

## DEPARTMENTAL REFERENCE COMMUNICATION

Monday, May 13, 2019

To: *The Department or Commission Listed Below*

From: *Janice M. Winfrey, Detroit City Clerk*

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The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

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DPW - CITY ENGINEERING DIVISION    PLANNING AND DEVELOPMENT DEPARTMENT

**856**    *Greektown Preservation Society, request a Seasonal Outdoor Café Permit on Monroe Street between Beaubien Street and St. Antoine Street.*

28 A

357

The Honorable City Council  
Attn: Office of the City Clerk  
2 Woodward Avenue  
200 CAYMC  
Detroit, MI 48226

May 8, 2019

To Whom It May Concern:

On behalf of the Greektown Preservation Society and our membership, I wish to submit a petition regarding an amendment to the café seating program on Monroe Street between Beaubien Street and St. Antoine Street.

In light of consultation from individuals from The City of Detroit Planning & Development Department, as well as the Department of Public Works, and in an effort to validate and implement aspects of the 2018 Greektown Neighborhood Framework Plan, we request approval for the café seating along Monroe Street to be moved from its current location on the street edge to the building edge. These changes will create a simpler, safer, and more enjoyable overall experience for Greektown's patrons as well as for business operators and staff.

Attached to this letter please find a schematic that visualizes our proposed plan. The existing parking spots along Monroe Street were filled in several years ago with wood decking to provide foundation for the existing patio design. With the support of PDD & DPW we are proposing to maintain the currently installed decking, which will now serve as the primary pedestrian right of way.

Each business wishing to install a modified patio using this schematic will submit individual café seating permit requests as soon as possible.

Please contact Athina Papas (President, Greektown Preservation Society) or Tasso Teftsis (Vice President, Greektown Preservation Society) with any questions or concerns. Their contact information is listed below.

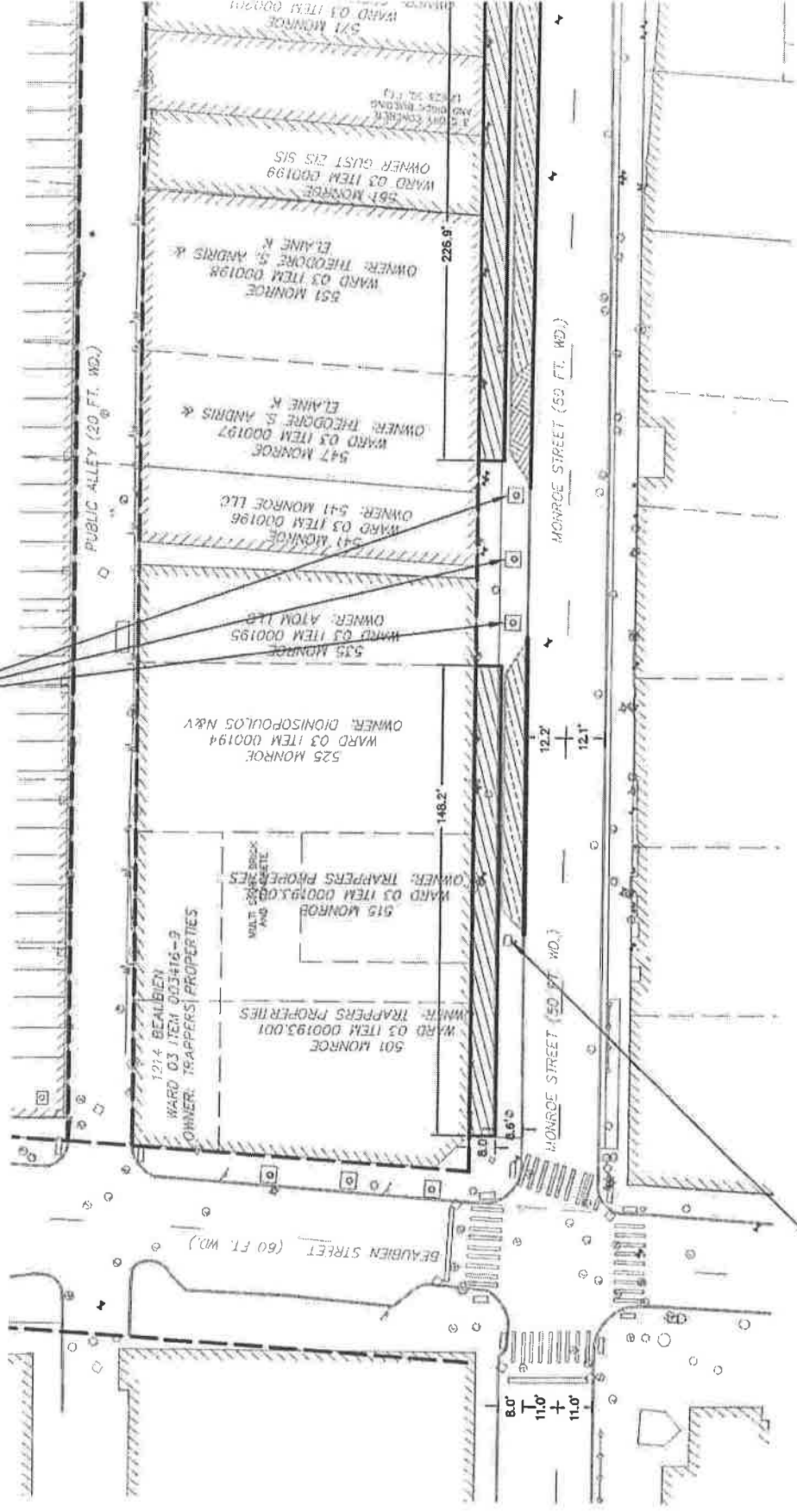
Athina Papas: (313) 300-0393  
Tasso Teftsis: (313) 732-5171

