



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

May 27th, 2021

Honorable City Council:

**RE: Petition No. 1318 – 1375 Michigan Properties LLC, request to encroach into the 8<sup>th</sup> Street and Leverette Street right of way.**

Petition No. 1318 – 1375 Michigan Properties LLC, request to encroach into the 8th Street, 50 ft. wide, and Leverette Street, 60 ft. wide, adjacent to 1375 Michigan Avenue.

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

The request is being made to renew fencing encroachments onto Leverette Street and new encroachments for bollards and mass footings on 8<sup>th</sup> Street.

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 1375 MICHIGAN PROPERTIES LLC or their assigns to install and maintain encroachments for the following:

1. Mass footing, located adjacent to 1375 Michigan Avenue. The proposed mass footing will be located below grade on 8th Street, said mass footing will extend 5 ft. into the 8th Street right of way, be 5 ft. wide and extend below grade to a depth of 3'-6". The encroachment will be located approx. 25' 10.5" south of the northwest corner of lot 2 of "BLK 58 of Woodbridge Farm" recorded in Liber 1, Page 146-7 of Plats, Wayne County Records.
2. Mass footing, located adjacent to 1375 Michigan Avenue. The proposed mass footing will be located below grade on Leverette Street, said mass footing will extend 5 ft. into the Leverette Street right of way, be 5 ft. wide and extend below grade to a depth of 3'-6". The encroachment will be located approx. 25'-2" east of the southwest corner of lot 3 of "BLK 58 of Woodbridge Farm" recorded in Liber 1, Page 146-7 of Plats, Wayne County Records.
3. Bollard footings (4ft. height), located along Leverette Street adjacent to 1375 Michigan Avenue. Said bollard footings will be located in three (3) locations around the dumpster enclosure with the first being approx. 50 ft. east of the southwest corner of lot 3 of "BLK 58 of Woodbridge Farm" recorded in Liber 1, Page 146-7 of Plats, Wayne County Records. The second bollard will be spaced 5 feet east from the first, and the third bollard will be spaced 9'-4" east of the second bollard. Each bollard will be measured with a 6" diameter, stand 4 ft. above grade and extend 3.5 ft. below grade.

PROVIDED, that the owner removes the obstruction located on Leverette Street, being the wrought iron fence encroachment. Owner is required to relocate said fence to the owner's property line. The necessary permits for the restoration of the sidewalk shall be obtained from the City Engineering Division – DPW and the Buildings and Safety Engineering Department, and be it further

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, 1375 MICHIGAN PROPERTIES 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 1375 MICHIGAN PROPERTIES 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 1375 MICHIGAN PROPERTIES LLC or their assigns. Should damages to utilities occur 1375 MICHIGAN PROPERTIES 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 1375 MICHIGAN PROPERTIES 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 1375 MICHIGAN PROPERTIES LLC or their assigns of the terms thereof. Further, 1375 MICHIGAN PROPERTIES 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 1375 MICHIGAN PROPERTIES 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 1375 MICHIGAN PROPERTIES LLC acquires no implied or other privileges hereunder not expressly stated herein; and further

