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

October 18th, 2022

Honorable City Council:

RE: Petition No. x2022-312 – Lafayette Acquisition Partners, LLC, request for encroachment within the utility easements contained within the site parcel commonly known as 1401 Rivard Street for the purpose of installed below grade irrigation.

Petition No. x2022 – Lafayette Acquisition Partners, LLC, request for encroachment with the utility easements contained within the site parcel commonly known as 1401 Rivard Street for the purpose of installed below grade irrigation.

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 the residential development at 1401 Rivard Street.

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

/JK
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 Lafayette Acquisition Partners, LLC or their assigns to install and maintain request for encroachment within utility easement located within the site parcel commonly known as 1401 Rivard Street. Said utility easements were created per the platting of the Lafayette Park Subdivision, Liber 80, Page 91 of Wayne County Records; further described as: Land in the City of Detroit, Wayne County, Michigan;

1. Utility Easement, 40 ft. wide, being the most northly easement lying within lots 23-24 of "Lafayette Park Subdivision" as recorded in Liber 80, Page 91 of Plats, Wayne County Records; said below grade irrigation piping is planned to cross north-south through said utility easement located approx. 3.82' from the westerly boundary of the parcel line. The irrigation line will continue easterly north of and parallel to the utility easement till a point that is approx. 101.41' east of the parcel line, where the irrigation line will re-enter the utility easement from the north and extend southerly approx. 14.57'.
2. Utility Easement, 30 ft. wide, being the second most northly easement lying within lots 23-24 of "Lafayette Park Subdivision" as recorded in Liber 80, Page 91 of Plats, Wayne County Records; said irrigation piping is planned in various locations within the utility easement extending as far south from the northly easement line as approx. 9.73' and northerly of the southerly easement line as approx. 3.42'.
3. Utility Easement, 25 ft. wide, being the third most northly easement lying within lots 23-24 of "Lafayette Park Subdivision" as recorded in Liber 80, Page 91 of Plats, Wayne County Records; said irrigation piping is planned along the northerly part of the utility easement extending as far south from the northerly line of the easement as approx. 8.56'.

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, the utility agencies be held harmless for any damage to the irrigation system resulting from the repair of any pre-existing utility asset and Lafayette Acquisition Partners, LLC will take full responsibility for the repairs to the irrigations system; 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, Lafayette Acquisition Partners, 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 Lafayette Acquisition Partners, 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 Lafayette Acquisition Partners, LLC or their assigns. Should damages to utilities occur Lafayette Acquisition Partners, 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 Lafayette Acquisition Partners, 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 Lafayette Acquisition Partners, LLC or their assigns of the terms thereof. Further, Lafayette Acquisition Partners, 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

