



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVE. SUITE 601
DETROIT, MICHIGAN 48226
PHONE: (313) 224-3949 • TTY:711
FAX: (313) 224-3471
WWW.DETROITMI.GOV

July 13th, 2021

Honorable City Council:

RE: Petition No. 1502 – Zen Holdings, LLC, request for various encroachments into the public sidewalks located on the east side Marlborough Street and the north side of Mack Avenue adjacent to 14501 Mack Avenue.

Petition No. 1502 – Zen Holdings, LLC, request for various encroachments into the public sidewalks located on the east side Marlborough Street, 60 ft. wide, and the north side of Mack Avenue, 120 ft. wide, adjacent to 14501 Mack Avenue.

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

This request is being made to approve building fixtures and streetscape elements associated with the business located at 14501 Mack 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 ZEN HOLDINGS, LLC or their assigns to install and maintain encroachment for the following:

1. Retractable Metal Door, being located on the south elevation of the structure located at 14501 Mack Avenue, being lot 2 of "Hutton & Nalls Brussels Height Subdivision" as recorded in Liber 28, Page 66 of Plats, Wayne County Records. Said Retractable Metal Door being 6'-6" wide, positioned 6'-8" above grade, and extending 11" into the Mack Avenue right-of-way.
2. On-site Advertising Sign, being located on the south elevation of the structure located at 14501 Mack Avenue, being lot 2 of "Hutton & Nalls Brussels Height Subdivision" as recorded in Liber 28, Page 66 of Plats, Wayne County Records. Said Retractable Metal Door being located 12'-1.5" above grade, being 4 ft. in height and extending 8 ft. into the Mack Avenue right-of-way.
3. Concrete Planters, five (5) being located on the sidewalk of Mack Avenue, and three (3) being located on the sidewalk of Marlborough Street adjacent to 14501 Mack Avenue, being lot 1 and 2 of "Hutton & Nalls Brussels Height Subdivision" as recorded in Liber 28, Page 66 of Plats, Wayne County Records. Said Concrete Planters being 22" in height and 60" in length, and 20" in width. The Concrete Planters located within the Mack Avenue right-of-way will be located approx. 9'-0" south of the north line of Mack Avenue and the Concrete Planters within the Marlborough Avenue right-of-way will be located approx. 8'-0" west of the east line of Marlborough Avenue.
4. Light Fixtures, one (1) being located on the south elevation, Mack Avenue, and two (2) being located on the west elevation, Marlborough Street, of the structure located at 14501 Mack Avenue, being lot 1 of "Hutton & Nalls Brussels Height Subdivision" as recorded in Liber 28, Page 66 of Plats, Wayne County Records. Said Light Fixtures being located 13'-0" above grade, being 9" in height and 9" in width, and extending 6" into the 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 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 ZEN HOLDINGS, LLC or their assigns, and further

PROVIDED, that ZEN HOLDINGS, 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 ZEN HOLDINGS, LLC or their assigns. Should damages to utilities occur ZEN HOLDINGS, 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 ZEN HOLDINGS, 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 ZEN HOLDINGS, LLC or their assigns of the terms thereof. Further, ZEN HOLDINGS, 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 ZEN HOLDINGS, LLC, or their assigns; and further

