

conditionally authorizes the submission of this grant application for this project; and Be It Further Resolved:

Resolved, The the Detroit City Council reserves the right to, for any reason, direct that the grant application be withdrawn.

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.
Nays — None.

Department of Public Works

**Department of Public Works
City Engineering Division**

June 26, 2002

Honorable City Council:

Re: Petition No. 1380 [Addendum — Ford Field], Detroit Wayne County Stadium Authority, New Lion's Stadium Project — Ford Field. Requesting multiple encroachments within city rights-of-way area bounded by Brush, St. Antoine — Montcalm, and Madison.

Petition No. 1380 [Addendum — Ford Field] of Detroit Wayne County Stadium Authority agents, assigns, heirs, licensees, etc. ("DWCSA") requests permission to install and maintain several encroachments within the public street rights-of-way of Brush, (curvilinear) St. Antoine — Montcalm, and Beacon Streets.

**List of previous City Council public right-of-way resolutions
"Comerica Ballpark" and "Ford Field"**

(1) Comerica Park ("New Tiger Stadium") Vacations — "Phase One" of Petition No. 3681

April 23, 1998 — J.C.C. pages 939-43;

(2) Ford Field ("New Lions Stadium") Vacations — "Phase Two" of Petition No. 3681, July 31, 1998 — J.C.C. pages 2049-57;

(3) Comerica Park Encroachments — Petition No. 1380, August 4, 1999 — J.C.C. pages 2421-27;

(4) Adams Street between Brush and St. Antoine Vacation (for Ford Field) — Petition No. 2152, January 19, 2000 — J.C.C. pages 132-34;

Petition No. 1380 [Addendum — Ford Field] was referred to City Engineering Division — DPW for investigation and report. In this encroachment petition we consulted with Traffic Engineering Division—DPW. This is our report:

"Page Four" attached to this report contains a table of the proposed Ford Field encroachments or variances requiring the approval of your Honorable Body. "Page Five" attached to this report contains a table of six curb cut variances at "Comerica Ballpark" as encroachments. [NOTES: this "table of driveways" was not previously approved with Petition No. 1380 on August 4, 1999 — J.C.C. pages 2421-27. Since this was unintentionally omitted from the 1999 resolution, our report requests City Council approval at this time.]

City Engineering Division — DPW obtained a separate set of drawings, containing 'sufficient engineering details', from "SHG Incorporated". Both the detailed drawings and "DWCSA" attachments were distributed to city departments and privately owned utility companies for review.

It is the responsibility of DWCSA and their contractors to properly notify all other abutting property owners before starting any (permitted) curb cut or street return entrance modifications (Brush Street at the Beacon Street intersection) within city public rights-of-way and/or easements of record.

"DWCSA" must obtain permits from City Engineering Division — DPW (and the Michigan Department of Transportation, if necessary) for any street openings, backfill, surface restoration, barricade, or occupancy of city rights-of-way to install and/or maintain the encroachments.

Ameritech Company (A/SBC Co.) reports facilities in Beaubien, St. Antoine, Beacon and Madison.

Comcast Cablevision Company (CATV), Detroit Edison — DTE Energy ("Edison"), and Michigan Consolidated Gas — DTE Energy (MCG) report facilities in Brush, Beaubien, (curvilinear) St. Antoine — Montcalm, Beacon and Madison. CATV, Edison and MCG require access over the full width of public utility easement(s) and public street rights-of-way to inspect, service and maintain their equipment. If damages to utilities should occur, then "DWCSA" and/or assigns shall be liable for all incidental repairs and waives all claims for damages to the encroaching installations.

Public Lighting Department (PLD) must maintain suitable street right-of-way space for its extensive downtown high voltage power, lighting, and traffic signal facilities. The resolution contains provisions designed to protect the equipment of PLD.

Near the proposed "DWCSA" encroachments, Water and Sewerage Department (DWSD) report numerous water main and public sewer facilities. DWSD reports no objections to the encroachments, subject to the following conditions.

- DWSD does not waive any rights to its facilities located under and in close proximity to the proposed encroachments.
- Petitioner is responsible for any damage to DWSD facilities due to proposed encroachments.
- DWSD is not responsible for any damage to the proposed encroachments caused by a failure of DWSD facilities.
- The proposed encroachments are subject to DWSD inspection and permit.
- The petitioner is responsible for all costs to protect DWSD facilities during construction including any cost incurred by DWSD.

