



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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March 10th, 2021

Honorable City Council:

RE: Petition No. 1375 – Masonic Temple Association request to encroach into Temple Avenue for the purpose of renewing existing encroachments and installing on-site advertising associated with the property 500 Temple Avenue.

Petition No. 1375 – Masonic Temple Association request to encroach into Temple Avenue, 100 ft. wide, for the purpose of renewing existing encroachments and installing on-site advertising associated with the property 500 Temple Avenue.

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

The request is being made as part of a proposal to update the on-site advertising sign for the Masonic Temple and to renew existing encroachments under the current owner.

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 Masonic Temple Association or their assigns to install and maintain encroachment for the following:

1. On-site Advertising, being along the northerly part of Temple Avenue, 100 ft. wide, being located 190'-8.5" from the southwest corner of lot 17, of "Block 83 of Cass Farm" as recorded in Liber 1, Page 131 of Plats, Wayne County Records, and 10'-2.5" from the north line of Temple Avenue. The proposed On-site Advertising sign stands at a height of 15'-5" and grounded using a 12" steel square pole set into a 36" diameter concrete footing, 76" below grade.
2. Concrete Platform for On-site Advertising, being within the northerly 134" of Temple Avenue, 100 ft. wide, and being 47' wide beginning from a point that is 167'-11" east from southwest corner of lot 17, of "Block 83 of Cass Farm" as recorded in Liber 1, Page 131 of Plats, Wayne County Records.
3. Concrete Platform with Concrete Planter Molds, being within the northerly 134" of Temple Avenue, 100 ft. wide, and being 48'-6" wide beginning from southwest corner of lot 17, of "Block 83 of Cass Farm" as recorded in Liber 1, Page 131 of Plats, Wayne County Records.
4. Concrete Platform with Concrete Planter Molds, being within the northerly 134" of Temple Avenue, 100 ft. wide, and being 68' wide beginning from a point that is 81'-11" east from southwest corner of lot 17, of "Block 83 of Cass Farm" as recorded in Liber 1, Page 131 of Plats, Wayne County Records.
5. Masonry Stairs, being within the northerly 146" of Temple Avenue, 100 ft. wide, and being 32'-5" wide beginning from a point that is 48'-6" east from southwest corner of lot 17, of "Block 83 of Cass Farm" as recorded in Liber 1, Page 131 of Plats, Wayne County Records.
6. Masonry Stairs, being within the northerly 134" of Temple Avenue, 100 ft. wide, and being 19' wide beginning from a point that is 148'-11" east from southwest corner of lot 17, of "Block 83 of Cass Farm" as recorded in Liber 1, Page 131 of Plats, Wayne County Records.
7. Masonry Stairs, being within the northerly 146" of Temple Avenue, 100 ft. wide, and being 46'-10" wide beginning from a point that is 129'-3" west from southeast corner of lot 24, of "Block 83 of Cass Farm" as recorded in Liber 1, Page 131 of Plats, Wayne County Records.
8. Concrete Platform with concrete bollards, concrete planter, and descending ramp/loading zone, being within the northerly 134" of Temple Avenue, 100 ft. wide, and being 45' wide beginning from a point that is 84'-3" west from southeast corner of lot 24, of "Block 83 of Cass Farm" as recorded in Liber 1, Page 131 of Plats, Wayne County Records. Said descending ramp approach being 14' wide.
9. Masonry Stairs, being within the northerly 134" of Temple Avenue, 100 ft. wide, and being 19'-4" wide beginning from a point that is 64'-11" west from southeast corner of lot 24, of "Block 83 of Cass Farm" as recorded in Liber 1, Page 131 of Plats, Wayne County Records.
10. Descending Stairwell, being within the northerly 8'-3" of Temple Avenue, 100 ft. wide, and being 48" wide beginning from a point that is 51' west from southeast corner of lot 24, of "Block 83 of Cass Farm" as recorded in Liber 1, Page 131 of Plats, Wayne County Records.
11. Masonry Stairs with concrete planter boxes, being within the northerly 3'-10" of Temple Avenue, 100 ft. wide, and being 25'-1" wide beginning from a point that is 70" west from southeast corner of lot 24, of "Block 83 of Cass Farm" as recorded in Liber 1, Page 131 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 Masonic Temple Association or their assigns, and further

