



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

August 29, 2019

Honorable City Council:

**RE: Petition No. 857 — Store Capital Acquisitions, LLC, request for change in right of way along Midland Avenue adjacent to 15400 Woodrow Wilson Avenue, Detroit, Mi 48238**

Petition No. 857 — Store Capital Acquisitions, LLC request for encroachment into Midland Avenue adjacent to 15400 Woodrow Wilson Avenue. Currently, and since 1936, the building located at 15400 Woodrow Wilson Avenue encroaches on Midland Avenue over an area of approximately 0.8 feet.

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

This request is for an existing and long standing building that encroaches on Midland Avenue.

I am recommending adoption of the attached resolution.

Respectfully submitted,

Richard Doherty, P.E., City Engineer  
City Engineering Division – DPW

/KM

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

BY COUNCIL MEMBER \_\_\_\_\_

**RESOLVED**, that the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Store Capital Acquisitions, LLC, or their assigns to install and maintain encroachments with building in Midland Avenue 60 feet wide. The Encroachment extends 0.8 feet into Midland Avenue at the southwest corner of building at 15400 Woodrow Wilson Avenue and tapering 365.5 feet to 0 feet at the southeast building corner to adjoining land known as "Parcel 1:

Lot 35, Wetmore Industrial Subdivision. According to the plat thereof as recorded in Liber 66 of Plats pages 87 and 88, Wayne County Records.

Also

Part of the southwest ¼ of fractional section 14, town 1 south, range 11 east, City of Detroit, Wayne County, Michigan, described as follows: beginning at a point north 01 degrees 38 minutes 30 seconds west, 790.36 feet from the northeast corner of the industrial terminal railroad & Woodrow Wilson Avenue; thence north 64 degrees 00 minutes 00 seconds east, 306.59; thence south 25 degrees 41 minutes 30 seconds east, 250.00 feet; thence south 64 degrees 00 minutes 00 seconds west, 418.43; thence north 01 degree 38 minutes 30 seconds west, 274.43 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 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 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, 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 Store Capital Acquisitions, 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 Store Capital Acquisitions, LLC or their assigns. Should damages to utilities occur Store Capital Acquisitions, 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, this resolution is revocable at the will, whim or caprice of the City Council, and Store Capital Acquisitions, 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.

## 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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PLANNING AND DEVELOPMENT DEPARTMENT    DPW - CITY ENGINEERING DIVISION

**857**    *Store Captial Acquisitions, LLC., request for change in right of way along  
Midland Street adjacent to 15400 Woodrow Wilson Street, Detroit, MI 48238.*