The resolution contains provisions designed to protect the equipment of DWSD.

In general, city departments and privately owned utility companies reported the need for "precaution" to open-cut a public street, bore, jack, occupy or barricade city rights-of-way for construction or brick paver(s) placement. They request contractors for "DWCSA" make use of "Miss Dig" facilities before the placement of any encroachment(s), and then become a participating member of that organization. This will minimize the chance of damage to the "Ford Field" underground irrigation system beneath (curvilinear) St. Antoine — Montcalm, and Beacon Streets.

Public sidewalk space(s) at several locations will be replaced with brick pavers and several non-standard commercial curb cut openings greater than 50 feet for the purpose of driveways, and/or approaches to loading docks. These are non-standard public sidewalk space installations. However, City Engineering Division — DPW, must review and approve the "DWCSA" Plan for sidewalk alignment and grades prior to any paver installation(s) in accord with Detroit Code Section 50, Article 4, Division 2. The construction, placement, and maintenance within public sidewalk space must be subject to city permits, inspection and specifications. "DWCSA" will pay all costs to construct and maintain the replacement public sidewalk space(s). Additionally, "DWCSA" will be responsible for all claims, damages, or expenses resulting from the maintenance of the proposed brick pavers within the public street rights-of-way.

The Fire Marshal Division — Detroit Fire Department (DFD) reports no objections to the encroachments, subject to the following stipulations:

- All pavers leading to interior areas shall be specified for minimum 27 ton capacity.
- Bollards shall not block access for fire and emergency vehicles.
- DWCSA is responsible for providing the locations of hydrants and DFD Siamese connections.
- Hydrants are to be installed not further than 300 feet apart and not further than 3 feet from curb or paved surface.

The resolution contains provisions designed to protect the public safety interests of DFD.

"DWCSA" must obtain permits from the Recreation Department for tree plantings within public rights-of-way in accord with Detroit Code Section 57, Article 2.

The encroachments in the vicinity of "Ford Field" must be recorded in Wayne County. The attached resolution contains a table with descriptions of adjoining lots for the proposed encroachments at Ford Field.

Additionally, the encroachments in the vicinity of Comerica Ballpark are pending recording in Wayne County. The last part of the attached resolution contains a table with descriptions of adjoining lots for the encroachments at Comerica Ballpark

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer
City Engineering Division — DPW

**Table of proposed "Ford Field" encroachments
Petition No. 1380 [Addendum]**

ROW denotes public right-of-way (street or alley)

#	Public Street Encroachment	Location	SHG Sheet #
1	Main (Southwest) Entry Plaza Non-standard sidewalk in public ROW Brick pavers to back of curb	East side of Brush from north line of vacated Beacon Street ROW north about 391.25 feet	L-2
2	Southeast Plaza Non-standard sidewalk in public ROW Brick pavers to back of curb	<ul style="list-style-type: none"> • West side of St. Antoine Street from north ROW line of Madison Street to south ROW line of Beacon Street; also • North side of Madison Street from first alley west of St. Antoine Street to west ROW line of St. Antoine; also 	L-3

#	Public Street Encroachment	Location	SHG Sheet #
		<ul style="list-style-type: none"> • North and south sides of Beacon Street from first alley west of St. Street to west St. Antoine ROW line; also • West side of St. Antoine Street from Beacon Street north ROW line north about 295.91 feet 	
3	Northwest Plaza Non-Standard sidewalk in public ROW Brick pavers to back of curb	<ul style="list-style-type: none"> • East side of Brush Street from south ROW line of Montcalm Street south about 200 feet • South side of Montcalm Street from east Brush Street ROW line east about 72.5 feet 	L-4
4	Beaubien Street Plaza Non-standard sidewalk in public ROW Brick pavers to back of curb	North Side of Beacon Street at Beaubien Street intersection	L-3, C8-3
5	Beacon Street Truck Dock Entrance Curb cut greater than 50 feet, bollard-posts, security-gates	Part of public Beacon between Beaubien and St. Antoine (North side)	C7-25; L-1, 9; C8-3
6	Parking Lot Entrances — 3 locations Curb cut greater than 50 feet	<ul style="list-style-type: none"> • East side of St. Antoine north of Beacon Street. • South side of Montcalm Street east of Brush Street • East side of Brush Street between Montcalm Street and I-75 Service Drive 	C8-16
7	Tree Wells and Irrigation Sleeves tree wells within Brush Street — North Plaza; irrigation sleeves under Montcalm, St. Antoine, Beacon;	Brush Street along west building elevation	I-3; landscape details L-8, 9 I-2, 4, 5, 6; irrigation sleeves
8	Brush Street Return Entrance Modifications 36th District Court site — curb cut street return entrance modifications at Beacon Street easement*	<ul style="list-style-type: none"> • Beacon Street easement — <i>pending agreement</i> — for proposed construction within public utility easement* • Although outside of easement street* ROW — various curb cuts, modification of street return entrance into Brush, bollard posts, and security-gates — <i>pending agreement</i> between “DWCSA” and “421 Madison, 36th District Court, Detroit, MI” 	L-1, 9 (Note; Existing prisoner dock C8-3.)

