



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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WWW.DETROITMI.GOV

December 21st, 2020

Honorable City Council:

RE: Petition No. 1342 – Godfrey Detroit PropCo, LLC request for various encroachments and to outright vacate part of the public alley and existing utility easements located between Michigan Avenue, 8th Street, Leverette Street, Trumbull Street, and Church Street.

Petition No. 1342 – Godfrey Detroit PropCo, LLC request for various encroachments and the outright vacation of part of the public alley, 20 feet wide, and existing utility easements located between Michigan Avenue, 120 feet wide, 8th Street, 50 feet wide, Leverette Street, 60 feet wide, Trumbull Street, 50 feet wide, and Church Street, 60 feet wide.

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

The request is being made as part of the development of the Godfrey Hotel on Michigan Avenue.

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

Detroit Water and Sewerage Department (DWSD) has no objection to the outright vacations or encroachments provided certain provisions are met. The DWSD provisions are a part of the attached resolution.

All other involved City Departments, and privately owned utility companies have reported no objections to the outright vacation or encroachments. Provisions protecting 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

BY COUNCIL MEMBER _____

RESOLVED the public alley, 20 feet wide, and existing utility easements located between Michigan Avenue, 120 feet wide, 8th Street, 50 feet wide, Leverette Street, 60 feet wide, Trumbull Street, 50 feet wide, and Church Street, 60 feet wide, further described as land in the City of Detroit, Wayne County, Michigan being:

1. The east-west public alley, 20 feet wide, lying southerly of and adjacent to the east 44.9 feet of lot 3 and lying northerly of and adjacent to the west 45 feet of lot 12 of "Block 79 of Woodbridge Farm" as recorded in Liber 1, Page 146-7 of Plats, Wayne county Records.
2. The utility easement, 20 feet wide, described as being the west 20 feet of the east 25 feet of lot 12 of "Block 79 of Woodbridge Farm" as recorded in Liber 1, Page 146-7 of Plats, Wayne county Records. Alley vacated to easement on August 5th, 1987, per J.C.C. 1987, Page 1846-47.
3. The utility easement, 20 feet wide, described as being the west 20 feet of lot 13 of "Block 79 of Woodbridge Farm" as recorded in Liber 1, Page 146-7 of Plats, Wayne county Records. Alley vacated to easement on October 3rd, 1967, per J.C.C. 1967, Page 2310-12.
4. The utility easement, 20 feet wide, lying southerly of and adjacent to lot 2 and northerly of and adjacent to lots 12 and 13 of "Block 79 of Woodbridge Farm" as recorded in Liber 1, Page 146-7 of Plats, Wayne county Records. Alley vacated to easement on October 3rd, 1967, per J.C.C. 1967, Page 2310-12.

Be and the same is hereby vacated (outright) as public right-of-way and utility easement to become part and parcel of the abutting property, subject to the following provisions:

PROVIDED, that petitioner/property owner make satisfactory arrangements with any and all utility companies for the cost and arrangements for the removing and/or relocating of the utility companies and city departments services, and further

PROVIDED, that any construction in the public right-of-way such as curbs and sidewalks shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the abutting owner(s), their heirs or assigns; and be it also

RESOLVED, that the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Godfrey Detroit PropCo, LLC or their assigns to install and maintain encroachment for a canopy, frost slabs and door swings, and for building elements and lighting to be installed along 8th Street and Leverette Street for the Godfrey Hotel Development at, adjacent to 1401 Michigan Avenue; encroachments described as:

1. Canopy extending 7 feet into the west side of 8th Street lying easterly of and adjacent to lot 14 of "Block 79 of Woodbridge Farm" as recorded in Liber 1, Page 146-7 of Plats, Wayne county Records. Said canopy being 28 feet wide and ranging between 10.2 feet and 11.8 feet above grade.
2. Building elements and lighting to extend 1 foot into the north side of Leverette Street, 60 feet wide, for 128.5 feet west of the west line of 8th Street, lying easterly of and adjacent to lots 1 and 14 of "Block 79 of Woodbridge Farm" as recorded in Liber 1, Page 146-7 of Plats,

Wayne county Records. Also extending 1 foot into the west side of 8th Street for 167.1 feet from the north line of Leverette Street, lying southerly of and adjacent to lots 12 through 14 of "Block 79 of Woodbridge Farm" as recorded in Liber 1, Page 146-7 of Plats, Wayne county Records.

