



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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August 31st, 2022

Honorable City Council:

RE: Petition No. x2022-14 – Ford Land, request for the encroachment of various street improvements along Bagley Avenue and Wabash Avenue. Also for the dedication of right of way related to the widening of Bagley Street, formally known as Baker Street, between Vermont Street and 16th Street.

Petition No. x2022-14 – Ford Land, request for the encroachment of various street improvements along Bagley Avenue, 80 ft. wide, and Wabash Avenue, 60ft. wide. Also for the dedication of right of way related to the widening of Bagley Street, 60 ft. wide, between Vermont Street and 16th Street.

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

The request is being made to install street improvements associated with right of way permit BLD2020-05304, ENG-22-161, and ENG-22-316. The dedication described in this resolution is being made per the City of Detroit Common Council decision to widen Bagley Avenue, between Vermont Street and 16th Street, recorded in the Journal of Common Council dated July 22nd, 1969, page 1884.

The request was approved by the Solid Waste Division – DPW, and City Engineering Division – DPW. Traffic Engineering Division – DPW approves provided pedestrian traffic is accommodated, and a provision for a clear pedestrian walk, 6 feet wide, is a part of the resolution.

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.

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

/JK

Cc: Ron Brundidge, Director, DPW
Mayor's Office – City Council Liaison

COUNCIL MEMBER _____

RESOLVED, that that your Honorable Body authorize the acceptance of the following described properties owned by the City of Detroit for public street purposes:

1. The north 20 ft. of lots 90 through 98 of "Lafferty Farm Subdivision" as record in Liber 1, Page 305 of Plats, Wayne County Records. Being part of parcel 08000347-55, commonly known as 2001 Bagley.
2. The north 20 ft. of lots 103 and 104 of "Godfroy Farm Subdivision" as record in Liber 1, Page 132 of Plats, Wayne County Records.
3. The north 20 ft. of lot 20 of block 14 and lot 20 of block 15 of "Lafontaine Farm of Private Claim No. 44" as record in Liber 59, Page 154-155 of Plats, Wayne County Records.

PROVIDED, that the entire work in constructing the new streets is to be performed in accordance with plans and specifications approved by City Engineering Division – DPW (CED) and constructed under the inspection and approval of CED; and further

PROVIDED, That the petitioner obtain Traffic Engineering Division, signature of approval on the final design and plans for the construction of the streets; and be it further

RESOLVED, that the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Ford Land or their assigns to install and maintain encroachments within the right of way, located within Bagley Avenue, 60 ft. wide (widened to 80 ft.), and Wabash Avenue, 60 ft. wide, further described as: Land in the City of Detroit, Wayne County, Michigan;

1. Non-Standard Paving, along the sidewalk of the southerly part of Bagley Avenue, 80 ft. wide, adjacent to lot 103 of "Subdivision of Godfroy Farm" as recorded in Liber 1, Page 132 of Plats, Wayne County Records. Said encroachment will extend 13.5' north from the southerly line of Bagley Avenue for a length of 80.7', beginning 222' west from the westerly line of Wabash Avenue.
2. Landscaping planters, along the sidewalk of the westerly part of Wabash Avenue, 60 ft. wide, adjacent to lots 104-105 of "Subdivision of Godfroy Farm" as recorded in Liber 1, Page 132 of Plats, Wayne County Records. Said encroachment will extend between 4.7' and 12.8' east from the westerly line of Wabash Avenue for a length of 50'.
3. Building foundation elements (grade beams and pile caps), below grade along the southerly part of Bagley Avenue, 80 ft. wide, and the westerly part of Wabash Avenue, 60 ft. wide, located northerly of and adjacent to lots 103 – 104 and the vacated public alley lying between lots 103-104 and lying easterly of and adjacent to lots 104-105 and 108 of "Subdivision of Godfroy Farm" as recorded in Liber 1, Page 132 of Plats, Wayne County Records. Said encroachment will extend 1' north from the southerly line of Bagley Avenue for a length of 246.8' and extend 1' east from the westerly line of Wabash Avenue for a length of 121.8'.
4. Frost slab, below grade along the southerly part of Bagley Avenue, 80 ft. wide, located northerly of and adjacent to lots 103 of "Subdivision of Godfroy Farm" as recorded in Liber 1, Page 132 of Plats, Wayne County Records. Said encroachments will extend 5.1' north from the southerly line of Bagley Avenue, as widened, for a length of 8.7'. Said frost slab will be located approx. 65.2' from the west line of said lot 103.