*Footnote: Beacon Street between Brush and Beaubien Vacation/Easement-Encroachments(s) — previously adopted by City Council on December 13, 1985 — J.C.C. pages 2790-92 (Petition No. 3464)

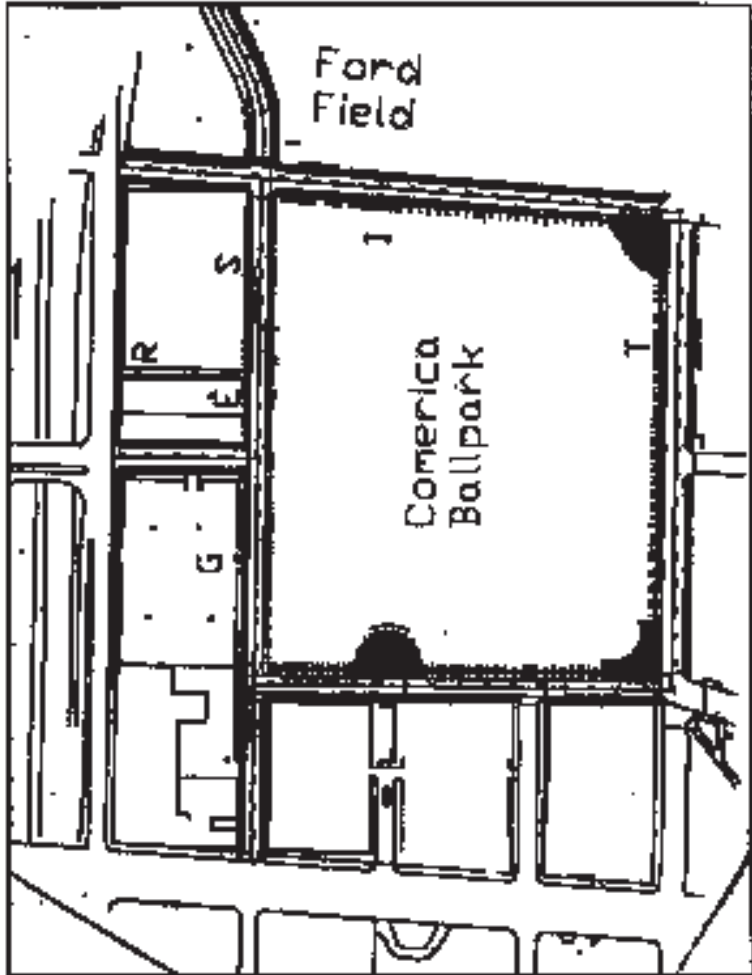
**Table of Driveways "Comerica Ballpark" encroachments
Not previously approved with Petition No. 1380
August 4, 1999 — J.C.C. pages 2421-27;**

ROW denotes public right-of-way (street, alley, or service drive)

Public Street Encroachment

Curb cut greater than 50 feet

<u>#</u>	<u>Six locations</u>	<u>Location</u>	<u>Drawing</u>
1	Service Area	• T — North side of Adams, West of Brush about 74 feet curb opening	Site map — this page
2	Loading Dock	• I — West side of Brush, 2nd driveway South of Montcalm about 96 feet curb opening	Site map — this page
3	Parking Lot	• G — North side of Montcalm, West of John R about 57 feet curb opening	Site map — this page
4	Parking Lot	• E — North side of Montcalm, East of John R about 87 feet curb opening	Site map — this page
5	Parking Garage	• R — South side of I-75 Service Drive, 2nd driveway East of John R about 72 feet curb opening (in conjunction with M-DOT permit; if necessary)	Site map — this page
6	Parking Garage	• S — North side of Montcalm, West of Brush about 51 feet curb opening	Site map — this page