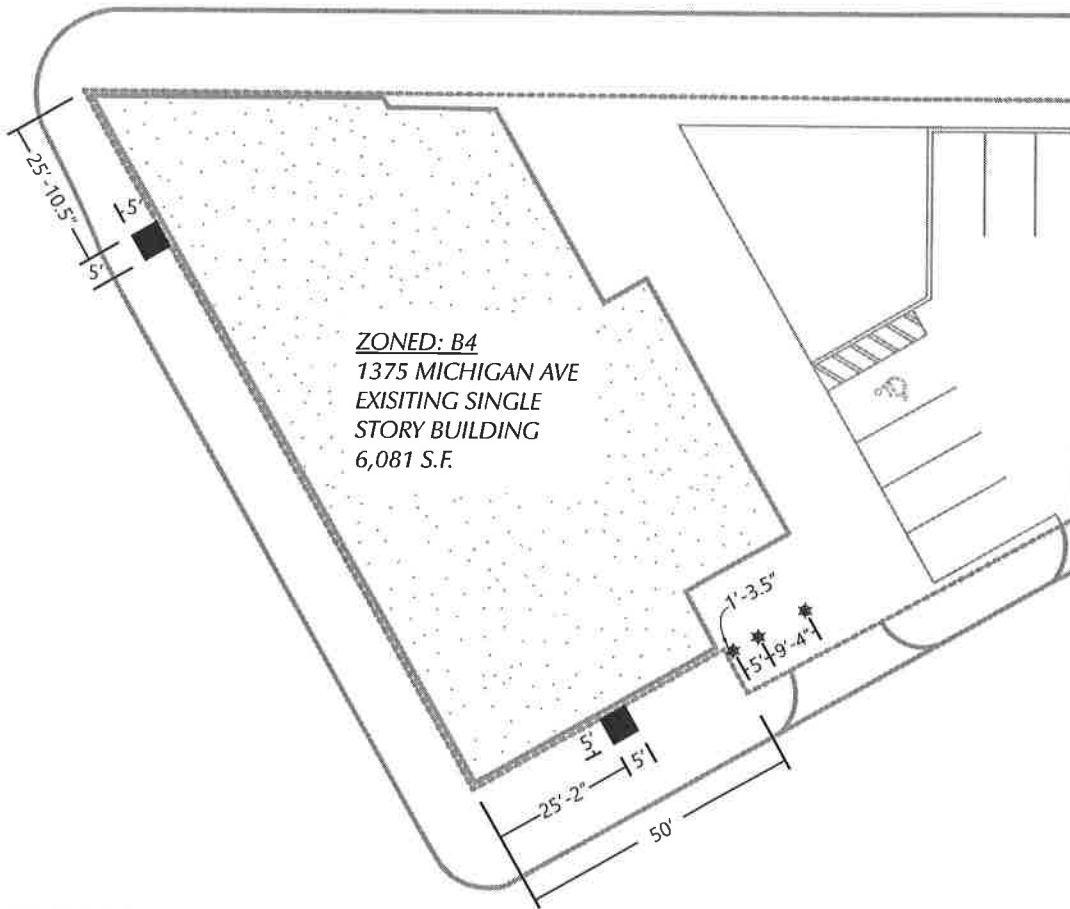
PROVIDED, that the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and be it also

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.1318  
 C/O JANELLE BULAT  
 PARKSTONE DEVELOPMENT PARTNERS  
 REPRESENTING CH CORKTOWN, LLC.  
 28 W ADAMS AVENUE, SUITE 1300  
 DETROIT, MI 48226



## MICHIGAN AVE 120 FT. WD.



ZONED: B4  
 1375 MICHIGAN AVE  
 EXISTING SINGLE  
 STORY BUILDING  
 6,081 S.F.



PROPOSED PAINTED STEEL  
 BOLLARDS WITH CONCRETE  
 FOOTINGS AT NEW  
 DUMPSTER ENCLOSURE



PROPOSED CONCRETE  
 MASS FOOTING AT NEW  
 EXTERIOR WALL OPENING

(FOR OFFICE USE ONLY)