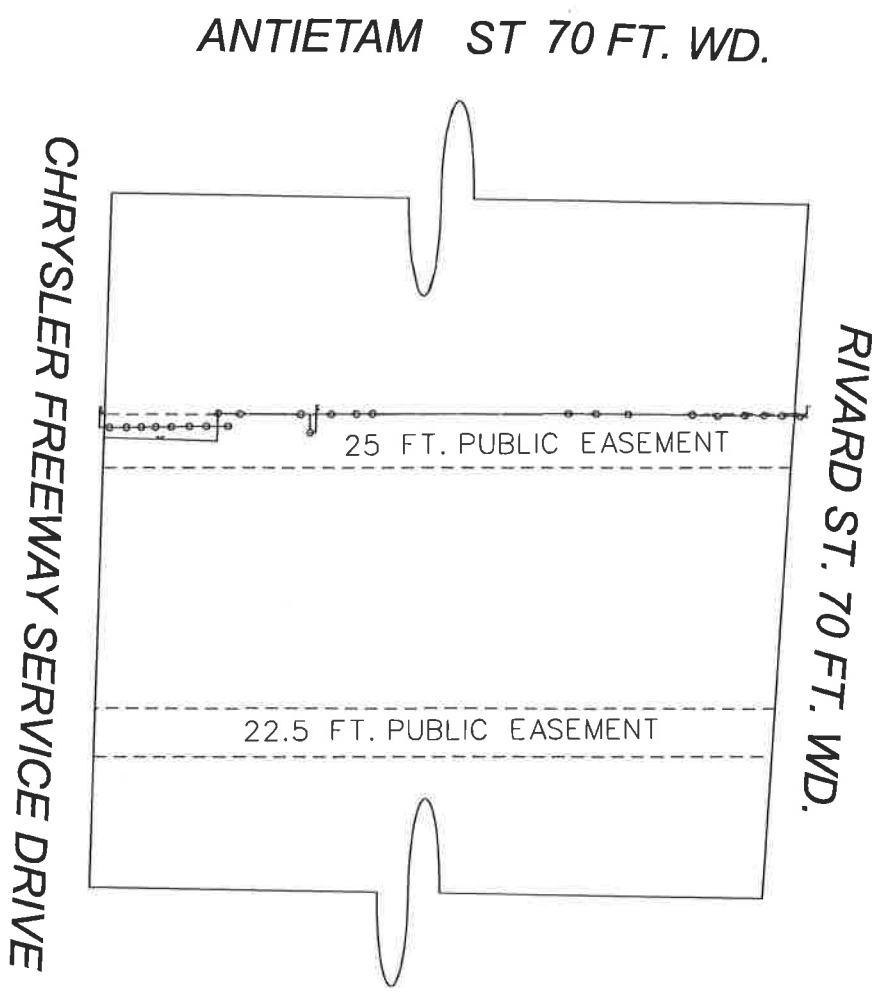
PROVIDED, this resolution is revocable at the will, whim or caprice of the City Council, and Lafayette Acquisition Partners, LLC acquires no implied or other privileges hereunder not expressly stated herein; and further

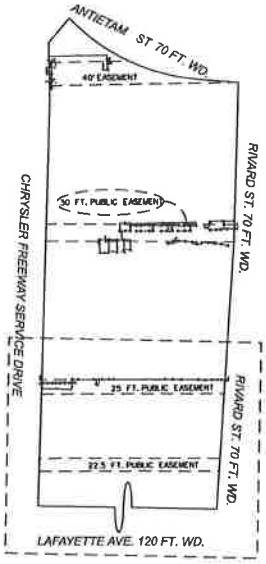
PROVIDED, that the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and be it further

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

PETITION MAP-22-36-SOUTH







(S) - IRRIGATION HEAD

——— - IRRIGATION LINE

(FOR OFFICE USE ONLY)

