



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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November 4th, 2021

Honorable City Council:

RE: Petition No. x1583 – Henry Ford Health System request for the encroachment of a private drainage line within the utility easement located within the vacated alley between Seward Street and Vacated Delaware Avenue, between the southbound M10 Service Drive and Merrill Street.

Petition No. x1583 – Henry Ford Health System request for the encroachment of a private drainage line within the utility easement located within the vacated alley, various widths, between Seward Street, 80 ft. wide, and Vacated Delaware Avenue, 60 ft. wide, between the southbound M10 Service Drive, 50 ft. wide, and Merrill Street. 60 ft. wide.

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

This request is being made as part of the parking garage development plan for the property commonly known as 1126 Pallister 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

RESOLVED, that the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Henry Ford Health System or their assigns to install and maintain encroachment for the following:

1. Below grade 24" STM drainage pipe, being located within the southerly 1.3 ft. of the vacated east-west alley, various widths, lying southerly of and adjacent to lot 1 and lot 14 of "Sullivan's Subdivision" as recorded in Liber 15, Page 69 of Plats, Wayne County Records; and lying northerly of and adjacent to lots 2 through 4 of "Irving Place Subdivision" as recorded in Liber 11, Page 5 of Plats, Wayne County Records. Said drainage pipe will be installed at a depth at 9.17', elevation 145.35 at the westerly most catch basin and flow east to the easterly most catch basin described in this resolution, elevation 145.23.
2. Below grade 24" STM drainage pipe, 2 ft. wide encroachment being located 69.48 ft. west of the westerly line of the M10 Service Drive (Hamilton avenue) and crossing the full width of the vacated east-west alley, 10 ft. wide, lying southerly of and adjacent to lot 1 of "Sullivan's Subdivision" as recorded in Liber 15, Page 69 of Plats, Wayne County Records; and lying northerly of and adjacent to lot 2 of "Irving Place Subdivision" as recorded in Liber 11, Page 5 of Plats, Wayne County Records. Said drainage pipe will be installed at a depth at 9.17' at 145.23 elevation at its southerly point and flow north 15' to a catch basin located outside of the mentioned utility easement.
3. Below grade 12" STM drainage pipe , 1 ft. wide encroachment being located 4.4 ft. west of the southeast corner of lot 1 of "Sullivan's Subdivision" as recorded in Liber 15, Page 69 of Plats, Wayne County Records, also being the west line of the M10 Service Drive (Hamilton avenue) and crossing diagonally to a point that is 4.65 ft. south of the southeast corner of lot 1 of "Sullivan's Subdivision" as recorded in Liber 15, Page 69 of Plats, Wayne County Records the full width of the vacated east-west alley, 10 ft. wide, lying southerly of and adjacent to lot 1 of "Sullivan's Subdivision" as recorded in Liber 15, Page 69 of Plats, Wayne County Records; and lying northerly of and adjacent to lot 2 of "Irving Place Subdivision" as recorded in Liber 11, Page 5 of Plats, Wayne County Records. Said drainage pipe will be installed at a depth at 14.84' beginning from a point located outside of the mentioned utility easement and flow southeasterly through the utility easement to a point located outside of the mentioned utility easement.
4. Catch Basin, the easterly catch basin, 24"x 24", being located 69.48 ft. west of the west line of Hamilton Avenue on the southerly utility easement line adjacent to lot 2 of "Irving Place Subdivision" as recorded in Liber 11, Page 5 of Plats, Wayne County Records.
5. Catch Basin, the westerly catch basin, 24" x 24", being located 34.27 ft. east of the east line of vacated Merrill Street on the southerly utility easement line adjacent to lot 4 of "Irving Place Subdivision" as recorded in Liber 11, Page 5 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 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 Henry Ford Health System or their assigns, and further

PROVIDED, that the Henry Ford Health System 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 Henry Ford Health System or their assigns. Should damages to utilities occur Henry Ford Health System 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 Henry Ford Health System 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 Henry Ford Health System or their assigns of the terms thereof. Further, Henry Ford Health System 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 Henry Ford Health System, or their assigns; and further

