



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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Feb 24th, 2023

Honorable City Council:

RE: Petition No. x2023-059 – 1208 Woodward LLC, request for various encroachments within the right of way adjacent to the parcel commonly known as 1208 Woodward Avenue, being Woodward Avenue, East Grand River Avenue, Farmer Street, and Gratiot Avenue. Additionally, 1208 Woodward LLC requests that the ‘exhaust shaft’ encroachments, previously approved for the site under petition x1237 on August 1st, 2001, be dissolved.

Petition No. x2023-059 – 1208 Woodward LLC, request for various encroachments within the right of way adjacent to the parcel commonly known as 1208 Woodward Avenue, being Woodward Avenue, East Grand River Avenue, Farmer Street, and Gratiot Avenue. Additionally, 1208 Woodward LLC requests that the ‘exhaust shaft’ encroachments, previously approved for the site under petition x1237 on August 1st, 2001, be dissolved.

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

The request is being made to renew the basement and anchoring system encroachments formally approved for the former parking garage located at 1208 Woodward Avenue, as part of the development of a new structure on site.

The request was approved by the Solid Waste Division – DPW, and City Engineering Division – DPW. Traffic Engineering Division

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

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 1208 Woodward LLC or their assigns to install and maintain request for various encroachments within Woodward Avenue, East Grand River Avenue, Farmer Street, and Gratiot Avenue. Said encroachments were previously approved as easements by the City of Detroit City Council on May 5th, 1999, JCC Page 1196, and on August 4th, 1999, JCC Page 2418; further described as: Land in the City of Detroit, Wayne County, Michigan;

The following requested encroachments are the below grade areaways previously approved per City Council decision on May 5th, 1999.

1. Woodward Avenue Basement, being the easterly 18 feet of Woodward Avenue, 120 ft. wide, lying westerly of and adjacent to lots 33 through 39 of "Section 7 of the Governor's and Judges Plan" as recorded in Liber 34, Page 544 of Plats, Wayne County Records. The top elevation of the encroachment area being 121.00 feet city datum and the bottom elevation approx. 63.5 feet city datum.
2. East Grand River Avenue Basement, being the southerly 10 feet of East Grand River Avenue, 60 ft. wide, lying northerly of and adjacent to lots 33 and 72 of "Section 7 of the Governor's and Judges Plan" as recorded in Liber 34, Page 544 of Plats, Wayne County Records. The top elevation of the encroachment area being 121.00 feet city datum and the bottom elevation approx. 63.5 feet city datum.
3. Farmer Street Basement, being the westerly 15 feet of Farmer Street, 71 ft. wide, lying easterly of and adjacent to lots 72 through 78 of "Section 7 of the Governor's and Judges Plan" as recorded in Liber 34, Page 544 of Plats, Wayne County Records. The top elevation of the encroachment area being 121.00 feet city datum and the bottom elevation approx. 63.5 feet city datum.
4. Gratiot Avenue Basement, being the northerly 13 feet of Gratiot Avenue, 60 ft. wide, lying southerly of and adjacent to lots 39 and 78 of "Section 7 of the Governor's and Judges Plan" as recorded in Liber 34, Page 544 of Plats, Wayne County Records. The top elevation of the encroachment area being 121.00 feet city datum and the bottom elevation approx. 63.5 feet city datum.

The following requested encroachments are the below grade anchoring system previously approved per City Council decision on August 4th, 1999.

5. Woodward Avenue Anchoring System, being the westerly 60 ft. of the easterly 75 ft. of Woodward Avenue, 120 ft. wide, lying between East Grand River Avenue and Gratiot Avenue, also described as lying westerly of and adjacent to lots 33 through 39 of "Section 7 of the Governor's and Judges Plan" as recorded in Liber 34, Page 544 of Plats, Wayne County Records. Said part of Woodward Avenue lying underground within a top plane elevation of 121.0 feet city datum; and a bottom plane elevation of 40.0 feet city datum; excepting therefrom the following two parts [said delimited space to install an underground anchor system being about 844,200 cubic feet more or less].

