



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

January 27th, 2022

Honorable City Council:

**RE: Petition No. 1495 – The Auburn, LLC, request for various encroachments into east side of Cass Avenue to install on-site advertising, lighting fixtures, and bollards.**

Petition No. 1495 – The Auburn, LLC, request for various encroachments into the east side of Cass Avenue, 80 ft. wide, to install on-site advertising, lighting fixtures, and bollards.

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

This request is being made to install on-site advertising and lighting for ground level business at this location and bollards to protect the structure at the drive approaches.

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 THE AUBURN, LLC or their assigns to install and maintain encroachment for the following:

Cass Avenue, 80 ft. wide.

1. **Bollards**, located on the east side of Cass Avenue adjacent to lot 23 of “Ira Davis Subdivision” as recorded in Liber 1, Page 289 of Plats, Wayne County Records. Said bollards being positioned between 175’ and 185’ north of the southwest corner of said lot 22 and shall be installed no more than 20” west of the property line. Bollards to be installed ranging no more than 3’ below grade and 3’ above grade.
2. **On-site advertising sign**, located on the west elevation of the structure located at 4240 Cass Avenue, suite 105, being lot 20 of the “Subdivision of Park Lots 61 & 62” as recorded in Liber 1, Page 128 of Plats, Wayne County Records. Said On-site advertising sign being positioned 9’ above grade to the base of the sign on the west elevation of the structure. The sign being 18” in height and extending 3’ from the façade.
3. **On-site advertising sign**, located on the west elevation of the structure located at 4240 Cass Avenue, suite 109, being lot 22 of the “Subdivision of Park Lots 61 & 62” as recorded in Liber 1, Page 128 of Plats, Wayne County Records. Said On-site advertising sign being positioned 9’ above grade to the base of the sign on the west elevation of the structure. The sign being 18” in height and extending 3’ from the façade.
4. **On-site advertising sign**, located on the west elevation of the structure located at 4240 Cass Avenue, suite 110, being lot 22 of the “Subdivision of Park Lots 61 & 62” as recorded in Liber 1, Page 128 of Plats, Wayne County Records. Said On-site advertising sign being positioned 9’ above grade to the base of the sign on the north elevation of the structure. The sign being 18” in height and extending 3’ from the façade.
5. **On-site advertising sign**, located on the west elevation of the structure located at 4240 Cass Avenue, suite 111, being lot 24 of “Ira Davis Subdivision” as recorded in Liber 1, Page 289 of Plats, Wayne County Records. Said On-site advertising sign being positioned 9’ above grade to the base of the sign on the north elevation of the structure. The sign being 18” in height and extending 3’ from the façade.
6. **Lighting Fixtures**, located along the west elevation of the structure located at 4240 Cass Avenue, being lots 19 through 22 of the “Subdivision of Park Lots 61 & 62” as recorded in Liber 1, Page 128 of Plats, Wayne County Records, and lots 22 through 24 of the “Ira Davis Subdivision” as recorded in Liber 1, Page 289 of Plats, Wayne County Records. Said lighting fixtures being positioned from 13’ to 14.5’ above grade on the west elevation of the structure. Lighting fixtures being 1.5’ in height and extending 20” from the façade.

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 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 THE AUBURN, LLC or their assigns, and further

PROVIDED, that THE AUBURN, 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 THE AUBURN, LLC or their assigns. Should damages to utilities occur THE AUBURN, 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 THE AUBURN, 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 THE AUBURN, LLC or their assigns of the terms thereof. Further, THE AUBURN, 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 all cost for the construction, maintenance, permits and use of the encroachments shall be borne by THE AUBURN, 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 THE AUBURN, 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

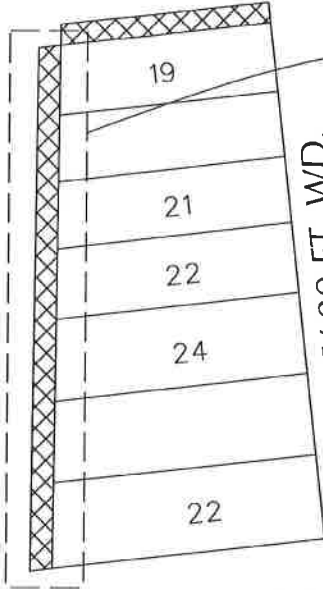
PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 1492  
 THE AUBURN, LLC.  
 1117 GRISWOLD STREET, SUITE 1416  
 DETROIT, MI 48207