2019-05-13

**857**

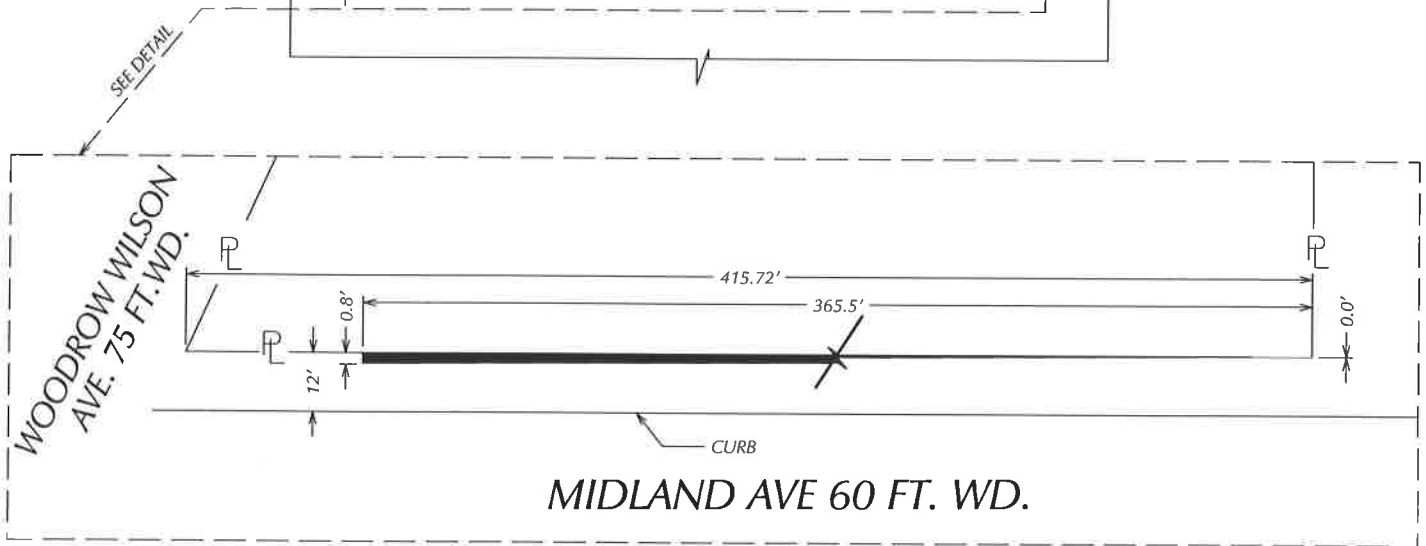
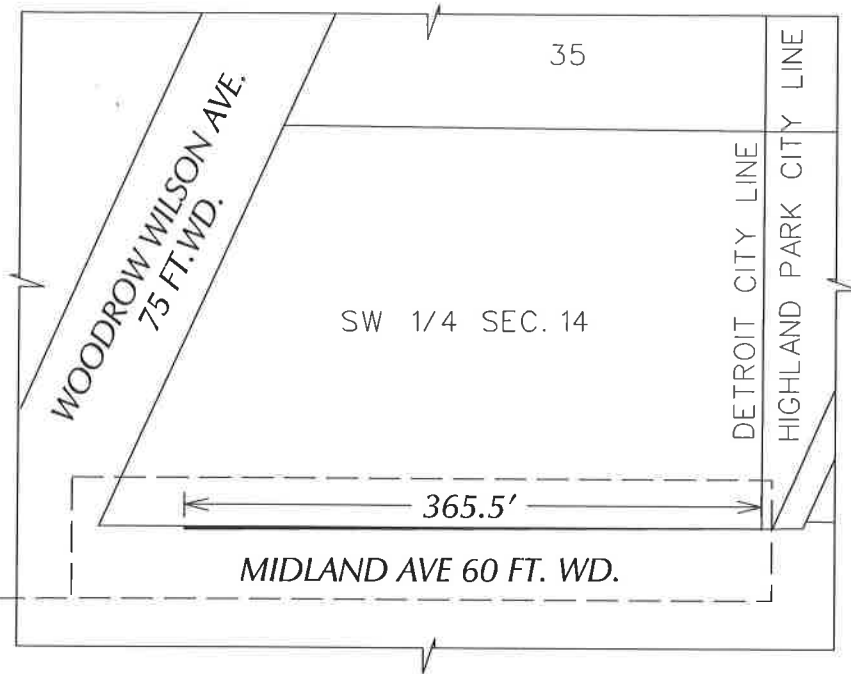
**857** *Petition of Store Capital Acquisitions, LLC., request for change in right of way along Midland Street adjacent to 15400 Woodrow Wilson Street, Detroit, MI 48238.*

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

PLANNING AND DEVELOPMENT DEPARTMENT    DPW -  
CITY ENGINEERING DIVISION

PETITION NO. 857  
 STORE CAPITAL ACQUISITIONS, LLC  
 150 W. JEFFERSON AVE., SUITE 100  
 DETROIT, MICHIGAN 48226  
 C/O GEANEEN M. ARENDS  
 PHONE NO. (313) 225-7000



 - REQUEST ENCROACHMENT

(FOR OFFICE USE ONLY)

CARTO 25 F

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	SA	CHECKED	KSM		
DATE	08-30-19	APPROVED			

REQUEST ENCROACHMENT  
 INTO MIDLAND AVE.  
 AT 15400 WOODROW WILSON AVE.

CITY OF DETROIT  
 CITY ENGINEERING DIVISION  
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X 857