- a. All that part of underground public street space with a top plane elevation of 121.0 feet city datum, and a bottom plane elevation gradient east-to-west from 106.0 feet city datum to 76.0 feet city datum; containing about 756,000 cubic feet more or less; and
 - b. All that part of underground public street space with a top plane elevation gradient east-to-west from 75.0 feet city datum to 40.0 feet city datum; and a bottom plane elevation of 40.0 feet city datum; containing about 441,000 cubic feet more or less; also
6. East Grand River Basement Anchoring System, being the northerly 53 ft. of Grand River Avenue, 60 ft. wide, lying between Woodard Avenue and Farmer Street, also described as lying northerly of and adjacent to lots 33 and 73 of "Section 7 of the Governor's and Judges Plan" as recorded in Liber 34, Page 544 of Plats, Wayne County Records. Said part of Woodward Avenue lying underground within a top plane elevation of 121.0 feet city datum; and a bottom plane elevation of 46.0 feet city datum; excepting therefrom the following two parts [said delimited space to install an underground anchor system being about 437,250 cubic feet more or less].
 - a. All that part of underground public street space with a top plane elevation of 120.0 feet city datum, and a bottom plane elevation gradient east-to-west from 111.0 feet city datum to 85.0 feet city datum; containing about 256,520 cubic feet more or less; and
 - b. All that part of underground public street space with a top plane elevation gradient east-to-west from 75.0 feet city datum to 46.0 feet city datum; and a bottom plane elevation of 46.0 feet city datum; containing about 169,070 cubic feet more or less; also
7. Farmer Street Basement Anchoring System, being the easterly 58 ft. of the westerly 60 ft. of Farmer Street, 71 ft. wide, lying between East Grand River Avenue and Gratiot Avenue, also described as lying easterly of and adjacent to lots 72 through 78 of "Section 7 of the Governor's and Judges Plan" as recorded in Liber 34, Page 544 of Plats, Wayne County Records. Said part of Woodward Avenue lying underground within a top plane elevation of 121.0 feet city datum; and a bottom plane elevation of 57.0 feet city datum; excepting therefrom the following two parts [said delimited space to install an underground anchor system being about 742,980 cubic feet more or less].
 - a. All that part of underground public street space with a top plane elevation of 121.0 feet city datum, and a bottom plane elevation gradient east-to-west from 111.0 feet city datum to 82.0 feet city datum; containing about 596,820 cubic feet more or less; and
 - b. All that part of underground public street space with a top plane elevation gradient east-to-west from 75.0 feet city datum to 57.0 feet city datum; and a bottom plane elevation of 57.0 feet city datum; containing about 219,240 cubic feet more or less; also
8. Gratiot Avenue Basement Anchoring System, being the southerly 50 ft. of Gratiot Avenue, 60 ft. wide, lying between Woodward Avenue and Farmer Street, also described as lying southerly of and adjacent to lots 39 and 78 of "Section 7 of the Governor's and Judges Plan" as recorded in Liber 34, Page 544 of Plats, Wayne County Records. Said part of Woodward Avenue lying underground within a top

plane elevation of 122.0 feet city datum; and a bottom plane elevation of 46.0 feet city datum; excepting therefrom the following two parts [said delimited space to install an underground anchor system being about 390,500 cubic feet more or less].

- a. All that part of underground public street space with a top plane elevation of 122.0 feet city datum, and a bottom plane elevation gradient east-to-west from 111.0 feet city datum to 81.0 feet city datum; containing about 286,000 cubic feet more or less; and
- b. All that part of underground public street space with a top plane elevation gradient east-to-west from 75.0 feet city datum to 46.0 feet city datum; and a bottom plane elevation of 46.0 feet city datum; containing about 159,500 cubic feet more or less; also

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 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, 1208 Woodward LLC 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 1208 Woodward LLC 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 1208 Woodward LLC or their assigns. Should damages to utilities occur 1208 Woodward 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 1208 Woodward 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 1208 Woodward LLC or their assigns of the terms thereof. Further, 1208 Woodward 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 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 1208 Woodward 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