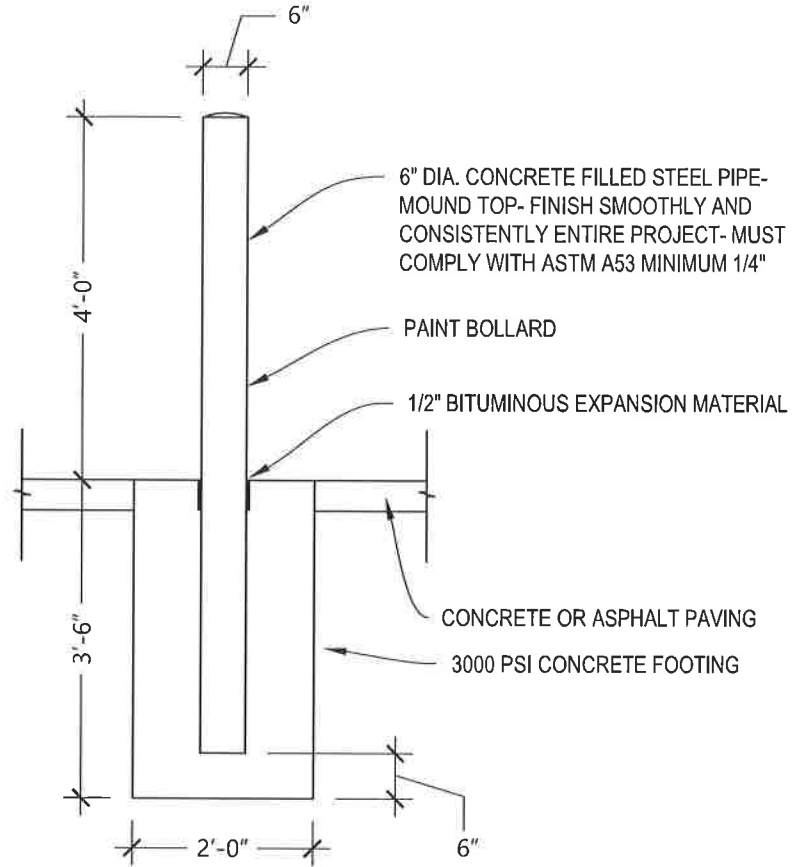
CARTO 28 C

<b>B</b>					
<b>A</b>					
	DESCRIPTION	DRWN	CHKD	APPD	DATE
	REVISIONS				
	DRAWN BY	CHECKED			
	DATE	APPROVED BY			
	KJ	JD			
	07-20-20				

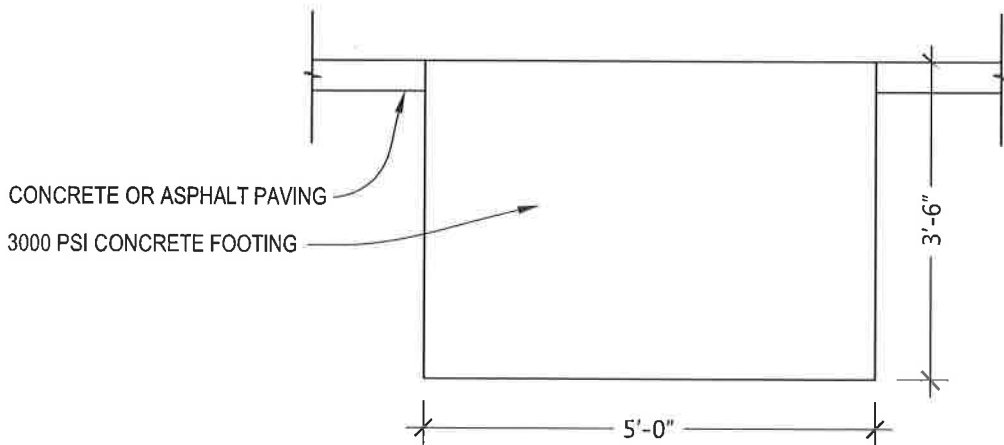
MULTIPLE ENCROACHMENTS AT 1331  
 MICHIGAN AVE., IN THE BLOCK  
 BOUND BY MICHIGAN AVE., LEVERETTE  
 AVE., AND 8TH STREET .

CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
JOB NO.	01-02
DRWG. NO.	X 1318

## BOLLARD FOOTING SECTION



## MASS FOOTING SECTION



(FOR OFFICE USE ONLY)

CARTO 28 C

<b>B</b>					
<b>A</b>					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KJ	CHECKED			
DATE	07-20-20	APPROVED BY	JD		

*MULTIPLE ENCROACHMENTS AT 1331  
MICHIGAN AVE., IN THE BLOCK  
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AVE., AND 8TH STREET .*

<b>CITY OF DETROIT</b>	
CITY ENGINEERING DIVISION	
SURVEY BUREAU	
JOB NO.	01-03
DRWG. NO.	X 1318