



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

December 21st, 2020

Honorable City Council:

RE: Petition No. 1340 – 2110 Park Avenue LLC, request to encroach into the Park avenue and West Elizabeth Street adjacent to the property known as 2110 Park Avenue to install awnings.

Petition No. 1340 – 2110 Park Avenue LLC, request to encroach into the Park avenue, 60 ft. wide, and West Elizabeth Street, 60 ft. wide, adjacent to the property known as 2110 Park Avenue to install awnings.

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

The request is being made to approve awnings being proposed to be erected along the south and west elevations of the structure known as 2110 Park Avenue.


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 2110 PARK AVENUE LLC or their assigns to install and maintain encroachment for awnings to be installed along Park Avenue and West Elizabeth Street, adjacent to 2110 Park Avenue, lots 32 through 34 of "Plat of Park Lots 84, 85, and 86" as recorded in Liber 7, Page 27 of Plats, Wayne County Records; encroachments described as:

1. Awning built at an elevation ranging from 7' above grade and extending to 10.7' above grade along the western elevation, measured as beginning 40 ft. south from the northwest corner of lot 34 of "Plat of Park Lots 84, 85, and 86" as recorded in Liber 7, Page 27 of Plats, Wayne County Records, and being 11.7' wide and extending 7.1' into the Park Avenue right of way.
2. Awning built at an elevation ranging from 7' above grade and extending to 10.7' above grade along the southern elevation, measured as beginning 61.7 ft. south from the southwest corner of lot 34 of "Plat of Park Lots 84, 85, and 86" as recorded in Liber 7, Page 27 of Plats, Wayne County Records, and being 20.1' wide and extending 4' into the West Elizabeth right of way.
3. Awning built at an elevation ranging from 7' above grade and extending to 10.7' above grade along the southern elevation, measured as beginning at the southeast corner of lot 32 of "Plat of Park Lots 84, 85, and 86" as recorded in Liber 7, Page 27 of Plats, Wayne County Records, and being 20.4' wide and extending 4' into the West Elizabeth right of way.
4. Awning built at an elevation ranging from 7' above grade and extending to 10.7' above grade along the southern elevation, measured as beginning 20.4 ft. west from the southeast corner of lot 32 of "Plat of Park Lots 84, 85, and 86" as recorded in Liber 7, Page 27 of Plats, Wayne County Records, and being 17.7' wide and extending 12.4' into the West Elizabeth right of way.
5. Awning built at an elevation ranging from 9.1' above grade and extending to 14.0' above grade along the western elevation, measured as beginning from the northwest corner of lot 34 of "Plat of Park Lots 84, 85, and 86" as recorded in Liber 7, Page 27 of Plats, Wayne County Records, and being 40.0' wide and extending 4.0' into the Park Avenue right of way.
6. Awning built at an elevation ranging from 9.1' above grade and extending to 14.0' above grade along the western elevation, measured as beginning from the southwest corner of lot 34 of "Plat of Park Lots 84, 85, and 86" as recorded in Liber 7, Page 27 of Plats, Wayne County Records, and being 44.4' wide and extending 4.0' into the Park Avenue right of way.
7. Awning built at an elevation ranging from 9.1' above grade and extending to 14.0' above grade along the southern elevation, measured as beginning from the southwest corner of lot 34 of "Plat of Park Lots 84, 85, and 86" as recorded in Liber 7, Page 27 of Plats, Wayne County Records, and being 61.7' wide and extending 4.0' into the West Elizabeth Street right of way.

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 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 2110 PARK AVENUE LLC or their assigns, and further

PROVIDED, that the 2110 PARK AVENUE 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, 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 2110 PARK AVENUE LLC or their assigns. Should damages to utilities occur 2110 PARK AVENUE 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 2110 PARK AVENUE 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 2110 PARK AVENUE LLC or their assigns of the terms thereof. Further,

2110 PARK AVENUE 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 2110 PARK AVENUE LLC, or their assigns; and further

