

City of East Lansing

Use of Right-Of-Way Policy for Ann Street Plaza

Policy for Accepting Proposals for Use of Right-of-Way by Stores on Ann Street Plaza.

The goal of this policy is to encourage and support retail business while retaining the basic character of this public plaza. Such plazas have a solid tradition of success and enhancing downtown commercial areas. Many cities use public/private partnerships to create lively dynamic public spaces in the heart of the City and to enhance downtown redevelopment strategies. In East Lansing where livability is a key factor in drawing people, amenities which improve the quality of life are a critical element for success. The Ann Street Plaza will be a lively and animated place for people to meet and come together; and through the controlled use of public space for private sales and service, the Plaza will enhance and support the vitality of the business community and encourage residents and friends to participate in the downtown.

A. Community Events.

City Council may approve the temporary use of public right-of-way for commercial or business use in conjunction with a community event approved or sanctioned by City Council. Such use may be approved for a period not to exceed the duration of the event and for such sales and service, including food and alcoholic beverages, as City Council in its sole discretion shall deem in the interest of the public safety, welfare and benefit.

B. Proposals for Use of Right-of-Way.

Businesses adjoining the Ann Street Plaza may propose to the City Council the temporary use of a certain designated portion of the Ann Street Plaza adjacent to their businesses and according to the guidelines listed below. City Council will judge these proposals in light of the public safety, welfare and general public benefit and whether the proposal meets or exceeds the following guidelines. Before City Council extends the privilege of using the public space to any business:

1. The proposal must coincide with the areas depicted upon the attached drawing. A business may seek to use that space adjacent to their business or may gain the approval of a neighboring business in order to use additional space. In all cases, the spaces proposed for business use will be designed in such a way as to minimize the detraction from pedestrian traffic in a neighboring business and to improve the public character of the plaza.

2. The enclosure must be separated from the building by a six-foot pedestrian way within the public right-of-way.
3. The proposal may be considered for a temporary period between the dates May 1 to October 31.
4. The proposal must include a written and graphic description of the type and extent of the business activity proposed and the layout of the service area. The height of any enclosure or fence must not exceed 30 inches. Fencing material must be portable and removable but may be secured in place.
5. City Council shall accept or deny proposals in their sole discretion in the interest of the public safety, welfare and benefit.
6. No sales of alcoholic beverages will be permitted.

C. Operating Hours.

1. All sales or service must be concluded at 10:00 p.m. daily. Each business must clean the area of trash, litter or food materials at the time the service area is closed each night. Tables and chairs and related furnishings must be removed from the public right-of-way after 10:00 p.m.
2. A business which is given this privilege must arrange the outdoor sales and service area presentably for the public at the time a business opens each day. A restaurant should not leave tables and chairs stacked on the public right-of-way during the hours the restaurant is open.

D. Other Guidelines

1. Each business given the privilege of using the public space must provide at least one trash receptacle of sufficient size to prevent the accumulation of trash and litter in the public way.
2. A restaurant must restrict the number of patrons to the number of chairs provided in the allotted space and must require patrons to wear a shirt and shoes.
3. No amplified music will be allowed on the public space. Other proposals for music may be allowed depending upon City Council's judgement of the impact on the safety and welfare of adjoining properties.

E. License Required for Use of the Public Right-of-Way.

1. No business will be allowed to use the public right-of-way on the Ann Street Plaza without entering into a license agreement with the City governing the dates for which the use is allowed, the area for which the use is defined, the applicability of building codes and other law, insurance and indemnification of the city, and such other terms required by City Council. This license will also provide for the payment of a license fee per square foot of sales or service area provided from the public right-of-way.

An interested business should make a proposal to the City Clerk no later than 30 days prior to the date the business intends to begin sales or service on the Ann Street Plaza.

2. The issuance of a license shall create no vested rights on the recipient or any third party, and any such license shall be revocable by the City Council at will and without notice whenever the City Council determines, in its sole discretion, that continued use of the right-of-way is not appropriate.

F. This Policy will be reviewed as of April 1, 1992 as regards its impact on the Ann Street Plaza.

Policy Resolution 1991-2
Date Adopted: May 21, 1991

M E M O R A N D U M

TO: Judith Taran, Fine Arts Coordinator
FROM: Dennis E. McGinty, City Attorney *DE*
SUBJECT: FOUNTAIN PLAZA
LEASE OF OUTDOOR SPACE
DATE: June 18, 1991

Enclosed please find the proposed license agreement to be entered into between the City of East Lansing and the Lite-R-Side for use of a portion of the Fountain Square Plaza for outdoor dining. I have approved the agreement as to form, except that there are two corrections in the second paragraph of page one which we discussed regarding the monthly charges and the number of persons. Please make these corrections on the final document before it is signed.

alb
cc: Fountain Plaza File



BINDER

- STATE FARM FIRE AND CASUALTY COMPANY
- STATE FARM GENERAL INSURANCE COMPANY
- STATE FARM LLOYDS

- HOMEOWNERS
- APARTMENT
- RENTAL DWELLING
- CONDOMINIUM ASSOC.
- BUSINESS
- CHURCH
- OTHER

Upon the issuance of a policy and in consideration of the stipulations herein contained, this Company does agree to hold bound to:

NAME	LAST NAME	FIRST NAME	MIDDLE NAME OR INITIAL	SPOUSE'S FIRST NAME AND MIDDLE INITIAL (IF APPLICABLE)
Please Print	Lite-r-side	c/o Mary T	Driggs	
Mailing Address	UNIT AND/OR NUMBER	NUMBER AND STREET		CITY OR TOWN
STATE	P.O. Box 691	Harbor Springs Mi 49740		
	ZIP CODE	COUNTY		
		Emmett		

And legal representatives for a term not exceeding thirty (30) days* from 12:01 A.M. (Standard Time) of July 13, 1991 against direct loss by the perils and coverages for which a limit of liability or premium is shown, to an amount not exceeding the limit of liability shown for the described property and interests:

TYPE POLICY OR PERILS	PROPERTY OR INTERESTS COVERED	LOCATION AND DESCRIPTION OF PROPERTY AND INTERESTS	LIMITS OF LIABILITY	PREMIUM
Named Peril	BUILDING(S) PERSONAL PROPERTY	333 Albert E Lansing	100,000	
LIABILITY:				
<input type="checkbox"/> BODILY INJURY LIABILITY	EACH PERSON EACH OCCURRENCE	above	1,000,000	
<input type="checkbox"/> PROPERTY DAMAGE	EACH OCCURRENCE			
<input type="checkbox"/> SINGLE LIMIT (BI-PD)	EACH OCCURRENCE			
<input type="checkbox"/> MEDICAL PAYMENTS	PER PERSON			

Reductible Clauses: _____ Coinsurance or Contribution Clauses _____ Premium _____

Name and Address of Mortgagee ADDL Insured: City of E Lansing 410 Abbott Rd E Lansing Mi 48823 Loan Number _____

It is expressly stipulated that this Binder is issued subject to all the terms and conditions of the current policy form being issued by this Company on the date hereof by this Company in the state where the coverage applies, which policy is hereby made a part hereof to the same extent as if fully set forth herein; and the payment of such premium as may be found to be due to this Company, which premium, in the event of a loss before the expiration of this Binder shall be fixed at the full annual premium for the amount of insurance carried.

It is a condition of this Binder that whenever the policy of this Company is issued in lieu of its undertaking under this Binder, its obligation hereunder shall cease and be void; provided, however, that in no event shall this Binder continue in force beyond thirty (30) days* from the effective date of this Binder. To the extent that coverage in this Binder replaces coverage in other policies terminating at 12 Noon (Standard Time) on the inception date of this Binder, this Binder shall be effective at 12 Noon (Standard Time) instead of at 12:01 A.M. Standard Time.

This Binder is made and accepted subject to the foregoing stipulations and conditions and shall not be valid unless countersigned by the duly authorized agent of this Company.