RESOLVED, that the Law Department is hereby authorized to execute a release agreement with the owner of the parcel commonly known as 1208 Woodward LLC for the easements approved by the City of Detroit City Council on July 19th, 2001, per petition 1237, for the purpose of installing and maintaining exhaust shafts for the previous land-use; further described as:

1. A easterly part of Woodward Avenue, 120 feet wide, between Gratiot and E. Grand River Avenues; Beginning at the northwest corner of Lot 33 "Plan of Section Number Seven of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges" as recorded in Liber 34, Page 544 of Deeds, Wayne County Records; thence S.59-50'-52" E., along the easterly line of Woodward Avenue, 145 feet; thence S.59-50'-52" W., 30 ft.; thence S.30-11'-27" E., 10 ft.; thence N.59-50'-52" E., 30 ft.; thence N. 30-11'-27" W., 155 ft. to the point of beginning.
2. A easterly part of Woodward Avenue, 120 ft. wide, between Gratiot and E. Grand Blvd Avenues; Beginning at the southwest corner of Lot 39 "Plan of Section Number Seven of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges," as recorded in Liber 34, Page 544 of Deeds, Wayne County Records thence N. 30-11'27" W., along the easterly line of Woodward Avenue, 137 ft; thence S.59-50'52" W., 30 ft.; thence N.30-11'27"W., 10 ft.; thence N.59-50'-52"E., 30 ft.; thence S.30-11'27"E., 147 ft. to the point of beginning.
3. A northerly part of Gratiot Avenue, 60 ft. wide, between Woodward Avenue and Farmer Street; Beginning at the southwest corner of Lot 28 "Plan of Section Numbered Seven of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges" as recorded in Liber 34, Page 544 of Deeds, Wayne County Records; thence N.59-50'52" E., along the northerly line of Gratiot Avenue, 33.5 ft.; thence S.30-11'27"E., 10 ft.; thence N.59-50'52"E., 28 ft.; thence S.59-50'-52"W., 61.50 ft. to the point of beginning.
4. A southerly part of East Grand River Avenue, 60 ft. wide, between Woodward Avenue and Farmer Street; Beginning at the northwest corner of Lot 33 "Plan of Section Numbered Seven of the City of Detroit, I the Territory of Michigan, confirmed by the Governor and Judges" as recorded in Liber 34, Page 544 of Deeds, Wayne County Records; thence N.59-50'-52"E., along the northerly line of E. Grand River Avenue, 33 ft; thence N.30-11'-27"W., 5 ft; thence N.59-50'52"E., 28 ft.; thence S.30-11'-27"E., 5 ft.; thence S.59-50'-52"W., 61 ft. to the point of beginning.

PROVIDED, that the existing exhaust shafts be removed from the public right of way and repaired to City standard, or an otherwise approved condition, and that the necessary permits shall be obtained from the City Engineering Division – DPW, and further

PROVIDED, that all cost for the removal of the exhaust shafts and reconstruction of the public sidewalk shall be borne by 1208 Woodward LLC or their assigns, and further