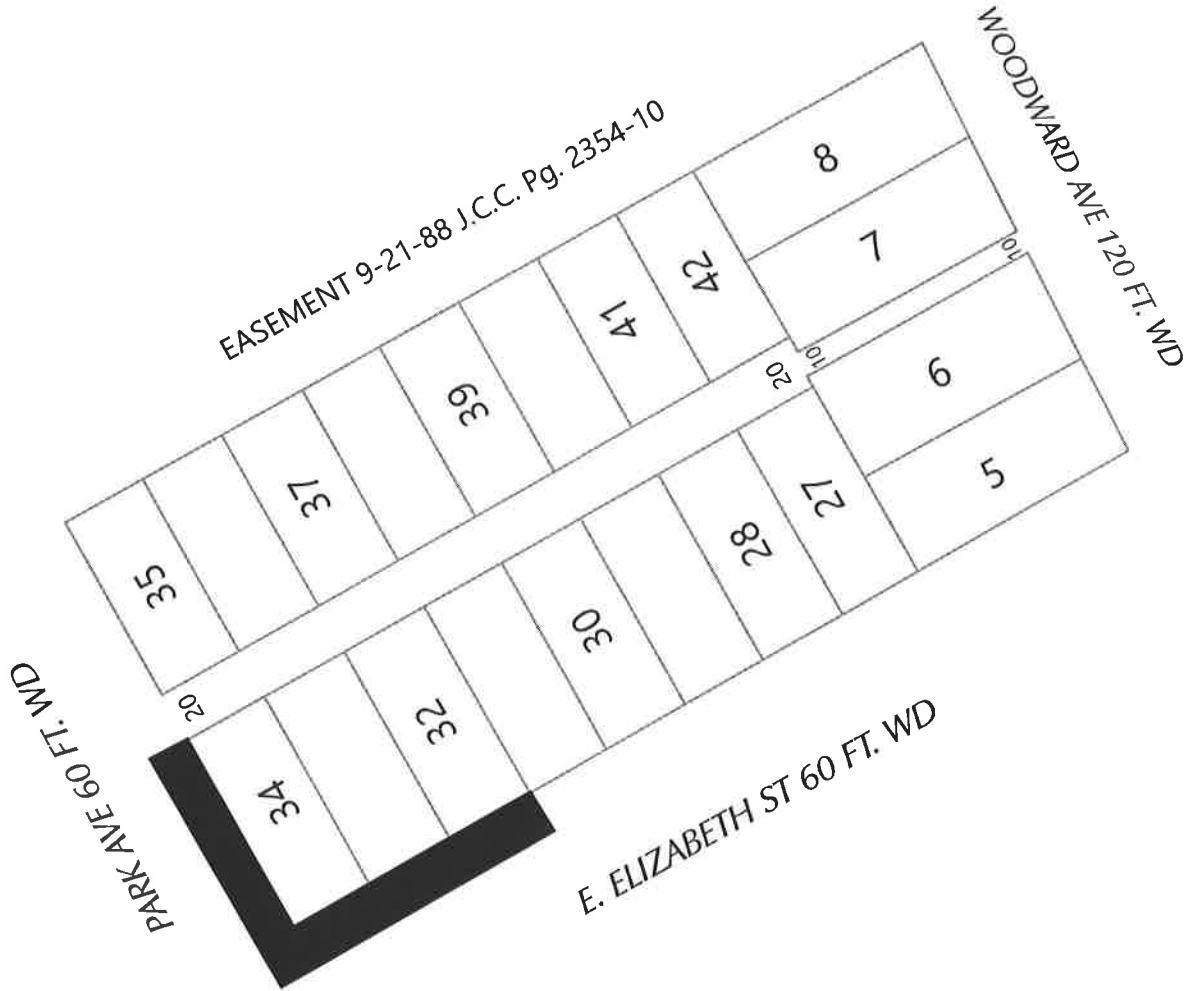
PROVIDED, that construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

PROVIDED, this resolution or part thereof is revocable at the will, whim or caprice of the City Council, and 2110 PARK AVENUE 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.1340
 C/O MICHAEL MARKS
 GIFFELS WEBSTER
 28 W. ADAMS, SUITE 1200, DETROIT, MICHIGAN 48226
 (P) 313.962.4442 (M) 313.980.1469
 MMARKS@GIFFELSWEBSTER.COM



 - MULTIPLE ENCROACHMENTS

(FOR OFFICE USE ONLY)