By Council Member S. Cockrel:

Whereas, City Council approved the following resolutions in the vicinity of the new "Tigers" and "Lions" stadium site(s), including related planning/construction activities:

**List of previous City Council public right-of-way resolutions
"Comerica Ballpark" and "Ford Field"**

(1) Comerica Park ("New Tiger Stadium") Vacations — "Phase One" of Petition No. 3681 April 23, 1998 — J.C.C. pages 939-43;

(2) Ford Field ("New Lions Stadium") Vacations — "Phase Two" of Petition No. 3681 July 31, 1998 — J.C.C. pages 2049-57;

(3) Comerica Park Encroachments — Petition No. 1380 August 4, 1999 — J.C.C. pages 2421-27;

(4) Adams Street between Brush and St. Antoine Vacation (for Ford Field) — Petition No. 2152 January 19, 2000 — J.C.C. pages 132-34; and

Whereas, Petition No. 1380 [Addendum — Ford Field] of Detroit Wayne County Stadium Authority agents, assigns, heirs, licensees, etc. ("DWCSA") requests permission to install and maintain several encroachments within the public street rights-of-way of Brush, (curvilinear) St. Antoine — Montcalm, and Beacon Streets; and

Whereas, Detroit Code Sec. 55-2-8 assigns the investigation of petitions relating to streets and traffic problems to the Traffic Engineering Division — DPW. After review and approval of permit application(s) the reasonable stipulations of Traffic Engineering Division — DPW shall become part of this resolution of Petition No. 1380 [Addendum — Ford Field]; therefore be it

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to the “DWCSA” to install and maintain several Ford Field enhancements, encroaching within perimeter city rights-of-way, adjoining the “Ford Field” parcel site, adjoining lots described in Table “FF”;

Ford Field Stadium Development Site — ROW Variances — Table “FF” [Ford Field]
Street rights-of-way (ROW) east of Brush between Fisher Freeway & Madison
Encroachment Description of Lots Adjoining Encroachment(s)

