



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

February 23<sup>rd</sup>, 2024

Honorable City Council:

**RE: Petition No. x2024-020 – SBAM Park Avenue, LLC, request for encroachment within the northerly part of Montcalm Street, the westerly part of Park Avenue, and into the alley easement lying adjacent to the parcel commonly known as 2305 Park Avenue, for the installation of awnings, planters, frost slabs, and a below grade vault.**

Petition No. x2024-020 – SBAM Park Avenue, LLC, request for encroachment within the northerly part of Montcalm Street, 50 ft. wide, the westerly part of Park Avenue, 60 ft. wide, and into the alley easement, 15 ft. wide, lying adjacent to the parcel commonly known as 2305 Park Avenue, for the installation of awnings, planters, frost slabs, and a below grade vault.

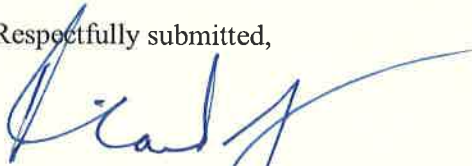
The petition was referred to the City Engineering Division – DPW for investigation and report. This is our report.

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 SBAM Park Avenue, LLC or their assigns to install and maintain encroachments within Montcalm Street, Park Avenue, and the alley easement, vacated by City Council decision on Oct 20<sup>th</sup>, 2020; further described as: Land in the City of Detroit, Wayne County, Michigan;

1. Frost Slab, within the southerly 6 ft. of the alley easement, 15 ft. wide, lying northerly of and adjacent to lot 35 of "Lothrop's Subdivision" as recorded in Liber 39, Page 430 of Plats, Wayne County Records. Said frost slab will be installed below grade ranging from 12.6' to 18' westerly of the west right-of-way line of Park Avenue.
2. Frost Slab, within the southerly 6.5 ft. of the alley easement, 15 ft. wide, lying northerly of and adjacent to lot 36 of "Lothrop's Subdivision" as recorded in Liber 39, Page 430 of Plats, Wayne County Records. Said frost slab will be installed below grade ranging from approx. 68.1' to 78.1' westerly of the west right-of-way line of Park Avenue.
3. Planter boxes, within the westerly 1.33' of Park Avenue, 60 ft. wide and northerly 1.33' of Montcalm Street, lying adjacent to lots 35-36 of "Lothrop's Subdivision" as recorded in Liber 39, Page 430 of Plats, Wayne County Records. Said planter boxes are fixed to the structure façade under the windowsills at approx. 6" above grade, measuring at 36" L x 1.33' W x 4.33'H, and be constructed of wood material.
4. Planter Vases, within the westerly 1.33' of Park Avenue, 60 ft. wide and northerly 1.33' of Montcalm Street, lying adjacent to lot 36 of "Lothrop's Subdivision" as recorded in Liber 39, Page 430 of Plats, Wayne County Records. Said planter vases are stand alone vases that are unfixed to the pavement. Two vases shall be positioned on each side of the building entrances on Park Avenue and Montcalm Street.
5. Awnings, within the westerly 9.83' of Park Avenue, 60 ft. wide, lying easterly of and adjacent to lot 36 "Lothrop's Subdivision" as recorded in Liber 39, Page 430 of Plats, Wayne County Records. Said awning will be fixed to the structure to cover the building entrance facing Park Avenue, measure at 7'L x 9.83'W and range between 8' to 11' above grade.
6. Awnings, within the northerly 5' of Montcalm Street, 50 ft. wide, lying southerly of and adjacent to lot 36 "Lothrop's Subdivision" as recorded in Liber 39, Page 430 of Plats, Wayne County Records. Said awning will be fixed to the structure to cover the building entrance facing Montcalm Street, measure at 16.67'L x 5'W and range between 8' to 12' above grade.
7. Underground Vault, within the northerly 8.11' of Montcalm Street, 50 ft. wide, lying southerly of and adjacent to lot 35 "Lothrop's Subdivision" as recorded in Liber 39, Page 430 of Plats, Wayne County Records. Said underground vault measure at 8.11'L x 8.5'W, the easterly wall of the vault will begin at approx. 47.73' west of the southeast corner of lot 36 of "Lothrop's Subdivision" as recorded in Liber 39, Page 430 of Plats, Wayne County Records, the vault will be capped with metal panels along the surface grade, and have a depth of 12 ft. below grade.
8. Various façade elements, within the westerly 2' of Park Avenue, 60 ft. wide, northerly 2' of Montcalm Street, 50 ft. wide, and the southerly 2' of the public alley, 15' wide, lying adjacent to lots 35-36 "Lothrop's Subdivision" as recorded in Liber 39, Page 430 of Plats,

Wayne County Records. Said façade elements shall involve structural features such as the decorative roof overhang, decorative balconies, and lighting fixtures.