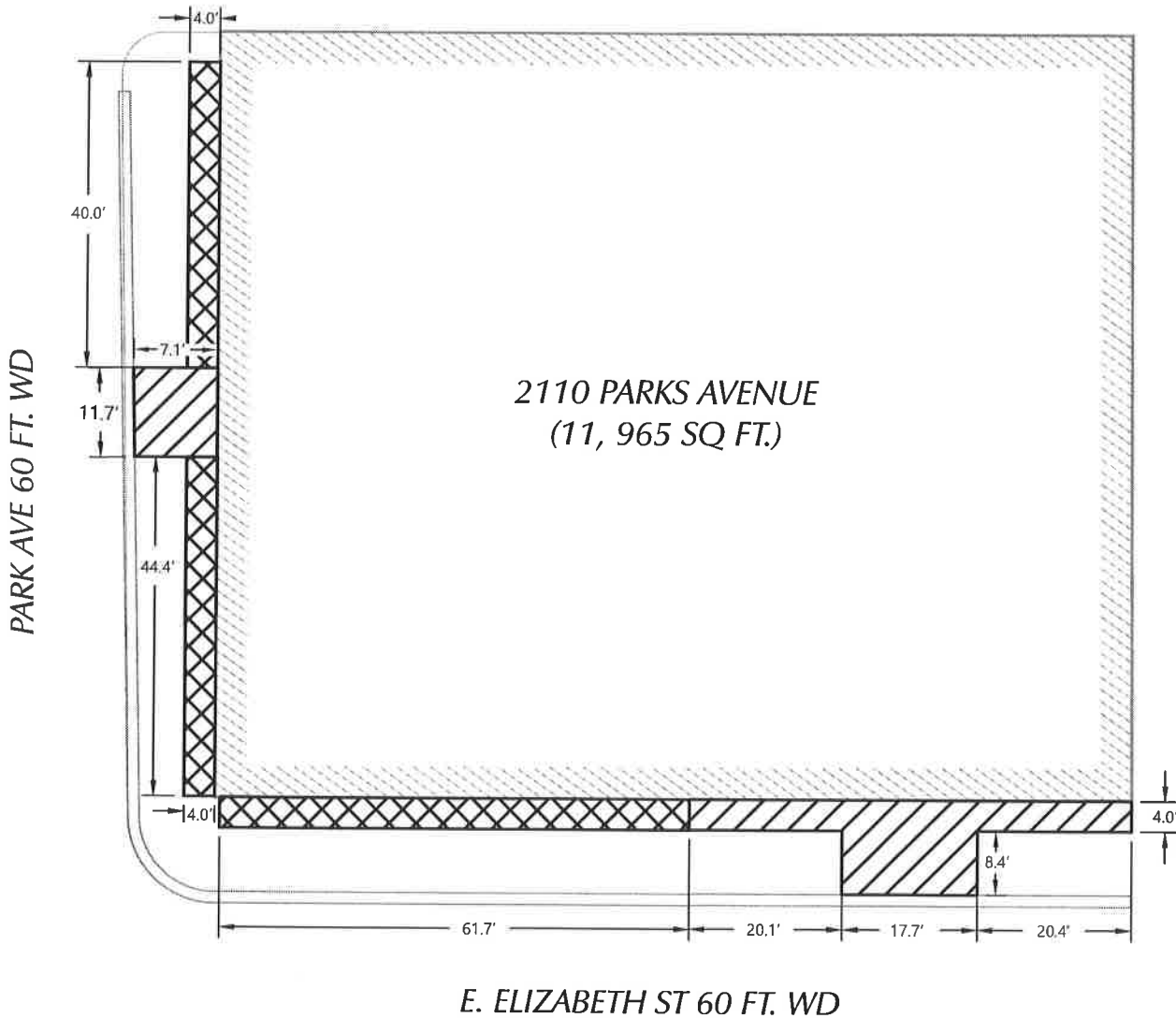
CARTO 29 E



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	A				
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED BY			
09-23-20		JD			

MULTIPLE ENCROACHMENTS IN THE
 BLOCK BOUND BY WOODWARD AVE.,
 ELIZABETH ST., PARK AVE., AND THE ALLEY
 FORMELY KNOW AS COLUMBIA ST.

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

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 C/O MICHAEL MARKS
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-  - ABOVE GRADE ENCROACHMENT FOR AWNINGS
- BEGINNING AT 9.1' ABOVE GRADE AND EXTENDING TO 14.0' ABOVE GRADE
-  - ABOVE GRADE ENCROACHMENT FOR AWNINGS
- BEGINNING AT 7.0' ABOVE GRADE AND EXTENDING TO 10.7' ABOVE GRADE

(FOR OFFICE USE ONLY)

CARTO 29 E

B					
	A				
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
KJ					
DATE		APPROVED BY			
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JOB NO.	01-01
DRWG. NO.	X