- | | | |
|---|--|---|
| 1 | <p>Main [Southwest] Entry Plaza
 Brick pavers to back of curb
 SHG Ref Drwg [L-2]</p> <ul style="list-style-type: none"> • East side of Brush Street from north line of vacated Beacon Street ROW north about 391.25 feet | <ul style="list-style-type: none"> • Lying westerly of and abutting the west line of the north 25.78 feet of Lot 55, Lots 39, 45, 49, and 52 of “Map of Houghton’s Section of the Brush Farm as Subdivided into lots by J. Almy (June 1835),” City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 174, City Records; also lying westerly of and abutting the west line of the vacated east-west public alley (12 feet wide) east of Brush Street between Beacon Street and Adams Avenue (said public alley having been previously vacated by City Council on December 13, 1985 — J.C.C. pages 2790-92); also lying westerly of and abutting the west line of vacated Adams Street (60 feet wide) east of Brush Street (said public street having been previously vacated by City Council on January 19, 2000 — J.C.C. pages 132-34); |
| 2 | <p>Southeast Plaza
 Brick pavers to back of curb
 SHG Ref Drwg [L-3]</p> <ul style="list-style-type: none"> • West side of St. Antoine Street from north ROW line of Madison Street to south ROW line of Beacon Street • North side of Madison Street from first alley west of St. Antoine Street to west ROW line of St. Antoine • North and south sides of Beacon Street from first alley west of St. Street to west St. Antoine ROW line. • West side of St. Antoine Street from Beacon Street north ROW line north about 295.91 feet | <ul style="list-style-type: none"> • Lying easterly of and abutting the east line of the north 20.04 feet of Lot 16, and Lots 17 through 19 of the “Plat of Crane and Wesson’s Section of Antoine Beaubien Farm”, City of Detroit, Wayne County, Michigan as recorded in Liber 35 of Deeds, Page 200 1/2, Wayne County Records; also • Lying southeasterly of and abutting part of Lot 16 of the “Plat of Crane and Wesson’s Section of Antoine Beaubien Farm”, City of Detroit, Wayne County, Michigan as recorded in Liber 35 of Deeds, Page 200 1/2, Wayne County Records; also lying southeasterly of and abutting part of vacated Madison Avenue (former name, Trombly Street, 60 feet wide, said public street having been previously vacated by City Council on August 9, 1927 — J.C.C. pages 2315-16); said southeasterly line being described as follows: Commencing at the northeast corner of said Lot 16 of the “Plat of Crane and Wesson’s Section of Antoine Beaubien Farm”, City of Detroit, Wayne County, Michigan as recorded in Liber 35 of Deeds, Page 200 1/2, Wayne County Records; thence S 26°08’14” E, along the westerly line of St. Antoine Street (50 feet wide), 20.04 feet to a point of beginning; thence the following two courses along said southeasterly line (1) S29°24’23”W, 51.27 feet, and thence (2) along a curve to the right 60.16 feet, said curve having a radius of 227.73 feet, central angle of 15808’07” and a long chord bearing of S37816’27”W, 59.98 feet to a point of ending on the easterly line of the north-south public alley (20 feet wide; west of St. Antoine Street between Madison Avenue and Beacon Street); also • Lying northerly of and abutting the north line of Lot 19 of the “Plat of Crane and Wesson’s Section of Antoine Beaubien Farm”, City of Detroit, Wayne County, Michigan as recorded in Liber 35 of Deeds, Page 200 1/2, Wayne County Records; also • Lying southerly of and abutting the south line of Lot 26 of the “Plat of Crane and Wesson’s Section of Antoine Beaubien Farm”, City of Detroit, Wayne County, Michigan as recorded in Liber 35 of Deeds, Page 200 1/2, Wayne County Records; also • Lying easterly of and abutting the east line of Lots 26 through 31 of the “Plat of Crane and Wesson’s Section of Antoine Beaubien Farm”, City of Detroit, Wayne |

- County, Michigan as recorded in Liber 35 of Deeds, Page 200 1/2, Wayne County Records; also lying easterly of and abutting the east line of vacated Adams Street (60 feet wide) west of St. Antoine Street (said public street having been previously vacated by City Council on January 19, 2000 — J.C.C. pages 132-34);
- 3 **Northwest Plaza**
Brick pavers to back of curb
SHG Ref Drwg [L-4]
- East side of Brush Street from south ROW line of Montcalm Street south about 200 feet
 - South side of Montcalm Street from east Brush Street ROW line east about 72.5 feet
- Lying westerly of and abutting the west line of the southerly 74.32 feet of Lot 11 of the "Plat of Brush Subdivision of Park Lot 5, and part of Brush Farm E. of and adjoining Park Lots 5 and 4, City of Detroit, made by Edmond Adelaide and Alfred Brush," City of Detroit, Wayne County, Michigan as recorded in Liber 45, Page 121, Deeds, Wayne County Records; also lying westerly of and abutting the west line of Lot 7 of "Map of Houghton's Section of the Brush Farm as Subdivided into lots by J. Almy (June 1835)," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 174, City Records; also lying westerly of and abutting the west line of the vacated east-west public alley (20 feet wide) east of Brush Street between Montcalm and Columbia Streets (said public alley having been previously vacated by City Council on July 31, 1998 — J.C.C. pages 2049-57); also
 - Lying northerly of and abutting the north line of the remaining southerly part of Lot 11 of the "Plat of Brush Subdivision of Park Lot 5, and part of Brush Farm E. of and adjoining Park Lots 5 and 4, City of Detroit, made by Edmond Adelaide and Alfred Brush," City of Detroit, Wayne County, Michigan as recorded in Liber 45, Page 121, Deeds, Wayne County Records;
- 4 **Beaubien Street Plaza**
Brick pavers to back of curb, bollard posts
SHG Ref Drwg [L-3, C8-3]
- North side of Beacon Street at Beaubien Street intersection
- Lying southerly of and abutting an eastern part of the south line of the northerly 5.78 feet of Lot 10; also lying southerly of and abutting the westerly half of vacated Beaubien Street (40 feet wide; having been previously vacated by City Council on January 19, 2000 — J.C.C. pages 132-34) of the "Plat of the Subdivision of Out Lot 172 on the Lambert Beaubien Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 31, Page 94, Deeds, Wayne County Records; also
 - Lying southerly of and abutting the easterly half of vacated Beaubien Street (40 feet wide; having been previously vacated by City Council on January 19, 2000 — J.C.C. pages 132-34); also lying southerly of and abutting a western part of the south line of Lot 21 of "Crane and Wesson's Subdivision of Out Lot 173 Lambert Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 35 of Deeds, Page 201, Wayne County Records;
- 5 **Beacon Street Truck Dock Entrance**
Curb cut about 158 feet (including plan radii), bollard-posts, security-gates
SHG Ref Drwg [C7-25; L-1, 9; C8-3]
- North side of public Beacon Street between Beaubien and St. Antoine
- *Lots adjoining (curb cut and bollard-posts):* Lying southerly of and abutting the south line of Lots 18 through 20 of "Crane and Wesson's Subdivision of Out Lot 173 Lambert Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 35 of Deeds, Page 201, Wayne County Records; also lying southerly of and abutting the south line of Lots 23 and 24 of the "Plat of Crane and Wesson's Section of Antoine Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 35, of Deeds, Page 200 1/2, Wayne County Records;
 - *Lots adjoining (security-gate) East of Brush across Beacon (49 feet wide easement street — along a fence-gate line about 15.00 feet easterly of and parallel to the extended east line of the north-south vacated public alley, 18 feet wide, first east of Brush):*

