

10766

Along & taken Regatta

English of English Navy Office
for the County of Wayne

...the subdivision of the land into small parcels as all the

many companies
Nobley Gables
Wayne Co much

This is to certify that the above plat has been compared with the original plat record in the office of Register of Deeds of Wayne County and found to be a true copy of the same

A K Williams
Surveyor

SUBDIVISION OF
BLOCKS 97 & 98
ON THE
CLASS FARM.

[illegible]

I hereby certify that these plates are correct copies of the plates now on record in the Register of Deeds office being made under the supervision of the Auditor General by tracing the plates on record and affixing thereto carefully compared copies of the indications & certificates

Witness My hand & seal this 29th day of June 1910.

John B. LaFountaine
Clerk of Aud & Reg. Deeds.

in B La Faurtani
et al. and in blocks.

William C. Redford
 Roy Henry Redford Atty
 William Redford
 Hannah Redford

William John Story Public Wayne County Michigan

This is: certified that above plat has been
recorded in the office of the Register of Deeds of Wayne County and
found to be a true copy of the same

and left handed and right mine before me the subscriber a Commissioner in and for the
said State appointed by the Governor of the State of Michigan to take the acknowledgments and prove
surveys of lands and instruments of writing under seal to be used and recorded in the said State of
Michigan and to administer oaths + affirmations thereof Henry Richard on his own self and on
Attorney of Matilda C. Redwood and acknowledged that he executed the within instrument for
the use and purpose therein mentioned and further certify that the person who made the
said acknowledgment in answer to me to be the individual described as and who executed
The said instrument Witness my hand and seal at the City of New York the day and year above
written Benjamin March to Commissioner for the.

Witness my hand and seal at the City of New York the day and year above
written John F. Munroe Secy

M J Richardson }
J N Ford }
Geo A Smith }

affirmed July 7, 1869 A N Williams
of which May 1869. John F. Munroe Secy

A City the above to be search from actual
and returned to me to be the individual described as and who executed
the use and purpose therein mentioned and further certify that the person who made the
said acknowledgment in answer to me to be the individual described as and who executed
The said instrument Witness my hand and seal at the City of New York the day and year above
written Benjamin March to Commissioner for the.

[illegible]

WILKIS AVENUE

RIVINGTON AVENUE

30 FEET DEEP FRONT YARD

30 FEET DEEP FRONT YARD

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32

Department of Public Works
City Engineering Division
September 22, 1995

Honorable City Council:

Re: Petition No. 3097, Traffic Jam and Snug Restaurant (Dylan Enterprises). Requesting permission to construct and maintain a second building encroachment into the south side of W. Canfield; also a third building encroachment into the east public sidewalk space of Second at 511 W. Canfield (Note: The first building encroachment was granted by City Council on March 30, 1988-J.C.C. pages 759-60).

Petition No. 3097 of the "Traffic Jam and Snug Restaurant" requests permission to construct and maintain a second building addition encroaching about 12.50 feet by 26.66 feet into the south side of W. Canfield Avenue, 100 feet wide, east of Second Boulevard; also a third building addition encroaching about 9.00 feet by 145.00 feet into the east public sidewalk space of Second Boulevard, 100 feet wide, south of W. Canfield Avenue. [NOTE: The first building encroachment was granted by City Council on March 30, 1988-J.C.C. pages 759-60.]

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

The encroachment request [which reduces the public sidewalk space on the east side of Second Boulevard to 8.00 feet wide] was approved by the Traffic Engineering Division - DPW.

The Detroit Edison Company, Public Lighting Department, and the Water and Sewerage Department have reported facilities in the area.

The Detroit Edison Company (DE Co.) reports the electrical service for "Traffic Jam" is located near the southeast corner of Second and W. Canfield. "Traffic Jam" steam service enters the building from Second Boulevard. To prevent damages to the restaurant power services the contractors can arrange for a "pre-construction" meeting with DE Co.

The Public Lighting Department (PLD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between PLD street lighting electrical power circuits (and any other PLD facilities, including poles) and the proposed building addition encroachments.

The Water and Sewerage Department (DWSD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between DWSD sewers, drains,

water mains, fire hydrants, catch basins, sewer and water manholes (and any other DWSD facilities) and the proposed building addition encroachments.

All other involved city departments and privately owned utility companies have reported no objection to the building encroachments. Affected utilities have requested contractors make use of "Miss Dig" facilities before excavating in public street rights-of-way. Should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations.

I am recommending approval of the petition and adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAYESIMI

City Engineer

City Engineering Division - DPW

By Council Member Everett:

Resolved, The City Engineering Division - DPW is hereby authorized and directed to issue permits to Ben Edwards, owner of the Traffic Jam and Snug Restaurant (Dylan Enterprises, Inc.) to construct and maintain a "second" proposed building addition encroaching into the south side of W. Canfield Avenue, 100 feet wide, east of Second Boulevard; also a "third" building addition encroaching into the east public sidewalk space of Second Boulevard, 100 feet wide, south of W. Canfield Avenue; abutting the following described property:

The north 150.00 feet of Lots 15 and 16, Block 97, of the "Subdivision of Blocks 97 and 98 of the City of Detroit, Wayne County, Michigan" as recorded in Liber 1, Page 259, Plats, Wayne County Records.