PROVIDED, that the Masonic Temple Association 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 Masonic Temple Association or their assigns. Should damages to utilities occur Masonic Temple Association 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 Masonic Temple Association 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 Masonic Temple Association or their assigns of the terms thereof. Further, Masonic Temple Association 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 “permittee”; and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Masonic Temple Association, 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 Masonic Temple Association acquires no implied or other privileges hereunder not expressly stated herein; and further

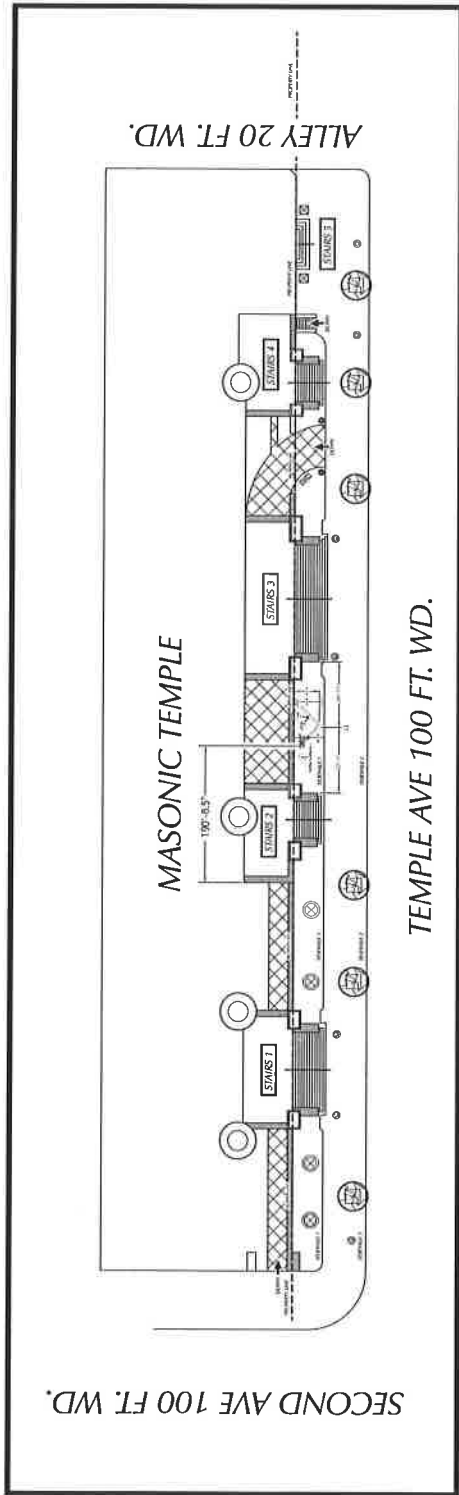
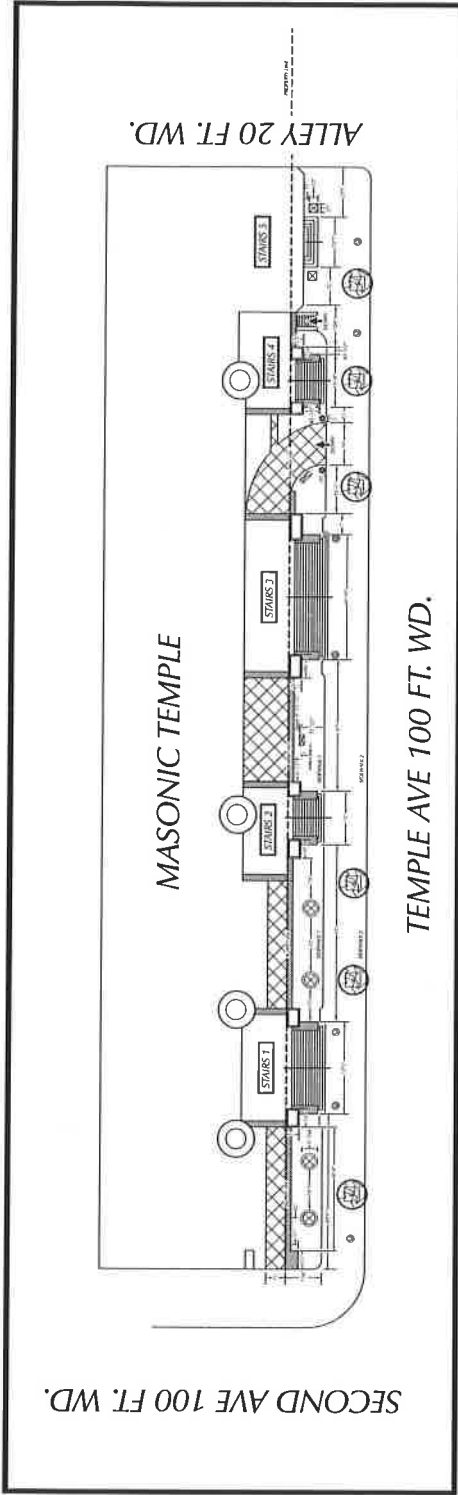
PROVIDED, that the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and be it further

