



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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

March 11th, 2019

Honorable City Council:

RE: Petition No. 1174 – Ladder 4, LLC, request for encroachment into W. Grand Blvd (150 feet wide) right of way.

Petition No. 1174 – Ladder 4, LLC request for encroachment upon the berm on the south half of W. Grand Blvd. between Vinewood Street (66 ft. wide) and W. Grand Blvd (169 ft. 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 extend the rear patio space of the newly established restaurant.

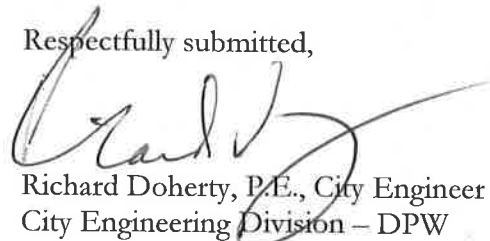
The request was approved by the Solid Waste Division – DPW, City Engineering Division – DPW, and Traffic Engineering – DPW (TED) with TED provisions that are a part of the resolution.

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

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 Ladder 4, LLC. or their assigns to install and maintain an encroachment with a privacy fence on the south side of W. Grand Blvd, 150 feet wide, between Vinewood Street, 66 ft. wide, and W. Grand Blvd, 169 ft. wide, and described as: A irregular shaped part of W. Grand Blvd, 150 feet wide, as platted in "Charles F. Campau Subdivision" as recorded in Liber 1, Page 199 of Plats, Wayne County Records; extending 13 ft. north, following the east right-of-way line of Vinewood Street, from the north-west corner of lot 40, excluding parts taken for the widening of W. Grand Blvd, and extending 50 ft. north, following the west right-of-way line alley, 20 ft. wide, from the north-east corner of lot 40, excluding parts taken for the widening of W. Grand Blvd, all within "Charles F. Campau Subdivision" as recorded in Liber 1, Page 199 of Plats , Wayne County Records.

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 petitioner construct a sidewalk, to the specifications and standards of the City of Detroit City Engineering Division, outside of the encroachment area to follow adjacent to W. Grand Blvd., 150 ft. wide, from Vinewood Street, 66 ft. wide, to the north-south alley. 20 ft. wide, east of and adjacent to lot 40 as platted in "Charles F. Campau Subdivision" as recorded in Liber 1, Page 199 of Plats, Wayne County Records; 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, Ladder 4, 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 Ladder 4 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 Ladder 4 LLC. or their assigns. Should damages to utilities occur Ladder 4, 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 Ladder 4, 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 Ladder 4, LLC. or their assigns of the terms thereof. Further, Ladder 4, 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 all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Ladder 4, LLC, or their assigns; and further

PROVIDED, this resolution or part thereof is revocable at the will, whim or caprice of the City Council, and Ladder 4, 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

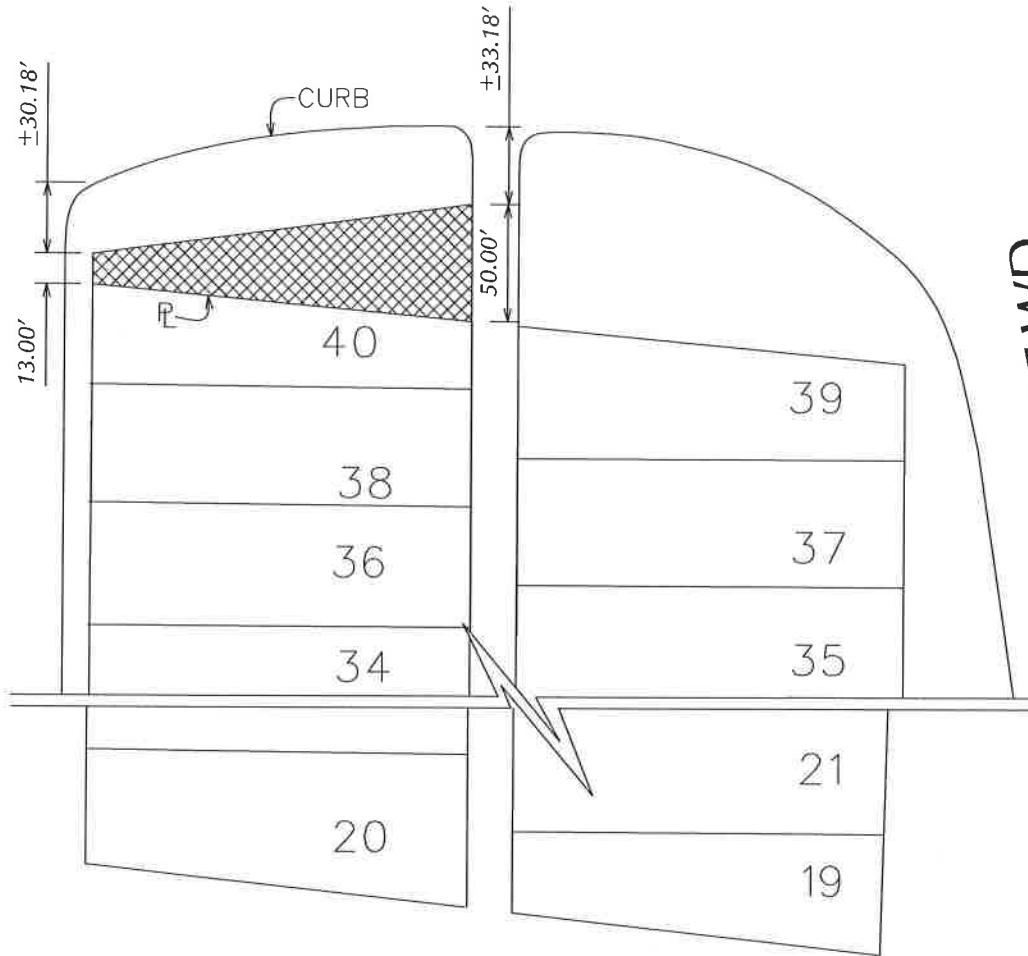
PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 1174
 LADDER 4, LLC
 3396 VINEWOOD
 DETROIT, MICHIGAN 48208
 JAMES CADARIU
 PHONE NO. (313) 515-2017



W. GRAND BLVD 150 FT.WD.

VINEWOOD AVE. 66 FT.WD.



W. GRAND BLVD 169 FT.WD.

ASH ST. 50 FT.WD.



- REQUEST ENCROACHMENT
 (With Fencing & Seating)

(FOR OFFICE USE ONLY)

CARTO 19 C

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	SA	CHECKED		KSM	
DATE	01-04-20	APPROVED			

REQUEST ENCROACHMENT
 INTO GRAND BLVD
 AT 3396 VINEWOOD

CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1174