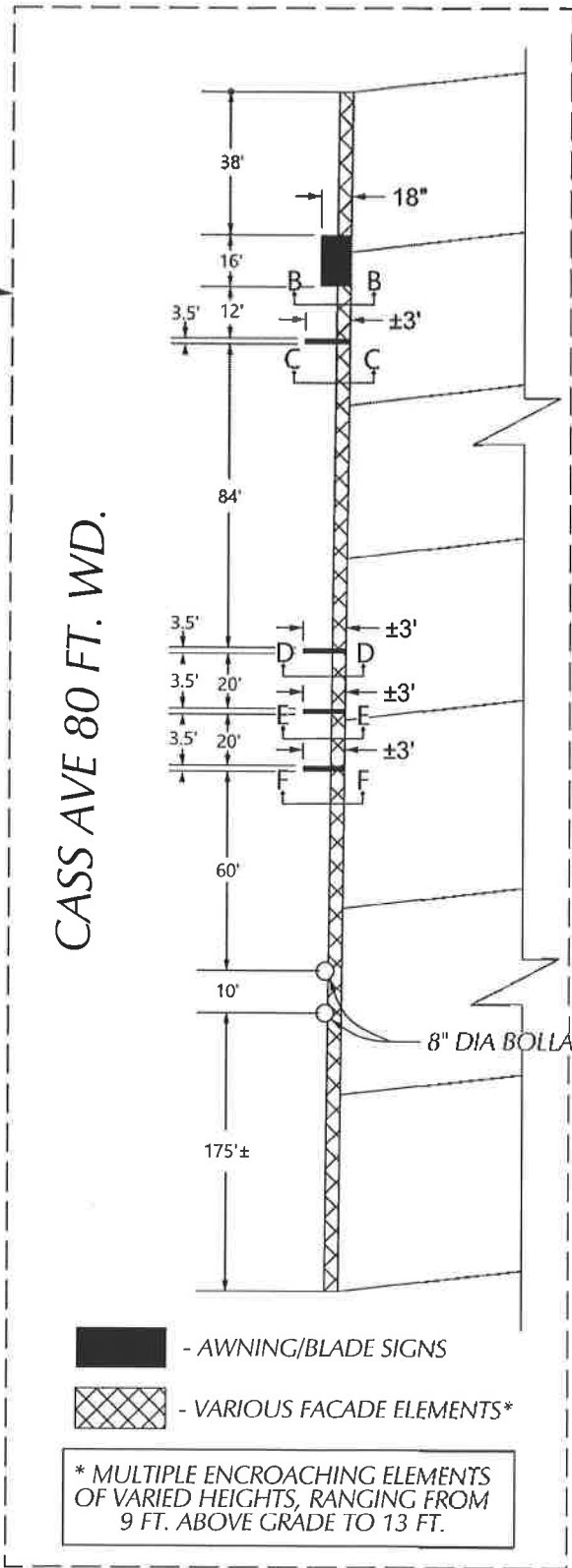
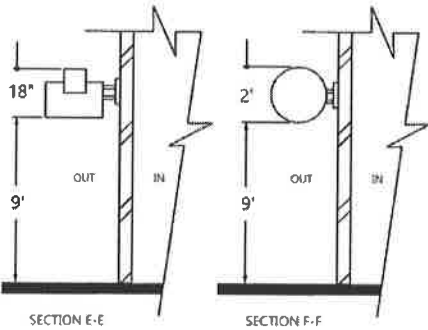
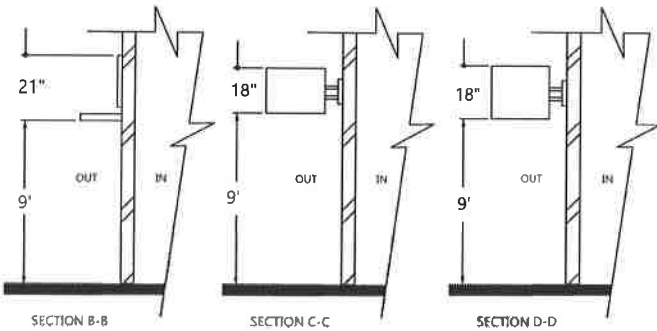
CANFIELD AVE 60 FT. WD.

CASS AVE 80 FT. WD.

ALLEY 20 FT. WD.



WILLIS AVE 100 FT. WD.



- AWNING/BLADE SIGNS
- VARIOUS FACADE ELEMENTS\*

\* MULTIPLE ENCROACHING ELEMENTS OF VARIED HEIGHTS, RANGING FROM 9 FT. ABOVE GRADE TO 13 FT.

(FOR OFFICE USE ONLY)

CARTO 30 E

<b>B</b>					
<b>A</b>	DATE: 09-21-21	<b>KJ</b>	<b>JD</b>	09-11-21	
<b>DESCRIPTION</b>		<b>DRWN</b>	<b>CHKD</b>	<b>APPD</b>	<b>DATE</b>
<b>REVISIONS</b>					
<b>DRAWN BY</b>	<b>KJ</b>	<b>CHECKED</b>		<b>SA</b>	
<b>DATE</b>	<b>9-21-21</b>	<b>APPROVED</b>		<b>JD</b>	

REQUEST FOR MULTIPLE ENCROACHMENTS INTO WEST CANFIELD, BETWEEN CASS AVE AND WOODWARD AVE, AND EAST CASS, BETWEEN CANFIELD AND WILLIS AVE

<b>CITY OF DETROIT</b>	
CITY ENGINEERING DIVISION	
SURVEY BUREAU	
<b>JOB NO.</b>	<b>01-01</b>
<b>DRWG. NO.</b>	<b>01-02</b>