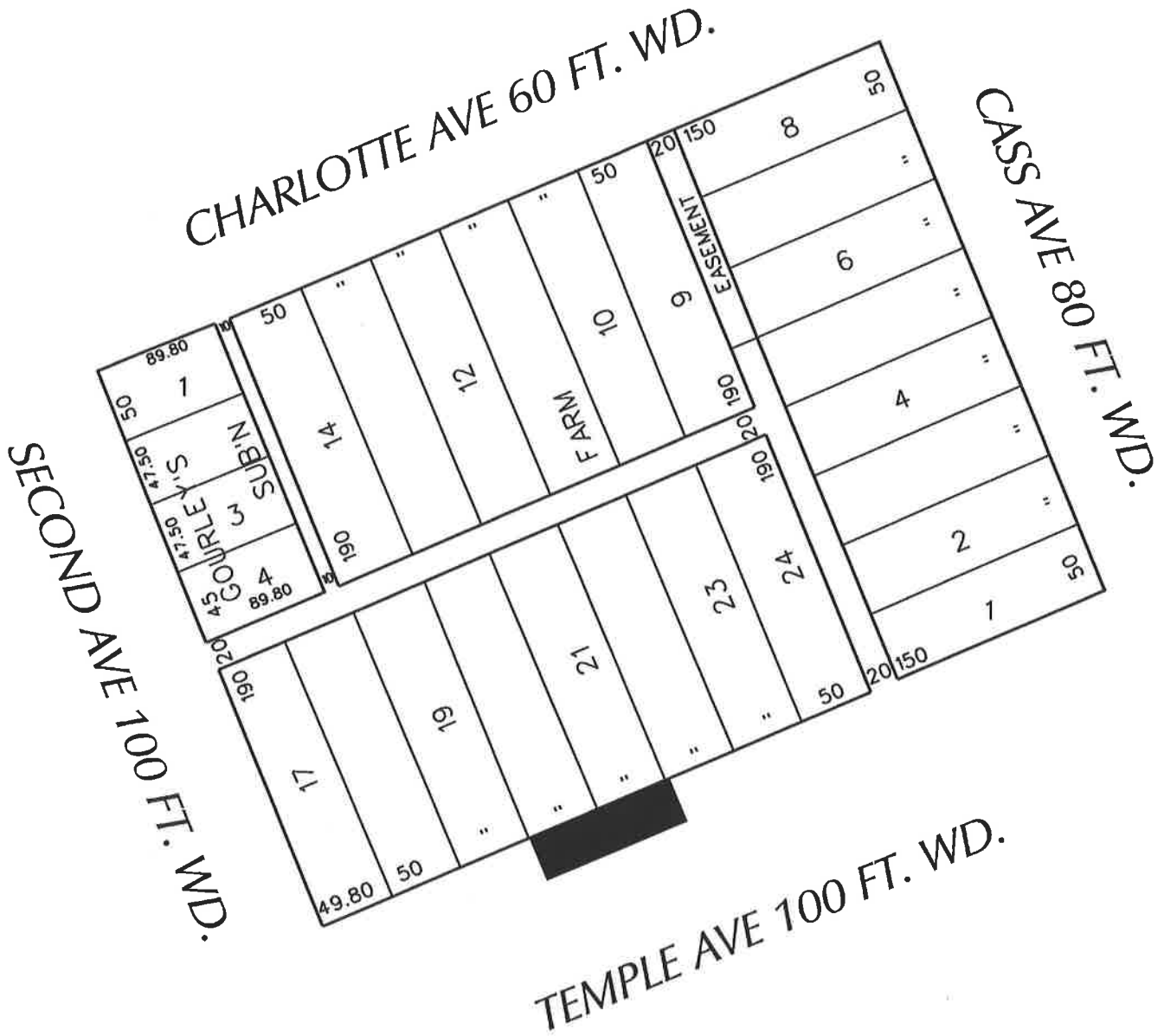
PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Petition No. 1375