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



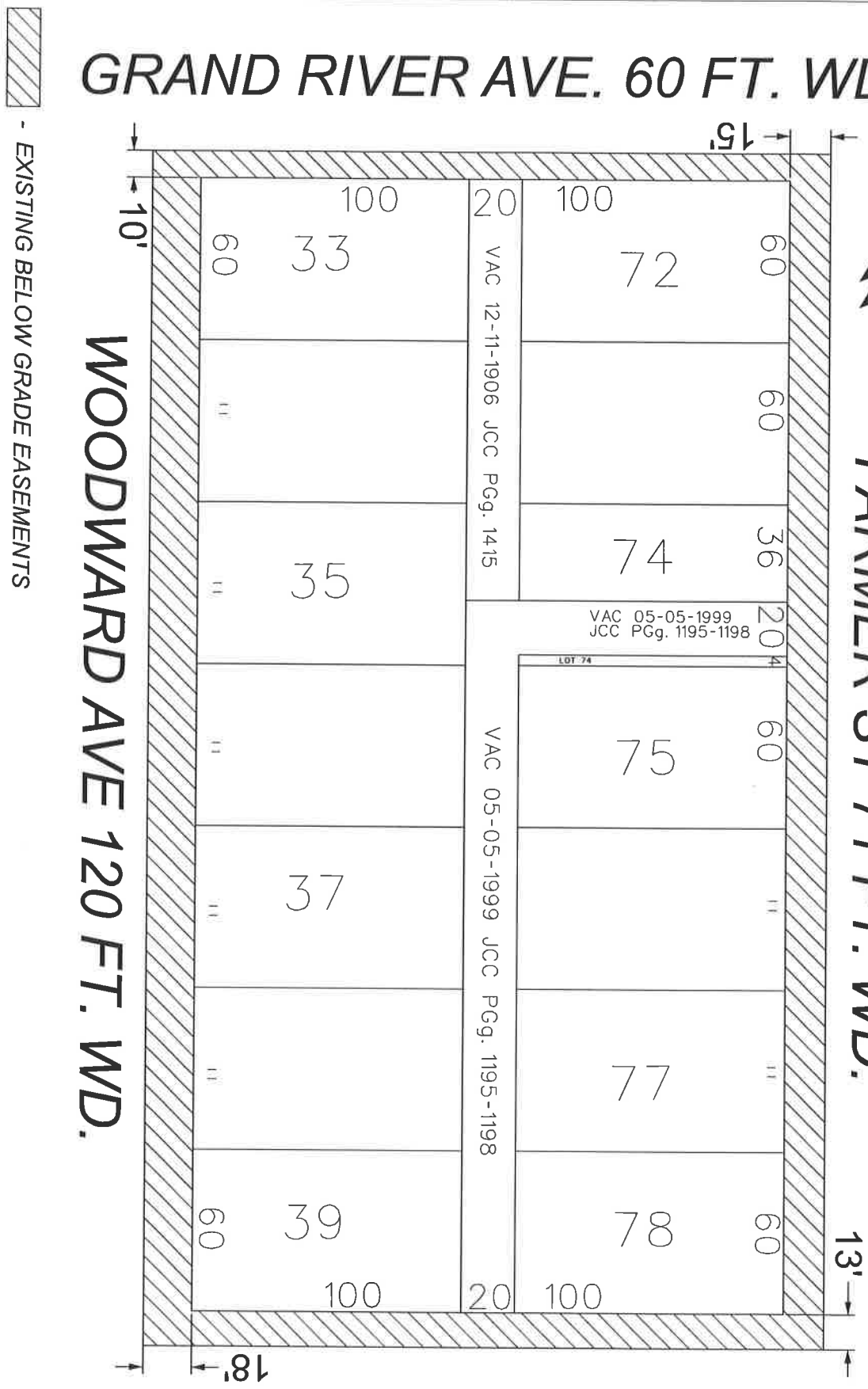
FARMER ST 71 FT. WD.

PETITION ID MAP-22-66

GRAND RIVER AVE. 60 FT. WD.

WOODWARD AVE 120 FT. WD.

GRATIOT AVE. 60 FT. WD.