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, SBAM Park Avenue, 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 SBAM Park Avenue, 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 SBAM Park Avenue, LLC or their assigns. Should damages to utilities occur SBAM Park Avenue, 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

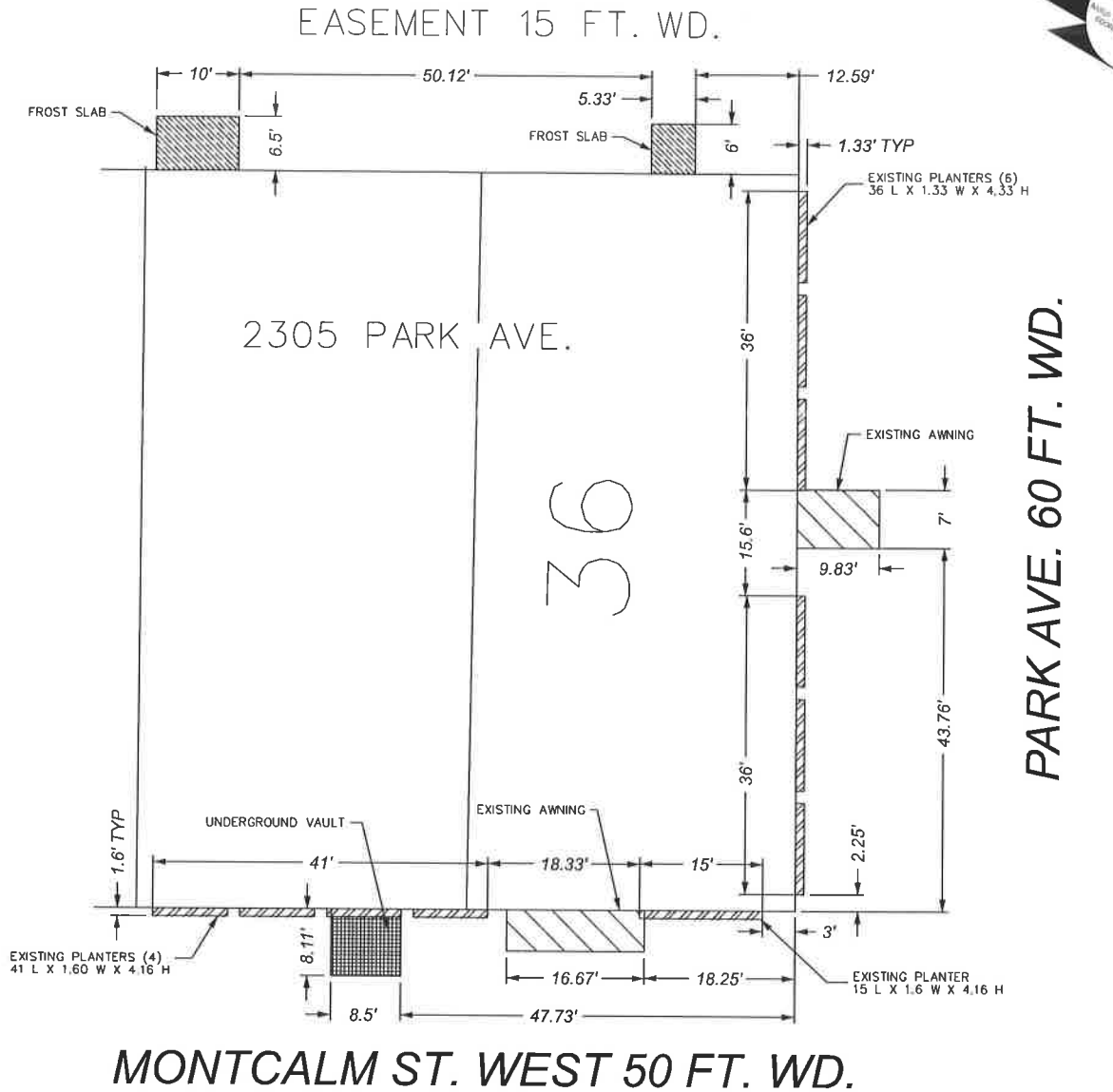
PROVIDED, that SBAM Park Avenue, LLC or their assigns shall file with the Department of Public Works – City Engineering Division an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance of SBAM Park Avenue, LLC or their assigns of the terms thereof. Further, SBAM Park Avenue, 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 SBAM Park Avenue, 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

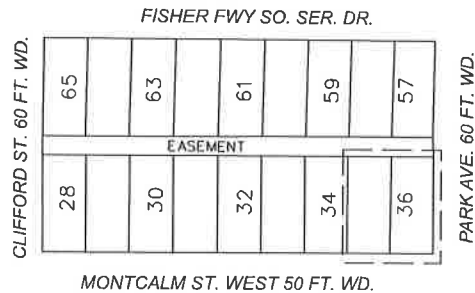
PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.



**MONTCALM ST. WEST 50 FT. WD.**

**PARK AVE. 60 FT. WD.**

-  EXISTING PLANTERS (11)
-  EXISTING AWNINGS (2)
-  FROST SLABS (2)
-  UNDERGROUND VAULT
-  - REQUEST ENCROACHMENTS



(FOR OFFICE USE ONLY)

CARTO 29 E

| B           |            |          |      |      |
|-------------|------------|----------|------|------|
| A           |            |          |      |      |
| DESCRIPTION | DRWN       | CHKD     | APPD | DATE |
| REVISIONS   |            |          |      |      |
| DRAWN BY    | LC         | CHECKED  | AP   |      |
| DATE        | 10-04-2023 | APPROVED | JD   |      |

**REQUEST ENCROACHMENTS  
ABOVE AND BELOW GRADE  
IN THE AREA BOUNDED BY  
W. MONTCALM, PARK AVE.,  
AND THE PUBLIC ALLEY**

|  |        |
|--|--------|
| <b>CITY OF DETROIT<br/>CITY ENGINEERING DIVISION<br/>SURVEY BUREAU</b> |        |
| JOB NO.  | 23-102 |
| DRWG. NO.  |        |