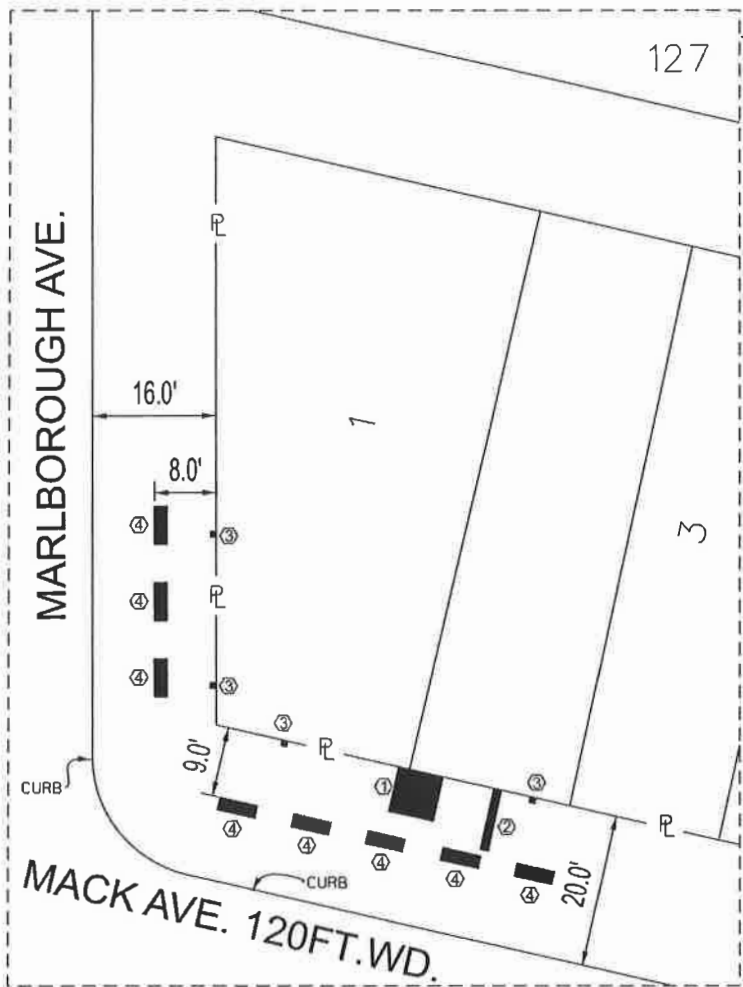
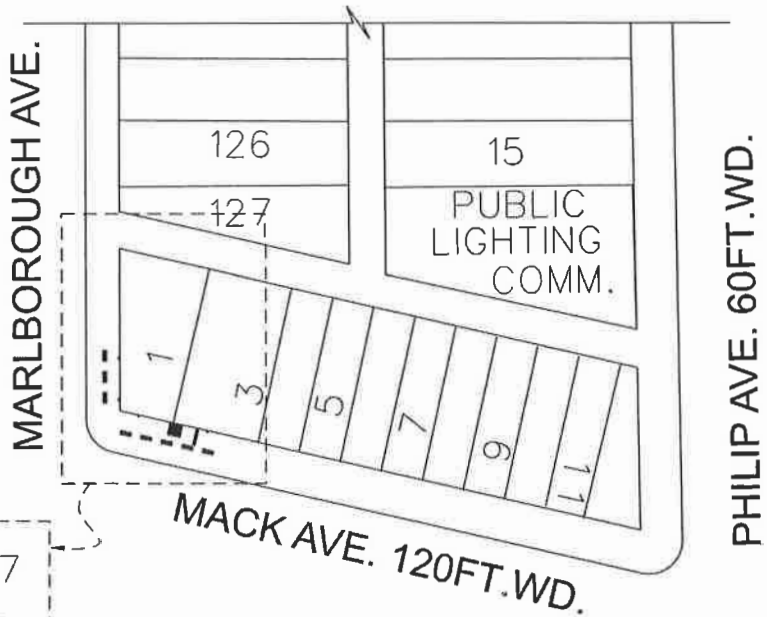
PROVIDED, that construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

PROVIDED, this resolution or part thereof is revocable at the will, whim or caprice of the City Council, and ZEN HOLDINGS, 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. 1502
 MAP-21-30
 Zen Holdings LLC



LEGEND

- ① **Retractable metal door.**
 - 6'-6" X 6'-8" (Projectoury in to R.O.W)
- ② **Sign 4ft x 8ft.**
 - From ground to the bottom of the sign: 146 in.
 - From the bottom to the top: 48 in
 - Projects out: 06 in
- ③ **Light Fixture.**
 - 13'-0" Above sidewalk
- ④ **Concrete Planter**
 - 20" Wide, 60" Long and 22" Tall.
 - Not Bolted Down.

- REQUEST ENCROACHMENT

(FOR OFFICE USE ONLY)

CARTO 63 A

**REQUEST ENCROACHMENT
 INTO MACK AVE. AND
 MARLBOROUGH AVE.
 AT 14501 MACK AVE**

CITY OF DETROIT
 CITY ENGINEERING DIVISION
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO.

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY SA		CHECKED JD			
DATE 06-18-2021		APPROVED			