LEGEND

	PLANTED TREE
	PLANTER
	LIGHT POST
	PLANTER BOX
	BELOW GRADE DRIVEWAY
	BOLLARDS





 - ENCROACHMENT

(FOR OFFICE USE ONLY)

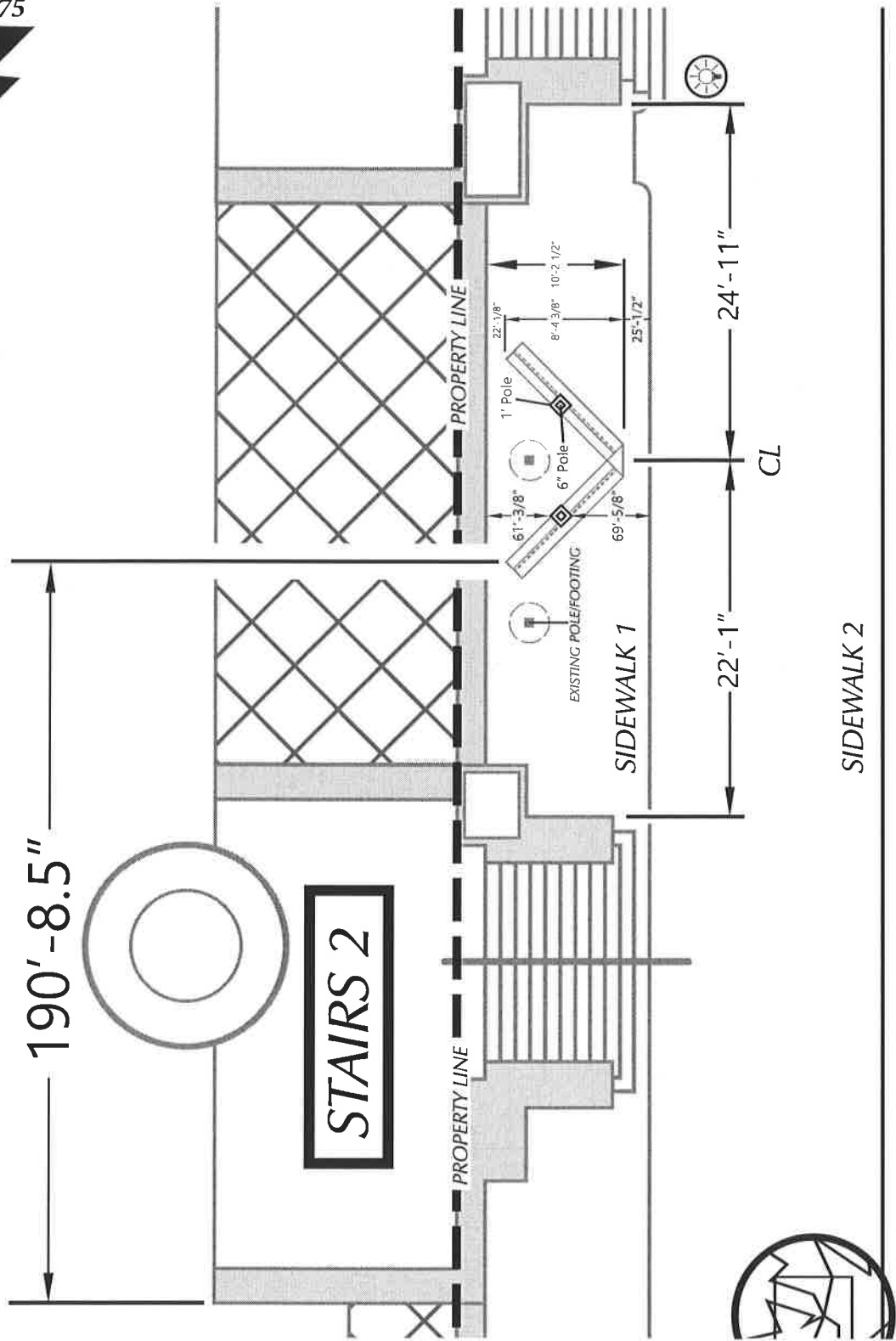
CARTO 29 E

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DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED BY:			
KJ		JD			
02-02-21					