Dated at Okeemos this 13 day of June, 1991

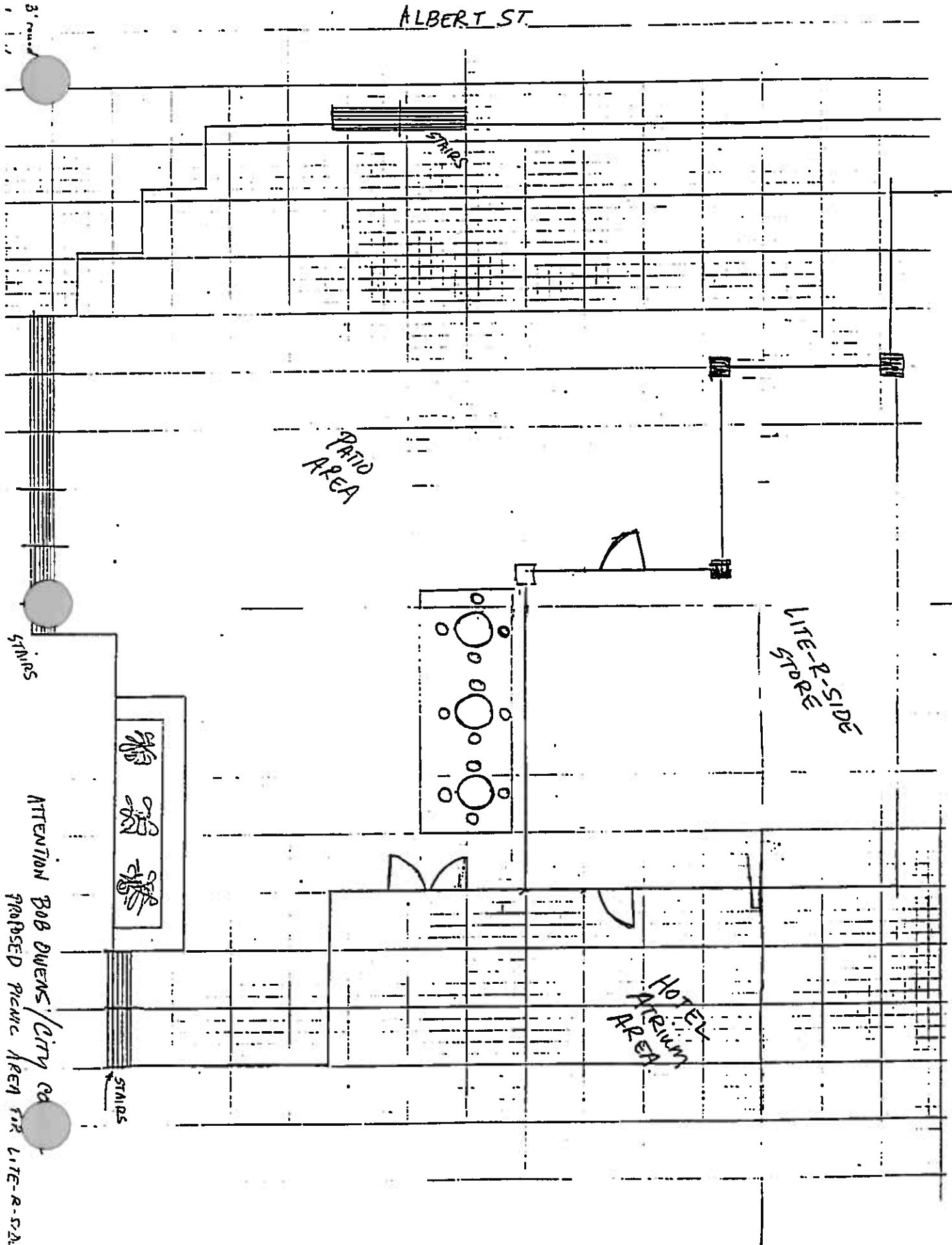
Betty Quarter Agent

Laura P Sullivan
Secretary

Edward B Rust, Jr
President

*EXCEPTION — Binders issued in the state of New Mexico are for a term not exceeding fifteen (15) days from the effective date. AGENT: It is very important that you mail a copy of the Binder and a completed application to this Company on the day issued.

ALBERT ST.



MEMORANDUM

TO: CAPT. MURRAY

FROM: SGT. L. BYAM *lvb*

DATE: MAY 31, 1991

SUBJECT: THE LITE-R-SIDE RESTAURANT (UNIVERSITY PLACE) OUTDOOR SERVICE

CAPT. MURRAY, I HAVE REVIEWED THE PROPOSED PLAN FOR OUTDOOR SEATING AND FOOD SERVICE FOR THE LITE-R-SIDE RESTAURANT AT THE UNIVERSITY PLACE LOCATION. I DO NOT BELIEVE THAT THE PROPOSED PLAN WOULD CAUSE ANY PROBLEMS FOR THE POLICE DEPARTMENT. THE LOCATION IS OUT OF THE MAIN PEDESTRIAN TRAFFIC AREA, AND IS WELL LIGHTED. THESE FACTORS ALONG WITH THE ABSENCE OF LIQUOR SERVICE AT THIS LOCATION SHOULD NOT CAUSE ANY ADDED BURDEN ON THE POLICE DEPARTMENT.

MY ONLY RECOMMENDATION WOULD BE THAT ALL CHAIRS, TABLES, AND OTHER PROPERTY BE PROPERLY SECURED WHEN THE AREA IS NOT IN OPERATION.

MEMORANDUM

City of East Lansing

To: Thomas C. Dority, City Manager
From: Bob Owen, Director of Planning and Economic Development
Date: May 30, 1991
Subject: THE LITE-R SIDE RESTAURANT - UNIVERSITY PLACE

333 Albert

I have received the proposed seating plan from the restaurant to place three tables with four chairs each in the public plaza area immediately east of the restaurant. This proposal requires two public approvals. First, we must approve the proposal under the parking requirements of the "B-3" Zoning District. Second, since the space is owned by the City, a lease agreement will need to be approved by City Council.

In terms of the parking review, the proposed 12 seats would result in a parking demand of three spaces in accordance with the standards that apply within the "B-3" District. Based on our Parking Utilization Survey done in January of this year, this number of spaces will be readily available in the ramp below the complex. The Zoning Code provides for administrative approval of such requests when the total parking demand is ten or fewer spaces. In this case, given the size of the proposal and the availability of spaces within the ramp, we therefore grant administrative approval of the three-space parking waiver to support this use. This approval would be conditioned on review of the final table and seating configuration by the Building, Police and Fire Departments to ensure the proper access and security for the facility.

RO:tsb

Attachment

cc: William Vickers, Director of Building & Zoning
Richard Murray, Police Chief
Jack Gregg, Fire Chief

MEMORANDUM

City of East Lansing

To: East Lansing City Council
 From: Councilmembers Ralph Monsma and Dianne Schwartz
 Date: May 16, 1991
 Subject: **USE OF RIGHT-OF-WAY POLICY FOR ANN STREET PLAZA**

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Memo to East Lansing City Council

Page 2

May 16, 1991

Re: Sidewalk Business Policy for Ann Street Plaza

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tb

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