CARTO 38 C

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					

DRAWN BY LC	CHECKED
DATE 09-21-2022	APPROVED JD

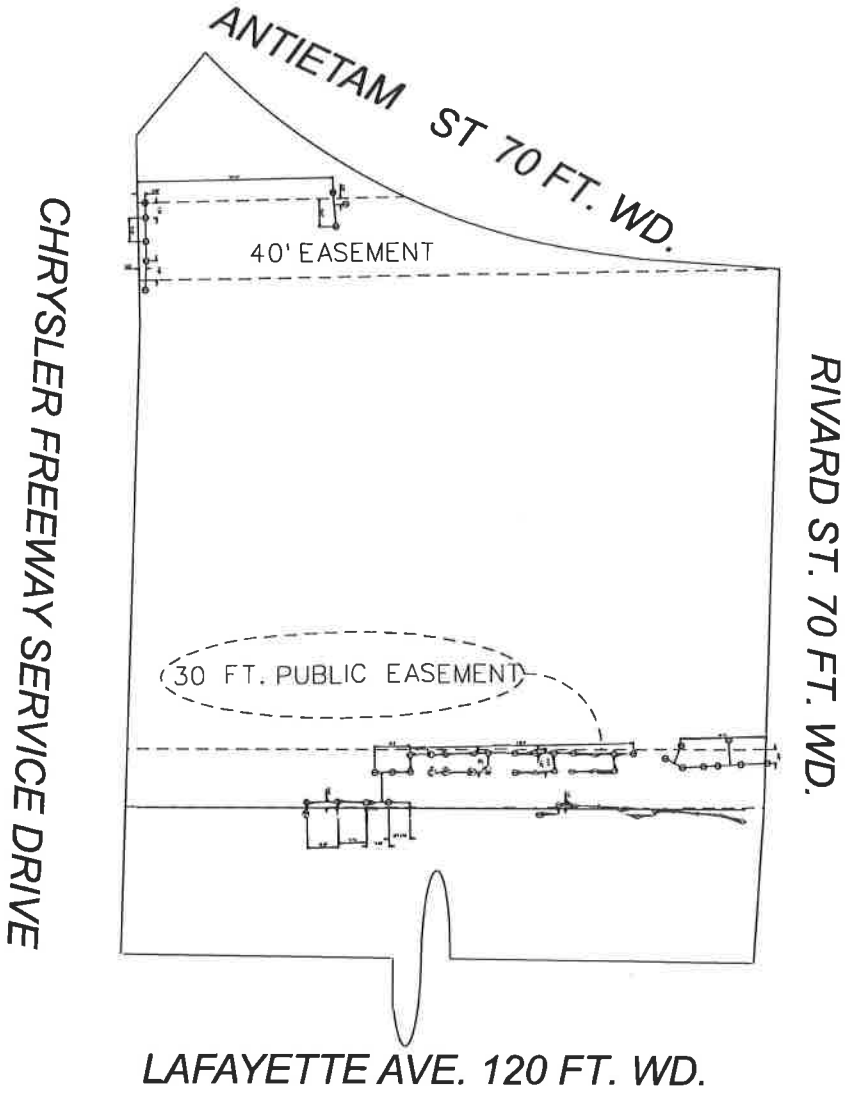
IRRIGATION WITHIN PUBLIC EASEMENTS THAT CROSS PARCEL ID: 05003750-82

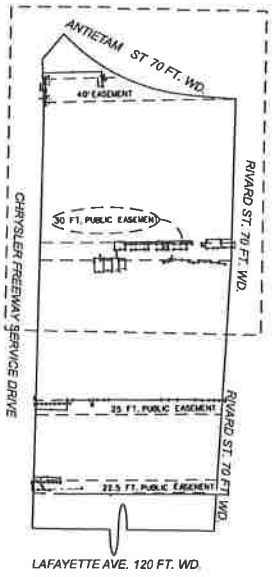
CITY OF DETROIT
CITY ENGINEERING DIVISION
SURVEY BUREAU

JOB NO. 22-36

DRWG. NO.

PETITION MAP-22-36-NORTH





(S) - IRRIGATION HEAD

——— - IRRIGATION LINE

(FOR OFFICE USE ONLY)

CARTO 38 C

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					

DRAWN BY	CHECKED
MC	
DATE	APPROVED
07-05-22	JD

IRRIGATION WITHIN PUBLIC EASEMENTS THAT CROSS PARCEL ID: 05003750-82

CITY OF DETROIT
CITY ENGINEERING DIVISION
SURVEY BUREAU

JOB NO.

DRWG. NO.

PEA GROUP

45 W Grand River Avenue, Suite 501
Detroit, MI 48226

313.769.5770
peagroup.com

June 8, 2022

Via Detroit ROW website: https://detroitmi.viewpointcloud.com/

Mr. Jered Dean
Department of Public Works
City Engineering Division

RE: Lafayette West Encroachment

Dear Mr. Dean,

Please find attached the plans related to work in existing easements on the property. While planning the proposed conduit runs with DTE we were informed that our proposed landscaping and paving would require an encroachment agreement. These plans are being submitted to begin this process. We have proposed paving, curbs, benches, and landscaping within the existing easements on the property that are not per City of Detroit Standards. For your reference this work has been reviewed and approved under BLD2021-03124. Required site construction permits have been approved and permits pulled for the proposed work as part of the BSEED, DWSD, ROW, SESC approval process. Please refer to uploaded plans for additional details.

If you should have any questions or require any additional information, please feel free to contact this office.

Sincerely,

PEA Group



Emil S. Bunek III, PE
Project Manager
248-571-8033