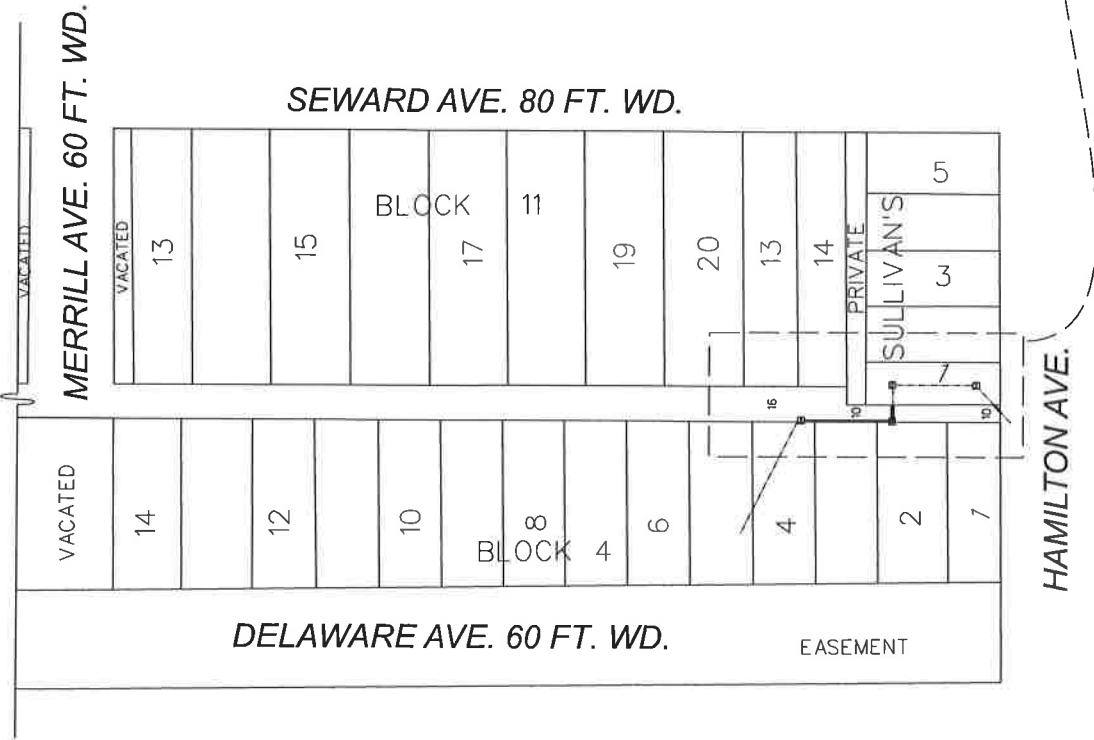
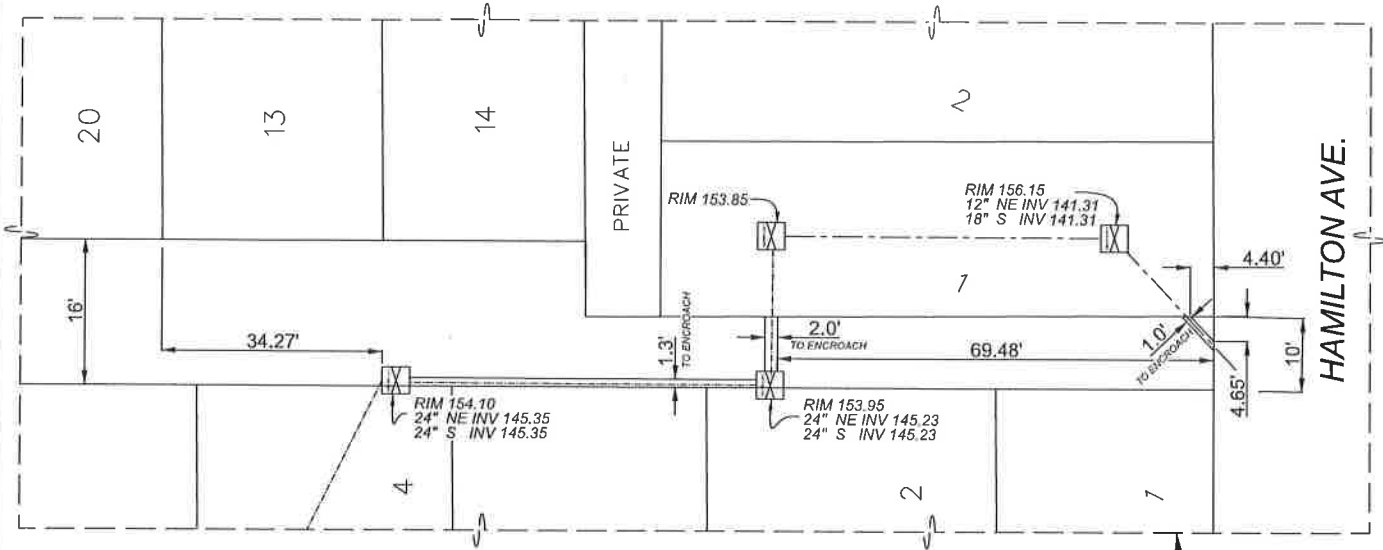
PROVIDED, that construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

PROVIDED, this resolution or part thereof is revocable at the will, whim or caprice of the City Council, and Henry Ford Health System 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. 1583
 HOBBS + BLACK ARCHITECTS
 100 N. STATE STREET
 ANN ARBOR, MICHIGAN 48104
 RUSSELL W. HINKLE, AIA
 PHONE NO. (734) 663-4189



■ - REQUEST ENCROACHMENT

(FOR OFFICE USE ONLY)

CARTO 31 C

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DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	SA	CHECKED	JD		
DATE	APPROVED				
11-01-2021					

REQUEST ENCROACHMENT
 OF THE COMBINED
 SANITARY/STORM WATER EASEMENT
 THE EAST/WEST PUBLIC ALLEY 20 FT. WD.
 IN THE BLOCK BOUND BY
 MERRILL AVE., SEWARD AVE.,
 HAMILTON AVE. AND DELAWARE AVE.

CITY OF DETROIT	
CITY ENGINEERING DIVISION	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1583