Sincerely,



John Warner  
Greektown Preservation Society  
Director of Neighborhood Development  
john.warner@greektownvision.com

PROTECT TREES WITH GRATES



REMOVING S.S. CABINET

EXISTING WOODEN DECKING TO REMAIN



2019-05-13

**856**

**856** *Petition of Greektown Preservation Society, request a Seasonal Outdoor Café Permit on Monroe Street between Beaubien Street and St. Antoine Street.*

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**REFERRED TO THE FOLLOWING DEPARTMENT(S)**

**DPW - CITY ENGINEERING DIVISION PLANNING AND DEVELOPMENT DEPARTMENT**



June 26, 2019

Honorable City Council:

**RE: Petition No. 856 – Greektown Preservation Society, request a Seasonal Outdoor Café Permit on Monroe Street between Beaubien Street and St. Antoine Street.**

Petition No. 856 – Greektown Preservation Society, request for an encroachment with the existing wood decks installed in the parking bays on the north side of Monroe Avenue, 50 feet wide between Beaubien Street, 60 feet wide and St. Antoine Street, 50 feet wide.

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

The Greektown Preservation Society is making the request as part of the proposed changes to the outdoor café seating at this location. The plans call for the sidewalk cafés to be adjacent to the buildings with the decking area to be used for pedestrian travel. The individual restaurants will submit their requests for the seasonal outdoor cafés.

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

The DWSD encroachment 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

JK/

Cc: Ron Brundidge, Director, DPW  
Mayor's Office – City Council Liaison

**RESOLVED**, that the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to the Greektown Preservation Society for an encroachment with the existing wood decks installed in the parking bays on the north side of Monroe Avenue, 50 feet wide between Beaubien Street, 60 feet wide and St. Antoine Street, 50 feet wide further described as:

Land in the City of Detroit, Wayne County, Michigan being part of Monroe Avenue lying southerly of the southerly line of Lots 140, 141, and 142 "Plat of part of L. Beaubien Farm in the City of Detroit as surveyed into town lots for the proprietors" as recorded in Liber 6 of City Records, pages 475-478 Wayne County Records; also lying southerly of Lots 6, 7, 8, and 9 said lots north of and adjoining Monroe "Plat of the Antoine Beaubien Farm as recorded in Liber 27, Page 197 of Deeds, Wayne County Records; more particularly described as follows:

(Parking bay 1) Commencing at the southwest corner of Lot 139 of "Plat of part of L. Beaubien Farm in the City of Detroit as surveyed into town lots for the proprietors" as recorded in Liber 6 of City Records, pages 475-478 Wayne County Records; thence N59°59'30"E 78.37 feet; thence S30°00'30"E 9.00 feet to the point of Beginning; thence N59°59'30"E 70.00 feet; thence S79°22'43"E 13.18 feet; thence S59°59'30"W 90.00 feet; thence N19°21'43"E 13.18 feet to the point of beginning.

