



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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November 04th, 2021

Honorable City Council:

RE: Petition No. 1586 – IKE Smart City, request for approval of the ten (10) proposed locations for the installation of digital interactive kiosks to be installed within the City of Detroit public right of way.

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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 project to install wayfinding kiosks in various parts of the City of Detroit that assist pedestrians in locating community assets and attractions.

All proposed locations are subject to a review by the Department of Public Works: City Engineering Division for permitting and encroachment.

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 IKE Smart City or their assigns to install and maintain encroachment for digital interactive kiosks installed within proximity of the following locations:

1. The west side of Farmer Street, various widths, north of East Grand River Avenue, 60 ft. wide, lying easterly of and adjacent to the property commonly known as 1401 Farmer Street; further described as being lot 71 of the "Plat of Section 7 of Governor and Judges Plan" as recorded in Liber 34, Page 544 of Plats, Wayne County Records.
2. Within the median of Madison Street, 200 ft. wide, east of Witherell Street, 60 ft. wide, lying southerly of and adjacent to lot 22 of the "Plat of Section 11 of Governor and Judges Plan" as recorded in Liber 34, Page 554 of Plats, Wayne County Records; and northerly of and adjacent to lot 22 of the "Plat of Section 9 of Governor and Judges Plan" as recorded in Liber 34, Page 552 of Plats, Wayne County Records.
3. Within the median of Cadillac Square, 200 ft. wide, east of Woodward Avenue, 120 ft. wide, lying southerly of and adjacent to lot 2 of the "Plat of Section 6 of Governor and Judges Plan" as recorded in Liber 34, Page 545 of Plats, Wayne County Records; and northerly of and adjacent to lot 52 of the "Plat of Section 1 of Governor and Judges Plan" as recorded in Liber 1, Page 424-5 of Plats, Wayne County Records.
4. On the east side of Woodward Avenue, 120 ft. wide, south of Congress Street, 60 ft. wide, lying westerly of and adjacent to the property commonly known as 500 Woodward Avenue, further described as lot 58 of the "Plat of Section 1 of Governor and Judges Plan" as recorded in Liber 1, Page 424-5 of Plats, Wayne County Records.
5. On the south side of Monroe Street, 50 ft. wide, west of Beaubien Street, 60 ft. wide, lying northerly of and adjacent to the property commonly known as 400 Monroe Street; further described as lot 131 of "Beaubien Farm Subdivision" as recorded in Liber 6, Page 474-8 of Plats, Wayne County Records.
6. On the east side of Russell Street, 86 ft. wide, south of Winder Street, 50 ft. wide, westerly and adjacent to the property commonly known as 2440 Russell Street; further described as lot 25 of "Guoin Farm Subdivision" as recorded in Liber 9, Page 83 of Plats, Wayne County Records.
7. On the west side of Broadway Street, 100 ft. wide, south of John R Street, 60 ft. wide, lying easterly of and adjacent to the property commonly known as 1401 Broadway Street; further described as being lot 15 of the "Plat of Section 7 of Governor and Judges Plan" as recorded in Liber 34, Page 544 of Plats, Wayne County Records.
8. On the west side of Livernois Avenue, 120 ft. wide, south of West Outer Drive, 150 ft. wide, lying easterly of and adjacent to lot 127 of "Ridgefield Subdivision" as recorded in Liber 48, Page 2 of Plats, Wayne County Records.
9. On the north side of East 7 Mile Road, 66 ft. wide, west of Van Dyke Street, 120 ft. wide, lying southerly of and adjacent to the property commonly known as 7735 East 7 mile, further described as being the east 189.85 ft. of the south 99 ft. of Section 4 T 1 S R 12 E lying west and adjacent to Van Dyke Street, as widened, and north of and adjacent to 7 Mile Road.
10. On the south side of West Grand Blvd, 150 ft. wide, east of Milwaukee Avenue, 60 ft. wide, lying northerly of and adjacent to lot 27 of the "Lothrop and Duffield

PROVIDED, that the Department of Public Works: City Engineering Division reserves the right to modify the precise location of the kiosk installation under the condition that reasonable justification is provided,

and the modified location is within close proximity of the location described in this resolution; and be it further

PROVIDED, that the issuance of permits by the DPW: City Engineering Division be contingent upon the petitioner demonstrating support from property owners adjacent to each proposed location. Said demonstration shall be in the form of a letter on consent from the individual or entity owning the property or an authorized agent thereof; and be it further

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 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 IKE Smart City or their assigns, and further

PROVIDED, that the IKE Smart City 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 IKE Smart City or their assigns. Should damages to utilities occur IKE Smart City 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 IKE Smart City 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 IKE Smart City or their assigns of the terms thereof. Further, IKE Smart City 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 IKE Smart City, 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 IKE Smart City 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.