalk, on the east side of Woodward Avenue, 190 feet wide, between Congress Street, 60 feet wide, and Cadillac Square, 200 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 to transfer responsibility for the existing basements under the sidewalk.

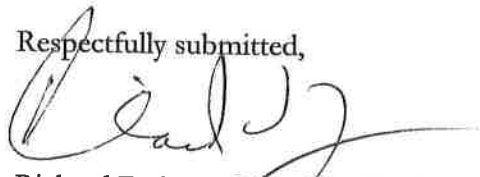
The request was approved by the Solid Waste Division – DPW, and City Engineering Division – DPW, and Traffic Engineering Division – DPW (TED).

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.

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 Bedrock Management Services LLC or their assigns to install and maintain encroachments with existing areaways (basements) below the sidewalk, on the east side of Woodward Avenue, 190 feet wide, between Congress Street, 60 feet wide, and Cadillac Square, 200 feet wide, and being land in the City of Detroit, Wayne County, Michigan: Woodward Avenue adjoining westerly line of Lot 54 and northerly 38.7 feet of Lot 55 "Plan of Section numbered One of the City of Detroit, in the territory of Michigan confirmed by the Governor and Judges on 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 550 of Deeds, Wayne County Records. Encroachments are further described as follows:

- 1) Areaway (building basement below sidewalk grade) lying up to 11.5 feet below grade and being 9.7 feet wide and 59 feet in length along Woodward Avenue, lying westerly of and adjoining the westerly line of the northerly 59 feet of said Lot 54.
- 2) Areaway (building basement below sidewalk grade) lying up to 11.5 feet below grade and being 18.8 feet wide and 39.7 feet in length along Woodward Avenue and lying westerly of and adjoining the westerly line of the northerly 38.7 feet of said Lot 55; also lying westerly of and adjoining the westerly line of the southerly 1 foot of said Lot 54.

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 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 the petitioner maintain the DWSD required clearance of 18 feet above grade for maintenance access and repair, 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 Management 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; and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Bedrock Management 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 Management LLC or their assigns. Should damages to utilities occur Bedrock Management 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, that Bedrock Management Services 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 Management Services LLC or their assigns of the terms thereof. Further, Bedrock Management Services 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, this resolution or part thereof is revocable at the will, whim or caprice of the City Council, and Bedrock Management Services LLC acquires no implied or other privileges hereunder not expressly stated herein; and further

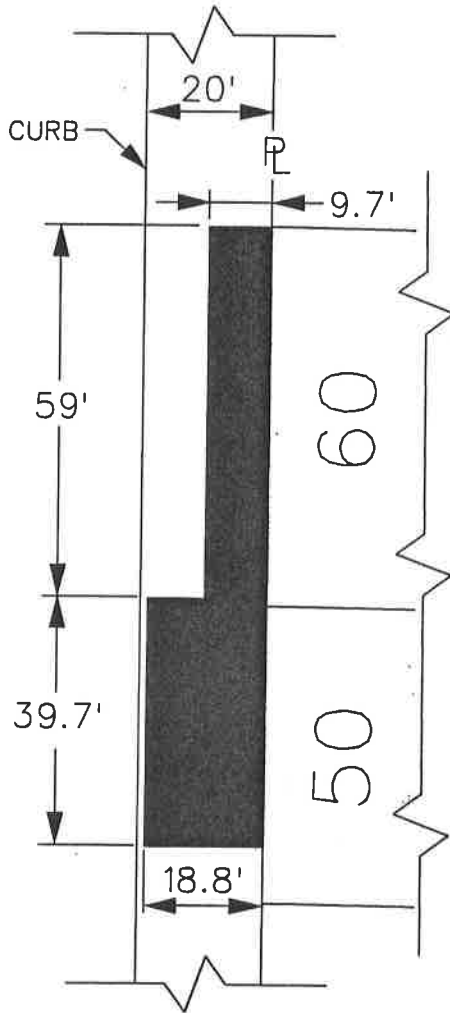
PROVIDED, that the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and be it further

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

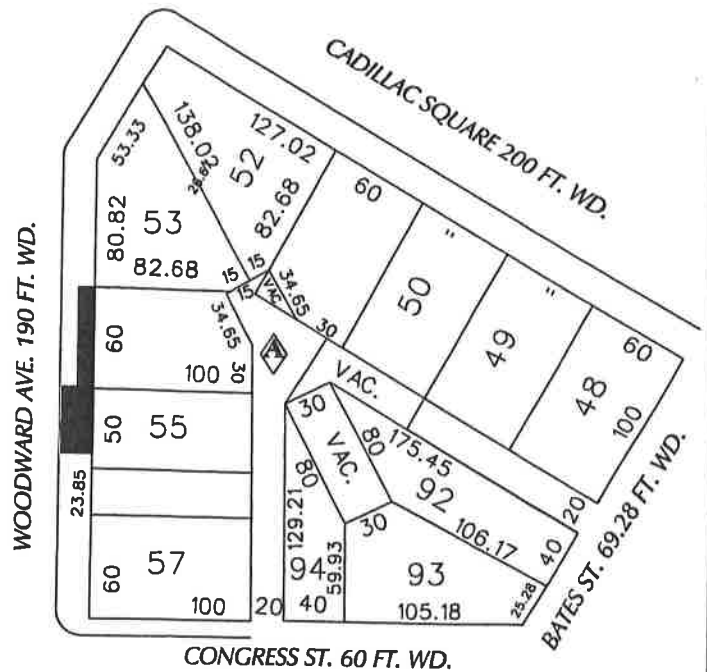
PETITION NO. 204
 BEDROCK MANAGEMENT SERVICES, LLC
 C/O GIFFELS WEBSTER
 28 W. ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 C/O MICHAEL MARKS P.E.
 PHONE NO. 313 962-4442



WOODWARD AVE. 190 FT. WD.



"REVISED"



- REQUEST ENCROACHMENT
 (Below Ground 0' to -11.5')

(FOR OFFICE USE ONLY)

CARTO 28 F

B					
A	REMOVING AT AND ABOVE GRADE ENCROACHMENTS IN THE ALLEY A.O.W.	WLW	KSM	KSM	11/01/18
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	WLW	CHECKED	KSM		
DATE	04-26-18	APPROVED			

REQUEST ENCROACHMENT
 INTO WOODWARD
 AT 620 and 630 WOODWARD AVE.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 204