Encroachment to consist of a "second" proposed building addition (restaurant expansion, including below grade footings) extending about 12.50 feet by 26.66 feet into the south side of W. Canfield Avenue, 100 feet wide, east of Second Boulevard; also a "third" proposed building addition (restaurant expansion, including below grade footings) extending about 9.00 feet by 145.00 feet into the east public sidewalk space of Second Boulevard, 100 feet wide, south of W. Canfield Avenue. [NOTE: The "first" building encroachment was granted by City Council on March 30, 1988-J.C.C. pages 759-60.] The building address is 511 W. Canfield (property described above).

Provided, That before any construction into said portions of public street rights-of-way, the petitioner shall apply to the Buildings and Safety Engineering

Department for a building permit. Also, the use and maintenance of said building encroachments shall comply with the rules and regulations of the City Engineering Division - DPW, the Buildings and Safety Engineering Department, and the DPW - Traffic Engineering Division, and further:

Provided, That the grade and alignment of the remaining public sidewalks shall be subject to the review and approval of the City Engineering Division - DPW. Also, the restoration of the remaining public sidewalks shall be subject to the specifications, inspection, and permits of the City Engineering Division - DPW. All costs for construction, maintenance, and permits to replace the remaining public sidewalks shall be borne by the petitioner. All public rights-of-way shall be maintained safe and convenient for public travel. Dylan Enterprises, Inc. shall be liable for all claims, demands, costs, damages, expenses, and causes of action of every kind and character arising in favor of any person, or other legal entity or

account of personal injuries or death or damage to property caused by or claimed or alleged to have arisen out of failure to properly install and maintain any encroachments within public street rights-of-way. The installation and maintenance of the remaining public sidewalks and said encroachments shall comply with the rules and regulations of the Department of Public Works (and Buildings and Safety Engineering Department, if necessary); and further:

Provided, Said building addition encroachments shall be according to the specifications of the Public Lighting Department (PLD), including the minimum vertical clearance of one foot and a minimum horizontal clearance of three and one-half feet between PLD traffic signal conduit, handholes, poles, street lighting conduit (and any other PLD facilities) and the proposed building addition encroachments; and further:

Provided, Said building encroachments shall be constructed and maintained according to the specifications of the Water and Sewerage Department (DWSD), including the minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes (and any other DWSD facilities) and the proposed building addition encroachments; and further:

Provided, The property owned by the

petitioner and the building encroachments shall be subject to proper zoning or regulated use (Board of Zoning Appeals Grant); and further:

Provided, Whenever it becomes necessary to occupy or barricade the public rights-of-way for construction and/or maintenance of the building addition encroachments, such work shall be done under City Engineering Division - DPW permits and inspection with all costs borne by the petitioner; and further:

Provided, If the electric or steam power service lines (or conduit), water lines (or mains), sewers, or other utility facilities located (or to be located) in the public street rights-of-way shall break or be damaged as a result of any action on the part of the petitioner or their assigns (by way of illustration but not limitation, such as storage of materials or any construction not in accordance with this resolution or Detroit Building Code), then the petitioner or assigns shall be liable for all costs incidental to the repair of the broken or damaged utility. The petitioner and assigns shall be liable for all claims, damages, or expenses resulting from their action(s); and further:

Provided, If it becomes necessary to repair or replace the electric or steam power service lines (or conduit), water lines (or mains), sewers, or other utility facilities located (or to be located) in the public street rights-of-way, the owners for themselves, their heirs or assigns (by acceptance of permits for construction near buried utility lines, conduits or mains, overhead electric or telephone wires, and utility poles) waives all claims for damages to the encroaching installations and agree to pay the costs incurred in their removal (or alteration), if removal (or alteration) becomes necessary; and further:

Provided, That said permits issued by the City Engineering Division - DPW, and the Buildings and Safety Engineering Department are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinances(s), or resolution(s), or City policies (governing the placement of building encroachments in public rights-of-way) are amended to provide for the levying of a fee, charge or rental, to be hereafter determined upon, for the occupancy of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said Charter, or code(s), or ordinance(s), or resolution(s), or policies; also said permittee does hereby bind itself hereunto, and to accept said permits on the conditions hereby imposed; and in the event

said permittee shall contest the validity of said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; and further:

Provided, The permittee (at the time of obtaining said permits) shall file with the Finance Department an indemnity agreement in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages, or expenses that may arise by reason of the issuance of said permits and the faithful or unfaithful performance by the permittee of the terms thereof, and in addition to pay any claims, damages or expenses that may arise out the maintenance of said encroachment; and further:

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further:

Provided, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and further:

Provided, The filing of the indemnity agreement and/or the securing of the necessary permit(s) referred to herein shall be construed as acceptance of this resolution by the permittee; 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.

Adopted as follows:

Yes: Council Members Cleveland, Cockrel, Everett, Ravitz, Scott, Tinsley, Williams, and President Pro Tem Hill - 7.

None: None.

STATE OF MICHIGAN) ss. SHORT FORM - TRUE COPY CERTIFICATE
CITY OF DETROIT)

I, Jackie L. Currie CITY CLERK of the City of Detroit, do

hereby certify that the annexed paper is a True Copy of a Resolution

adopted by the City Council on October 4, 1995

and approved by the Mayor on October 17, 1995

Detroit Legal News dated October 9, 1995
as appears from the ~~XXXXXX~~ of said City Council, on file in my office.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the Corporate
Seal of said City, at Detroit, on

October 25, 1995

Jackie L. Currie
City Clerk

Li 28382

Pa 958,959

Red 11-6-95



