



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVE. SUITE 601
DETROIT, MICHIGAN 48226
PHONE: (313) 224-3949 • TTY:711
FAX: (313) 224-3471
WWW.DETROITMI.GOV

March 27, 2020

Honorable City Council:

RE: Petition No. 1039 by Hana Properties Investment request for encroachment in the area of 1440 Prairie, Detroit, MI, 48238.

Petition No.1039 by Hana Properties Investment request for encroachment with a fence and parking lot on the Prairie Avenue, 70 feet wide, south of Lyndon, 66 feet wide, and north of the dead end of Prairie Avenue.

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

The request is being made for an existing parking area (at least 6 years for current owner). The matter came up during a re-zoning review.

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

Detroit Water and Sewerage Department (DWSD) reports involvement, but no objection. The standard DWSD provisions for encroachments have been made a part of the resolution.

All other involved City Departments and 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

/JK

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 Hana Properties Investment for encroachment with a fence and parking lot on Prairie Avenue, 70 feet wide, south of Lyndon, 66 feet wide, and north of the dead end of Prairie Avenue. Location of the encroachment described as follows: land in the City of Detroit, Wayne County, Michigan, being the westerly 16 feet of Prairie Avenue, 70 feet wide, lying westerly of and adjoining the westerly line of North 149.35 feet of West 252.43 feet of Lot 219 "Assessors Plat No. 16 of part of the S.E. Fractional Section 21, T.1S.,R.11E. City of Detroit, Wayne County, Michigan" as recorded in Liber 74, Page 24 of Plats, Wayne County Records. Encroachment area is 16 feet in width and 149.35 feet in length and contains 2,390 square feet, more or less.

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 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, Hana Properties Investment 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 Hana Properties Investment 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 Hana Properties Investment or their assigns. Should damages to utilities occur Hana Properties Investment 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 Hana Properties Investment 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 Hana Properties Investment or their assigns of the terms thereof. Further, Hana Properties Investment 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 and construction of the encroachments shall be construed as acceptance of this Resolution by the “permitter”; and further

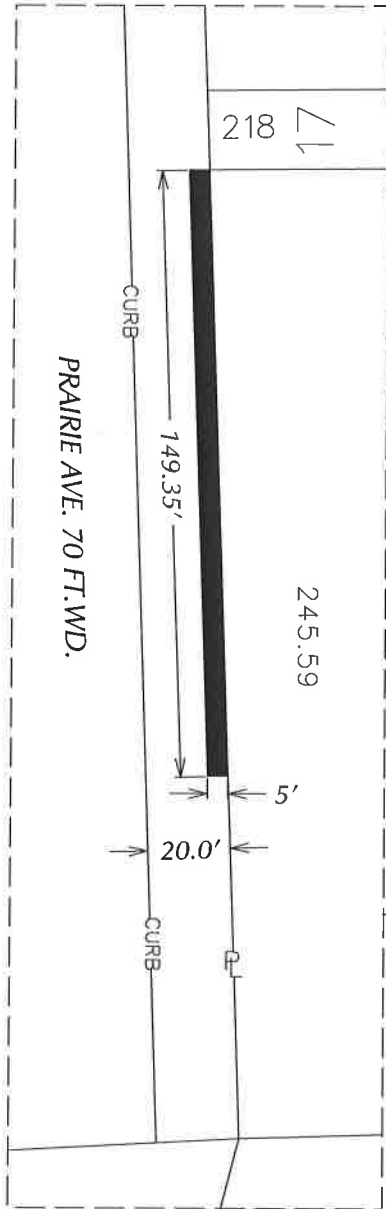
PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Hana Properties Investment, or their assigns; and further

PROVIDED, this resolution or part thereof is revocable at the will, whim or caprice of the City Council, and Hana Properties Investment 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. 1039
 HANA PROPERTIES INVESTMENT
 14400 PRAIRIE
 DETROIT, MICHIGAN 48238
 PHONE NO. (248) 990-0906



- REQUEST ENCROACHMENT

(FOR OFFICE USE ONLY)

CARTO 9 F

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	SA	CHECKED	JA		
DATE	09-20-19	APPROVED			

**REQUEST ENCROACHMENT
 INTO PRAIRIE AVE
 AT 14400 PRAIRIE AVE.**

**CITY OF DETROIT
 CITY ENGINEERING DIVISION
 SURVEY BUREAU**

JOB NO. 01-01
 DRWG. NO. X 1039