



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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September 24th, 2020

Honorable City Council:

RE: Petition No. 1280 – Cedar Investments LLC, request to encroach into the Georgia Street right-of-way between Mount Elliot Street and Saint Cyril Avenue.

Petition No. 1280 – Cedar Investments LLC, request an encroachment of a turning lane along the southern portion of Georgia Street, 60 ft. wide, for ingress to the property known as 6836 Georgia Street.

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

The request is being made to install a turning lane for trucks to ingress into the property known as 6836 Georgia Street, owned by Cedar Investments LLC.

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

Detroit Water and Sewerage Department (DWSD) reports being involved, but they have no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution. DTE has reported involvement and provisions protecting DTE 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/SW

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 Cedar Investments LLC or their assigns to install and maintain encroachment for a turning lane along the southern portion of Georgia Street, 60 ft. wide, for ingress to the property known as 6836 Georgia Street. The encroachment is in the Georgia Street right-of-way, 60 feet wide, in the block bounded by Mount Elliot, 66 ft. wide, and Saint Cyril Avenue, 60 ft. wide. Encroachments are further described as follows: land in the City of Detroit, Wayne County, Michigan being, Georgia Street lying northerly of the north line of the vacated Helen Avenue, 50 ft. wide, and the vacated Carrie Avenue, 50 ft. wide, and lying northerly and adjoining lots 140-141, the public alley, 16 ft. wide, being between lots 140 and 141, and the east 54 ft. of lot 170 all within "Wagner's Field Subdivision" as recorded in Liber 34, Page 75 of Plats, Wayne County Records. The encroaching turning lane will be 12 ft. wide along the southerly portion of Georgia Street abutting the property line to the south and have a length of 353.58 ft. beginning 235.74 ft. east of lot 200 of "Wagner's Field Subdivision" as recorded in Liber 34, Page 75 of Plats, Wayne County Records.

PROVIDED, that Cedar Investments LLC construct a public sidewalk with a recorded public access easement for the purposes of replacing the public sidewalk which will be deconstructed as a result of the petition. Said sidewalk will be constructed within the property line of the property known as 6836 Georgia Street and will be constructed to the standards set forth by the Department of Public Works: City Engineering Division. Said public access easement shall be recorded as into the property deed of 6836 Georgia Street to be transferred to future title holders. The public access shall be described as followed: The northerly 6 ft. of the vacated Helen Avenue, 50 ft. wide, lots 140 & 141, the vacated alley between lots 140 & 140, the vacated Carrie Avenue, 50 ft. wide, and of the westerly 54 ft. of lot 170 all within "Wagner's Field Subdivision" as recorded in Liber 34, Page 75 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 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 encroachment constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

PROVIDED, that the Cedar Investments LLC or their assigns provide as-built drawings of their installation and the relationship to other utility infrastructure to the Department of Public Works – City Engineering Division, and further

PROVIDED, Cedar Investments 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 Cedar Investments 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 Cedar Investments LLC or their assigns. Should damages to utilities occur Cedar Investments 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 Cedar Investments 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 Cedar Investments LLC or their assigns of the terms thereof. Further, Cedar Investments 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 shall be construed as acceptance of this Resolution by the “perimtee”; and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Cedar Investments LLC, or their assigns; and further