5. Frost slab, below grade along the southerly part of Bagley Avenue, 80 ft. wide, located northerly of and adjacent to lots 104 of "Subdivision of Godfroy Farm" as recorded in Liber 1, Page 132 of Plats, Wayne County Records. Said encroachments will extend 4.7' north from the southerly line of Bagley Avenue for a length of 8.7'. Said frost slab will be located approx. 17.5' from the east line of said lot 104.
6. Frost slab, below grade along the westerly part of Wabash Avenue, 60 ft. wide, located easterly of and adjacent to lot 104 of "Subdivision of Godfroy Farm" as recorded in Liber 1, Page 132 of Plats, Wayne County Records. Said encroachments will extend 4.7' north from the southerly line of Bagley Avenue for a length of 16.5'. Said frost slab will be located approx. 17.7' south of the north line of said lot 104.
7. Blade sign, on the south side of Bagley Avenue lying adjacent to the northeast corner of lot 104 "Subdivision of Godfroy Farm" as recorded in Liber 1, Page 132 of Plats, Wayne County Records. Said encroachment extending 9' into Bagley Avenue and ranging 15' to 65' above grade.
8. Various Façade elements including lighting fixtures, structural overhangs, and polycarbonate paneling extending no more than 4.5' north of the south line of Bagley Avenue, 80 ft. wide, and east of the west line of Wabash Avenue, 60 ft. wide, and ranging from 15' above grade to 80' above grade.

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 a minimum 6 feet wide clear unobstructed sidewalk shall be maintained for pedestrian traffic at all times, 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 petitioner maintain the DWSD required clearance of 18 feet above grade for maintenance excess and repair, 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 encroaching device constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

PROVIDED, Ford Land or their assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division – DPW prior to any public right-of-way construction; and 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 Ford Land or their assigns, 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 Ford Land or their assigns. Should damages to utilities occur Ford Land 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 Ford Land 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 Ford Land or their assigns of the terms thereof. Further, Ford Land 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 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 is revocable at the will, whim or caprice of the City Council, and Ford Land acquires no implied or other privileges hereunder not expressly stated herein; and further