3. Frost slab and door swing to extend 4.5 feet into 8th Street and being 6 feet wide, lying easterly of and adjacent to lot 14 of "Block 79 of Woodbridge Farm" as recorded in Liber 1, Page 146-7 of Plats, Wayne county Records. Also a frost slab and door swing, 4.5 feet x 6 feet, to extend into the southern half of the public alley, 20 feet wide, lying northerly of and adjacent to the east 4.5 feet of lot 11 of "Block 79 of Woodbridge Farm" as recorded in Liber 1, Page 146-7 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 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 Godfrey Detroit PropCo, LLC or their assigns, and further

PROVIDED, that the Godfrey Detroit PropCo, 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 Godfrey Detroit PropCo, LLC or their assigns. Should damages to utilities occur Godfrey Detroit PropCo, 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 Godfrey Detroit PropCo, 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 Godfrey Detroit PropCo, LLC or their assigns of the terms thereof. Further, Godfrey Detroit PropCo, 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 “permitee”; and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Godfrey Detroit PropCo, 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

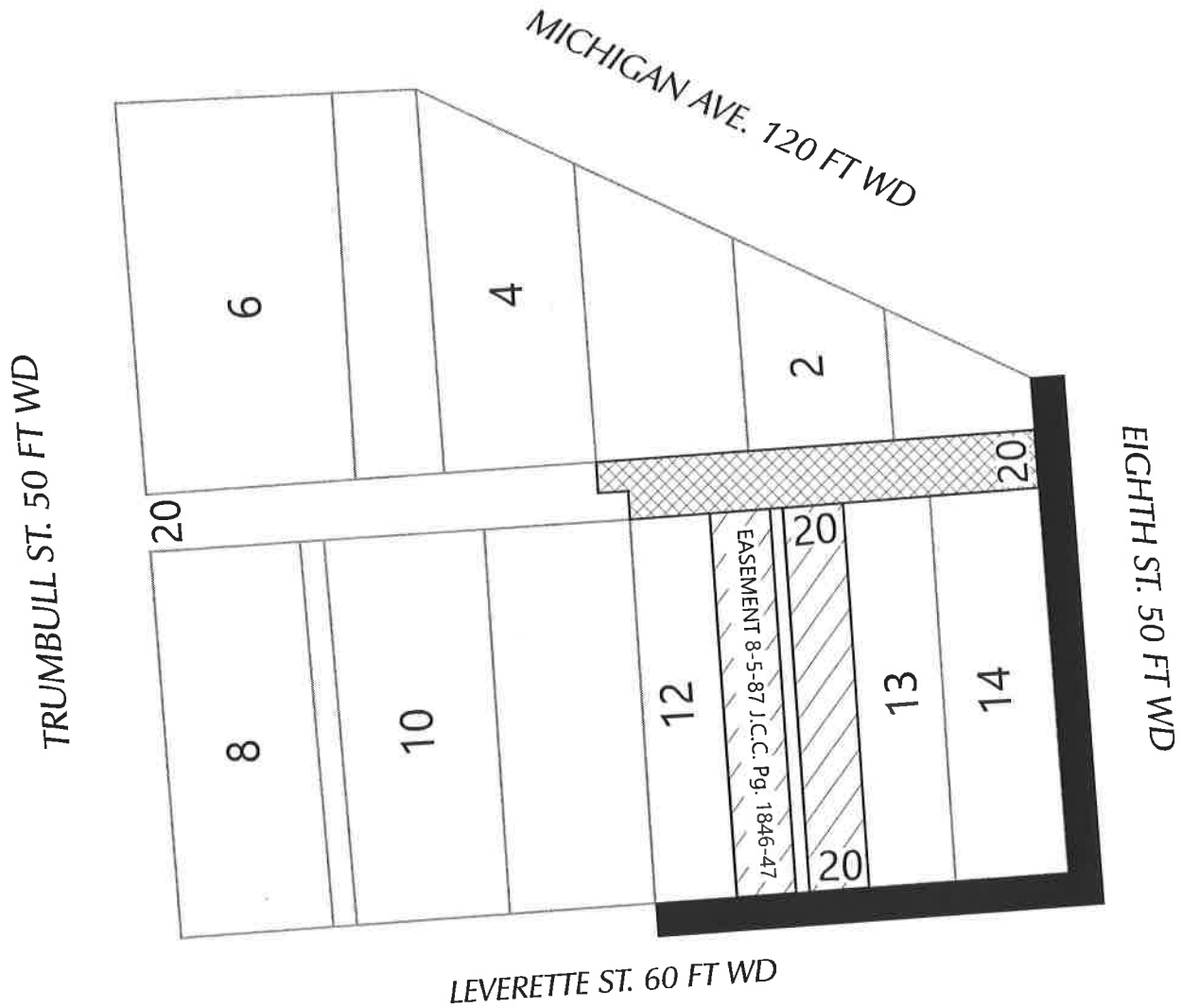
PROVIDED, this resolution or part thereof is revocable at the will, whim or caprice of the City Council, and Godfrey Detroit PropCo, LLC acquires no implied or other privileges hereunder not expressly stated herein; and further

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 no structural elements be constructed to encroach into the public right of way extending from surface grade to 8 feet above surface grade; 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. 1342
 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



- OUTRIGHT VACATION OF PUBLIC ALLEYS



- OUTRIGHT VACATION OF PUBLIC UTILITY EASEMENTS



- MULTIPLE ENCROACHMENTS

(FOR OFFICE USE ONLY)