(Parking bay 2) Commencing at the southwest corner of Lot 139 of "Plat of part of L. Beaubien Farm in the City of Detroit as surveyed into town lots for the proprietors" as recorded in Liber 6 of City Records, pages 475-478 Wayne County Records; thence N59°59'30"E 218.37 feet; thence S30°00'30"E 9.00 feet to the point of Beginning; thence N59°59'30"E 140.00 feet; thence S79°22'43"E 13.18 feet; thence S59°59'30"W 160.00 feet; thence N19°21'43"E 13.18 feet to 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 each business wishing to install a modified outdoor seating would be required to maintain 6 feet wide clear sidewalk that is ADA compliant in front of the outdoor seating area at all times. The petitioner shall also be responsible for maintaining the wooden decking in good condition for pedestrian access at all times, and further

PROVIDED, that access is maintained for Fire Department vehicles to all fire hydrants, buildings and Fire Department Connections, and further

PROVIDED, that any area being used as an Outdoor Café shall obtain City Council permission and 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 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, Greektown Preservation Society 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 Greektown Preservation Society 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 Greektown Preservation Society or their assigns. Should damages to utilities occur Greektown Preservation Society 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 Greektown Preservation Society 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 Greektown Preservation Society or their assigns of the terms thereof. Further, Greektown Preservation Society 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

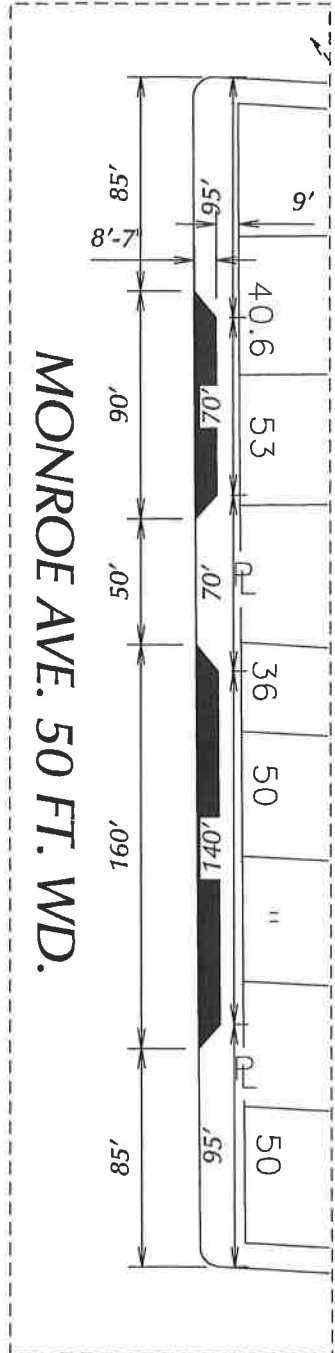
PROVIDED, this resolution or part thereof is revocable at the will, whim or caprice of the City Council, and Greektown Preservation Society acquires no implied or other privileges hereunder not expressly stated herein; and further

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. 856  
 GREEKTOWN PRESERVATION SOCIETY  
 541 MONROE STREET  
 DETROIT, MICHIGAN 48226  
 JOHN WARNER  
 PHONE NO. (313) 300-0393



SEE DETAIL

BEAUBIEN ST. 60 FT. WD.

MONROE AVE. 50 FT. WD.

MACOMB ST. 50 FT. WD.

53	105.88	45.65	20	53	AUTO	53	105.88	60.35	20
53	139	27.25	53.9	"	OF	"	105.88	60.35	20
53	FARM	40.6	53	"	L	"	60.35	60.35	20
53	141	53	53	"	G	53	141	53	20
54	142	61.35	54	"	I	54	142	54	20
36	105.25	6	36	"	A. BEAUBIEN	36	105.25	36	20
50	7	50	50	"	SITE	50	7	50	20
50	5	105.25	50	"	COURT	50	5	50	20
50	5	105.25	50	"	TRAFFIC	50	5	50	20

ST. ANTOINE ST. 50 FT. WD.

- REQUEST ENCROACHMENT (With Existing Wooden Decking)

(FOR OFFICE USE ONLY)

CARTO 28 A

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	SA	CHECKED	KSM		
DATE	06-07-19	APPROVED			

REQUEST ENCROACHMENT INTO MONRE ST. BETWEEN BEAUBIEN ST AND ST. ANTOINE ST. (With Existing Wooden Decking)

CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 856