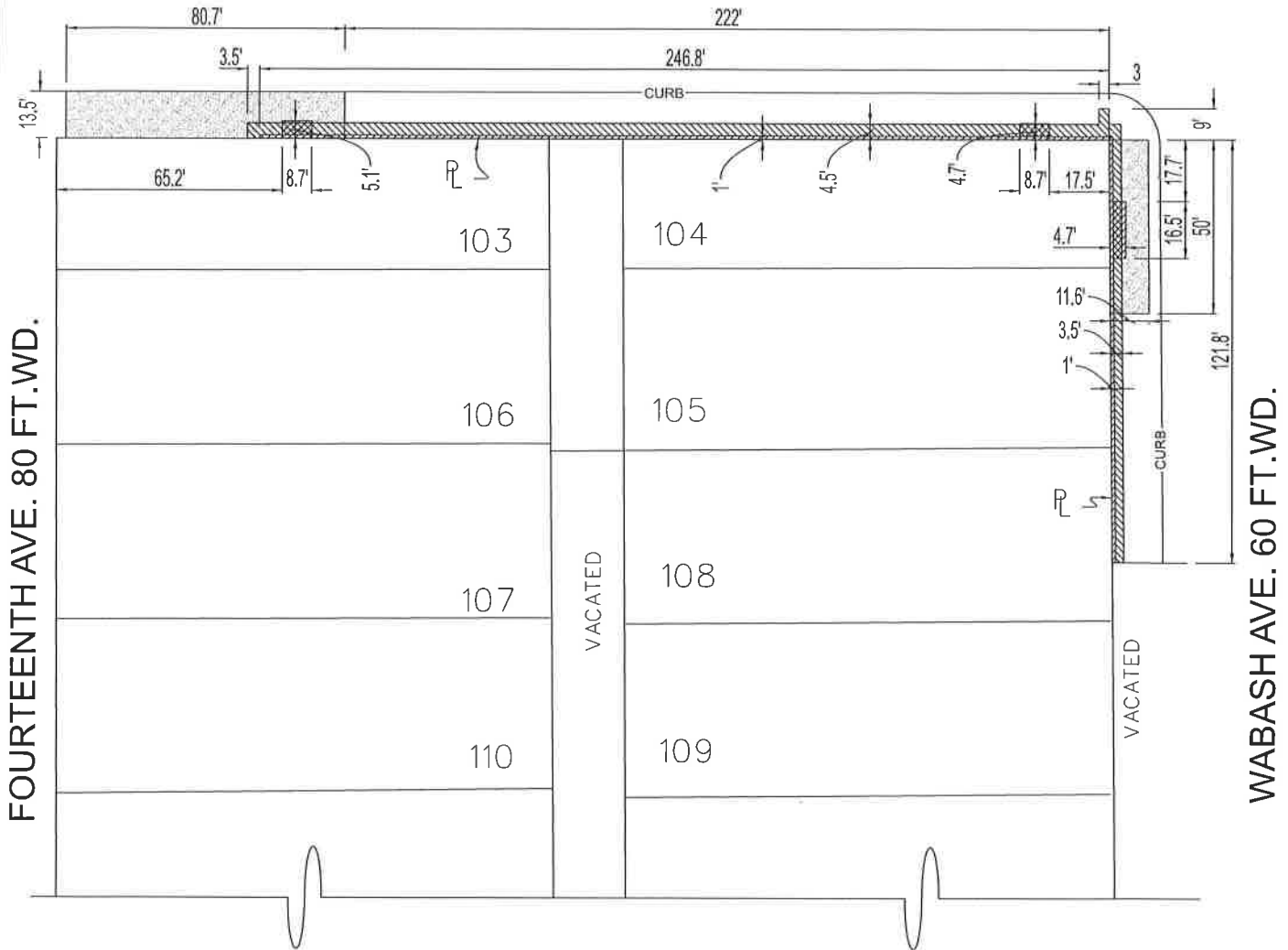
PROVIDED, that the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and be it further




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

MAP-21-65
 GIFFELS WEBSTER
 28 W. ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 LEON EVANS
 PHONE NO. 313 962-4442



BAGLEY AVE. 80FT.WD.



-  - BELOW GRADE ENCROACHMENT FOR NON-STANDARD PAVEMENT AND PLANTERS
-  - ABOVE GRADE ENCROACHMENT FOR BUILDING ELEMENTS, FACED, LIGHTING AND SIGNAGE
-  - BELOW GRADE ENCROACHMENTS FOR UNDERGROUND BUILDING ELEMENTS, STRUCTURAL FOUNDATIONS AND FROST SLABS

(FOR OFFICE USE ONLY)

CARTO 18 A

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	SA	CHECKED			
DATE	11-30-2021	APPROVED			
		JD			

REQUEST FOR A SERIES OF ENCROACHMENTS INTO THE RIGHTS-OF-WAY WITHIN THE BLOCK BOUNDED BY BAGLEY AVE., 14TH ST., WABASH AVE. AND THE NEW YORK CENTRAL RAILWAY. AT 1501 WABASH ST.

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

PETITION ID MAP-21-65
BAGLEY DEDICATION



 - 20' WIDE DEDICATION

REQUEST DEDICATION OF NORTHERLY 20' OF PARCELS ADJACENT TO BAGLEY AVE 60 FT. WD. BETWEEN THE WESTERLY LINE OF VERMONT ST AND THE EASTERLY LINE OF 16TH ST.		CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU CARTO 18 A (FOR OFFICE USE ONLY)	
DRAWN BY	MC	CHECKED	
DATE	08-26-2022	APPROVED	JD