**SIGN ENCROACHMENT IN THE
BLOCK BOUND BY CASS AVE,
TEMPLE AVE, SECOND AVE, AND
CHARLOTTE AVE.**

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

PETITION NO.1375



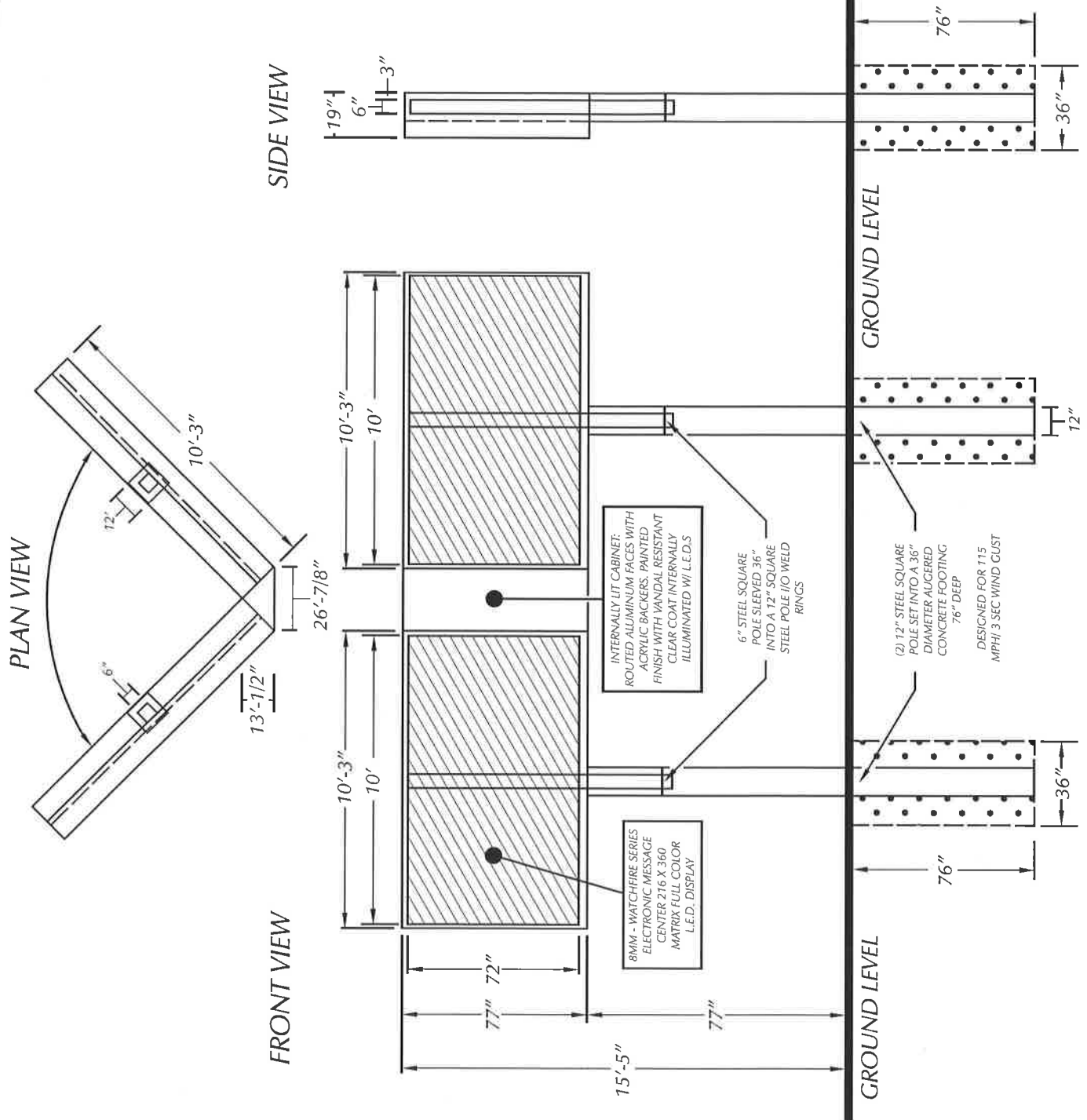
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CARTO 29 E

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DESCRIPTION		DRWN	CHKD	APPD	DATE
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DATE	02-02-21	APPROVED BY			
		JD			

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



(FOR OFFICE USE ONLY)

CARTO 29 E

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DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KJ		CHECKED		
DATE	02-02-21		APPROVED BY	JD	

SIGN ENCROACHMENT IN THE BLOCK BOUND BY CASS AVE, TEMPLE AVE, SECOND AVE, AND CHARLOTTE AVE.

CITY OF DETROIT	
CITY ENGINEERING DIVISION	
SURVEY BUREAU	
JOB NO.	01-03
DRWG. NO.	X