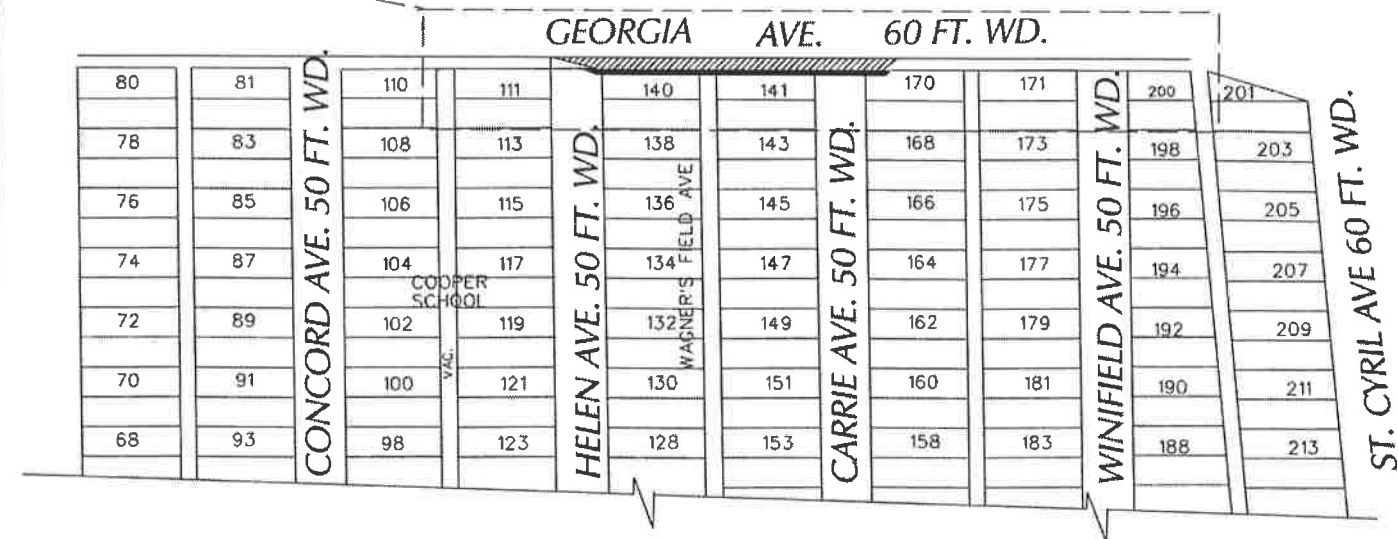
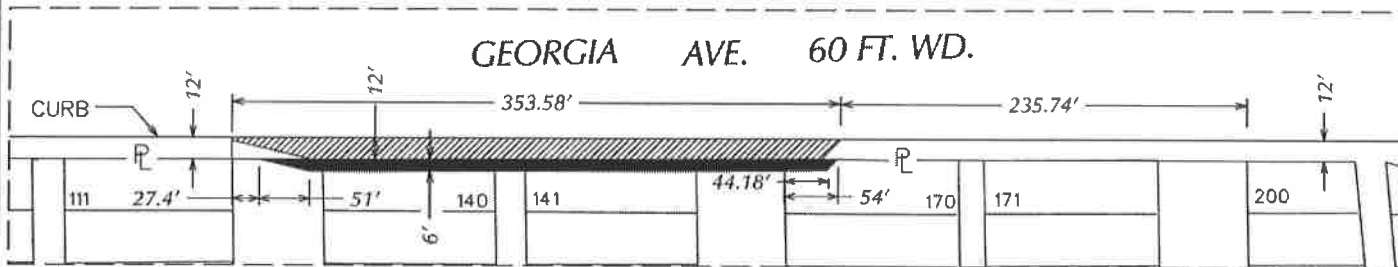
PROVIDED, that construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

PROVIDED, this resolution or part thereof is revocable at the will, whim or caprice of the City Council, and Cedar Investments 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.
 CEDAR INVESTMENT, LLC
 500 GISWOLD, SUITE 2440
 DETROIT, MI
 MICHAEL HERBON
 PHONE NO. (586) 879-9502



- REQUEST ENCROACHMENT



- PRIVATE ACCESS EASEMENT

(FOR OFFICE USE ONLY)

CARTO 50 F

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY SA		CHECKED KSM			
DATE 06-04-2020		APPROVED JD			

-REQUEST ENCROACHMENT
 OF A TURNING LANE INTO GEORGIA ST.
 BETWEEN SHERWOOD ST. AND SAINT CYRIL AVE.
 - REQUEST DEDICATION
 PRIVATE ACCESS EASEMENT ABUTTING
 THE SOUTH SIDE OF GEORGIA ST.
 FOR USE OF A PUBLIC SIDEWALK

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