CARTO 28

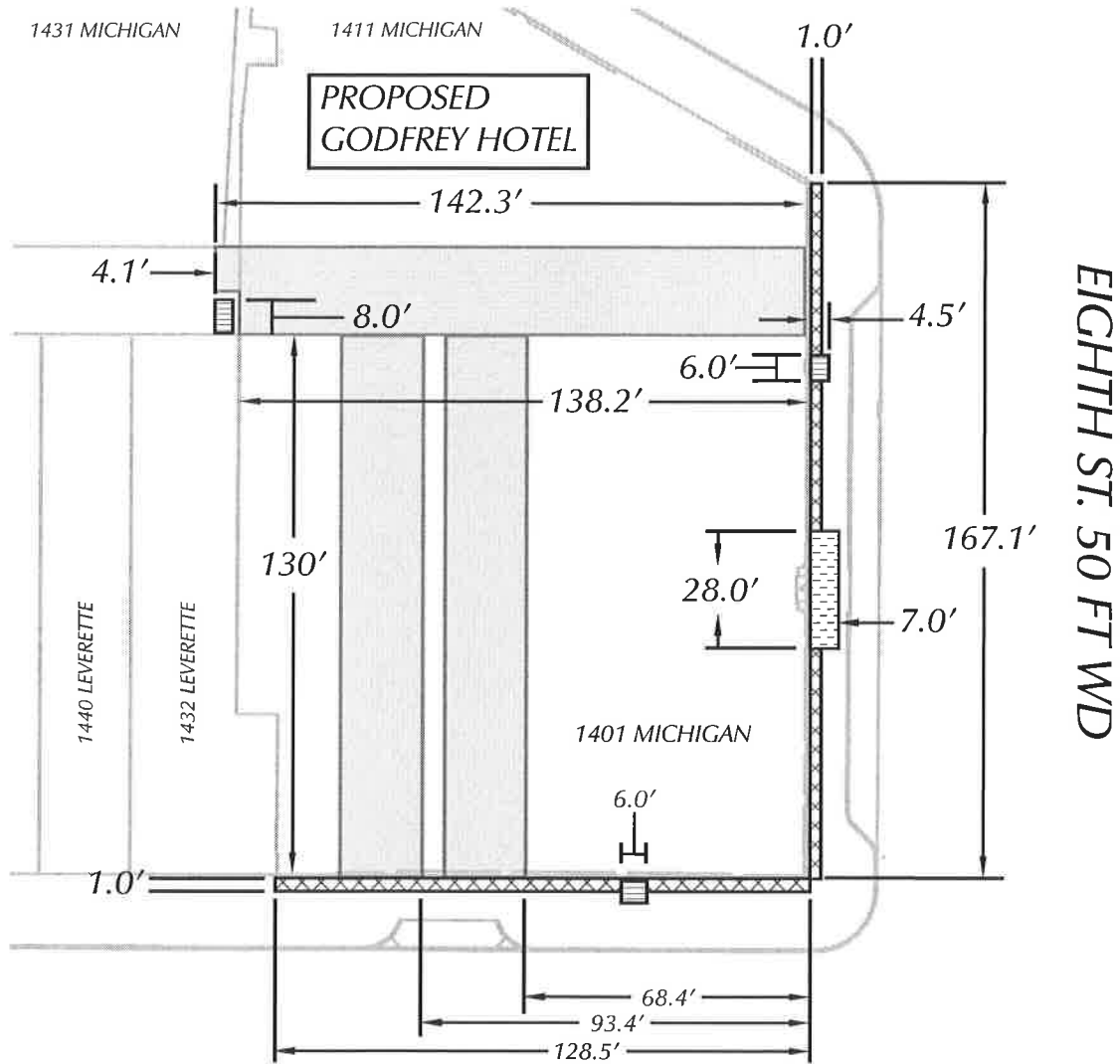
B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KJ		CHECKED		
DATE	09-28-20		APPROVED BY	JD	

AN OUTRIGHT VACATION OF ALLEY,
 PUBLIC UTILITY EASEMENTS, AND
 ENCROACHMENTS IN THE BLOCK BOUND
 BY MICHIGAN AVE., EIGHTH ST.,
 LEVERRETTE ST., AND TRUMBULL ST.




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

PETITION NO.1342

C/O MICHAEL MARKS FROM GIFFELS WEBSTER
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LEVERETTE ST. 60 FT WD

-  - ABOVE GRADE ENCROACHMENT FROM GRADE TO 203.0' ABOVE GRADE FOR BUILDING ELEMENTS AND LIGHTING.
-  - ABOVE GRADE ENCROACHMENT FROM 10.2' ABOVE GRADE TO 11.8' ABOVE GRADE FOR A CANOPY.
-  - ENCROACHMENT FOR FROST SLABS AND DOOR SWINGS

(FOR OFFICE USE ONLY)

CARTO 28

B				
	A			
DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS				
DRAWN BY	KJ		CHECKED	
DATE	09-28-20		APPROVED BY	JD

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CITY OF DETROIT	
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JOB NO.	01-02
DRWG. NO.	X