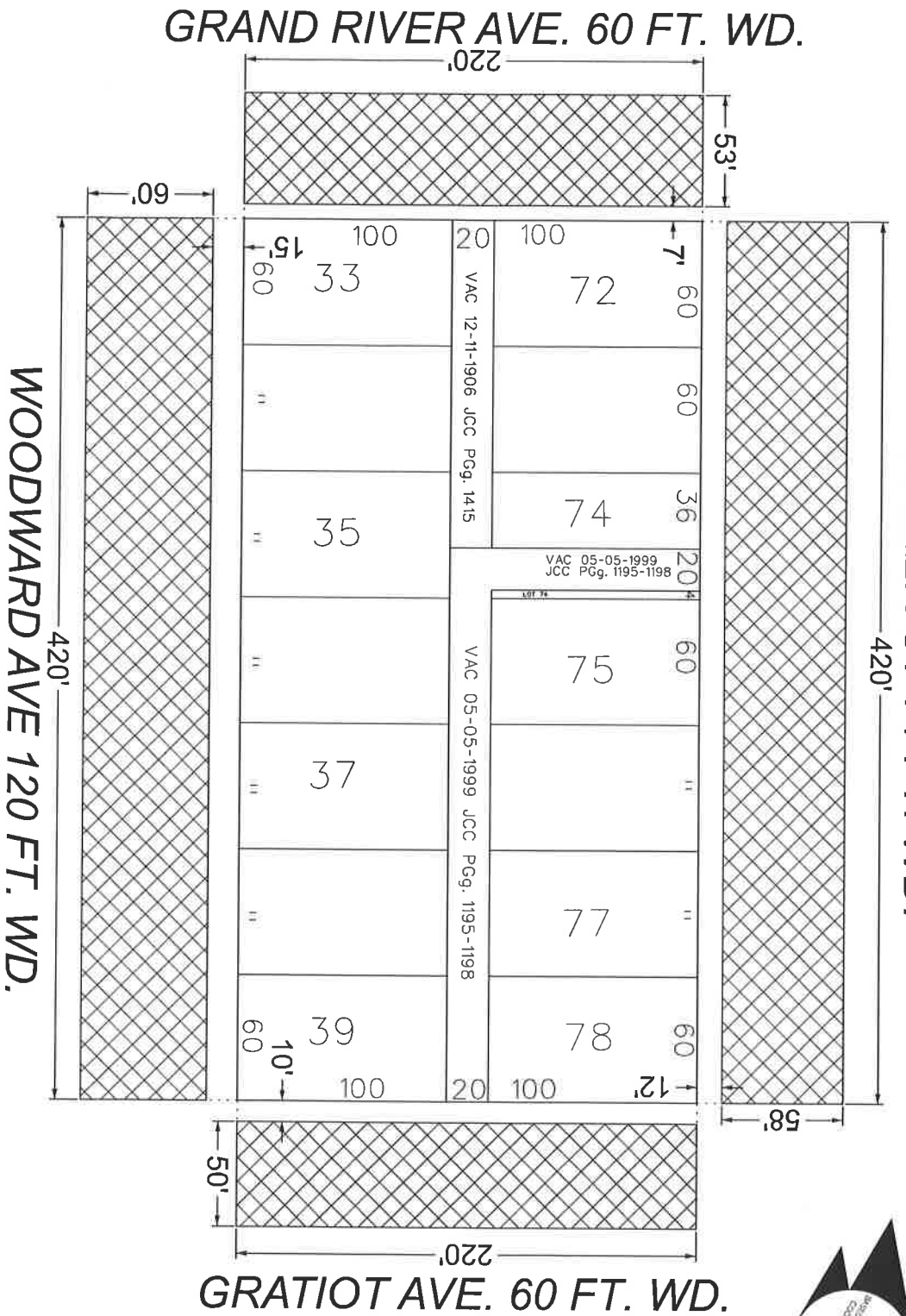


- EXISTING BELOW GRADE EASEMENTS

DRAWN BY	MC	CHECKED	
DATE	8/30/2022	APPROVED	JD

REQUEST TO MAINTAIN EXISTING BELOW GRADE EASEMENTS
IN THE BLOCK BOUND BY WOODWARD AVE, GRATIOT AVE,
FARMER ST & GRAND RIVER AVE.

CITY OF DETROIT
CITY ENGINEERING DIVISION
SURVEY BUREAU
CARTO 28 A
(FOR OFFICE USE ONLY)



- EXISTING UNDERGROUND ANCHOR EASEMENT

REQUEST TO MAINTAIN EXISTING UNDERGROUND ANCHOR EASEMENTS IN THE BLOCK BOUND BY WOODWARD AVE, GRATIOT AVE, FARMER ST & GRAND RIVER AVE.

DRAWN BY	MC	CHECKED	
DATE	8/30/2022	APPROVED	JD

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 SURVEY BUREAU
 CARTO 28 A
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