



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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June 9th, 2020

Honorable City Council:

**RE: Petition No. 1278 by Kamper & Stevens I LDHA LLC request for encroachment for existing vaults at 1258 Washington Boulevard, Detroit MI 48226**

Petition No. 1278 by Kamper & Stevens I LDHA LLC request for encroachment with underground vaults (areaways) on Washington Boulevard, 195 feet wide, and Grand River Avenue, 60 feet wide, and two public alleys, 20 feet wide, all in the blocks of State Street, 60 feet wide, Grand River Avenue, Washington Boulevard, and Griswold Avenue, 60 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 in order to have a public record of the existing underground vaults or areaways.

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

Detroit Water and Sewerage Department (DWSD) has not responded to the petition. 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 Kamper & Stevens I LDHA LLC or their assigns to install and maintain encroachments consisting of underground vaults (areaways) Washington Boulevard, 195 feet wide, and Grand River Avenue, 60 feet wide, and the public alley, 20 feet wide, all in the blocks of State Street, 60 feet wide, Grand River Avenue, Clifford Street, 60 feet wide, Washington Boulevard, and Griswold Avenue, 60 feet wide. Location of the encroachments described as follows: land in the City of Detroit, Wayne County, Michigan being part of Washington Boulevard, 195 feet wide, and part of Grand River Avenue, 60 feet wide, and part of the public alley, 20 feet wide, all adjoining: Lot 10 and the North 20 feet of Lot 9 "Plan of Section numbered Eight in the territory of Michigan confirmed unanimously by the Governor and Judges in the 27<sup>th</sup> 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 543 of Deeds, Wayne County Records. Said encroachments further described as follows:

- 1) An underground vault (aka an areaway) lying westerly of and adjoining the westerly line of the above described Lots for the full 81.83 feet of frontage on Washington Boulevard, also extending an additional 5.6 feet northerly for a total length of 87.43 and extending 13.9 feet into the Washington Boulevard right-of-way. Elevation of the vault is from the sidewalk surface to a depth of 10.5 feet below the sidewalk grade.
- 2) An underground vault (aka an areaway) lying northerly of and adjoining the northerly line of the above described Lots along the west 97.3 feet of said parcel and extended westerly an additional 13.9 feet for a total length of 111.2 feet on Grand River Avenue, and extending 5.6 feet into the Grand River Avenue right-of-way. Elevation of the vault is from the sidewalk surface to a depth of 10.5 feet below the sidewalk grade.
- 3) An underground vault (aka an areaway) lying easterly of and adjoining the easterly line of the above described Lots for the southerly 64 feet of the northerly 65.67 feet of said parcel adjoining the public alley and extending 4.2 feet into the alley right-of-way. Elevation of the vault is from the sidewalk surface to a depth of 10.5 feet below the sidewalk grade.

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 DWSD requires a vertical 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, Kamper & Stevens I LDHA 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 Kamper & Stevens I LDHA 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 Kamper & Stevens I LDHA LLC or their assigns. Should damages to utilities occur Kamper & Stevens I LDHA 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 Kamper & Stevens I LDHA 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 Kamper & Stevens I LDHA LLC or their assigns of the terms thereof. Further, Kamper & Stevens I LDHA 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 filing of said indemnity agreement and construction of the encroachments shall be construed as acceptance of this Resolution by the "permitee"; and further

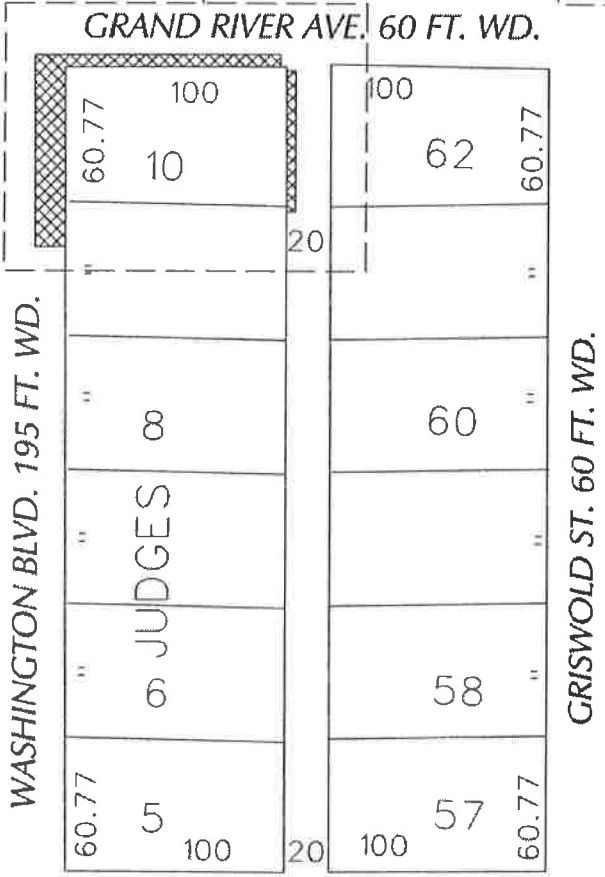
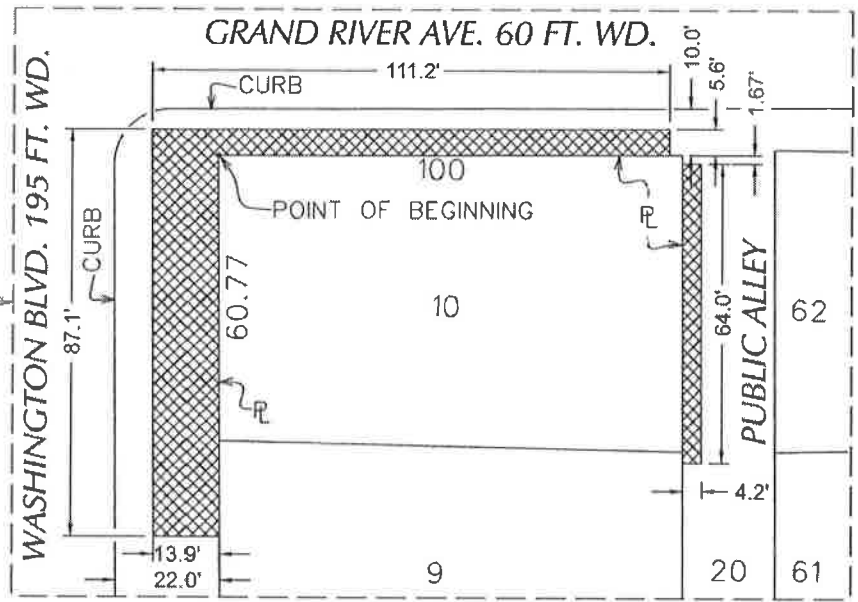
PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Kamper & Stevens I LDHA LLC, or their assigns; and further

PROVIDED, this resolution or part thereof is revocable at the will, whim or caprice of the City Council, and Kamper & Stevens I LDHA 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. 1278  
 KAMPER AND STEVENS I LDHA LLC,  
 1117 GRISWOLD ST., SUITE 1416.  
 DETROIT, MICHIGAN 48226  
 MELISSA CORRIGAN  
 PHONE NO. (313) 963-6118



STATE ST. 60 FT. WD.  
 - REQUEST ENCROACHMENT

(FOR OFFICE USE ONLY)

CARTO 28 B

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	SA	CHECKED	KSM		
DATE	06-09-20	APPROVED			

REQUEST ENCROACHMENT  
 INTO GRAND RIVER AVE.  
 AT 1410 & 1258 WASHINGTON BLVD.

CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	1278