- Lying northerly of and abutting the north line of the south 45.22 feet of Lot 9; also lying southerly of and abutting the south line of the north 5.78 feet of Lot 10 of the "Plat of the Subdivision of Out Lot 172 on the Lambert Beaubien Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 31, Page 94, Deeds, Wayne County Records;
- *Lots adjoining (security-gate) West of St. Antoine across Beacon (50 feet wide public street — along a fence-gate line at the extended west line of the north-side public alley, 20 feet wide, first west of St. Antoine):* Lying northerly of and abutting the north line of Lot 20; also lying southerly of and abutting the south line of Lot 25 of "Plat of Crane and Wesson's Section of Antoine Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 35 of Deeds, Page 200 1/2, Wayne County Records;
 - *Lots adjoining (security-gate) South-side of Beacon across Beaubien (40 feet wide public street — along a fence-gate line at the Beaubien intersection and the extended south line of Beacon Street, 50 feet wide):* Lying westerly of and abutting the west line of Lot 14 of "Crane and Wesson's Subdivision of Out Lot 173 Lambert Beaubien Farm., City of Detroit, Wayne County, Michigan as recorded in Liber 35 of Deeds, Page 201, Wayne County Records; also lying easterly of and abutting the east line of Lot 9 of the "Plat of the Subdivision of Out Lot 172 on the Lambert Beaubien Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 31, Page 94, Deeds, Wayne County Records;
- 6 **Parking Lot Entrances**
Curb cuts greater than 50 feet
SHG Ref Drwg [C8-16]
- a. **East Parking Lot Approach**
East side of St. Antoine north of Beacon Street
Curb cut about 56 feet, including plan radii.
- b. **Montcalm Parking Lot Approach**
South side of Montcalm Street east of Brush Street
Curb cut about 56 feet, including plan radii.
- c. **North Parking Lot Approach**
East side of Brush Street between Montcalm Street and the I-75 Service Drive
Curb cut about 59 feet, including plan radii.
- *Lots adjoining [a. East Parking Lot Approach]:* Lots 21 and 22 of the "Plat of Crawford's Subdivision of part of the Antoine Beaubien farm, June 4, 1853," City of Detroit, Wayne County, Michigan as recorded in Liber 49, Page 195 of Deeds, Wayne County Records;
 - *Lots adjoining [b. Montcalm Parking Lot Approach]:* Lots 41 through 43 of the "Plat of the South part of Out Lot 174, Lambert Beaubien Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 22, Plats, Wayne County Records; also vacated Montcalm Street, 50 feet wide, east of Brush Street (previously vacated by City Council on July 31, 1998 — J.C.C. pages 2049-57);
 - *Lots adjoining [c. North Parking Lot Approach]:* Lot 9 of "Plat of Brush Subdivision of part of Lot 5, and part of Brush Farm east of Park Lot 5 and 4", City of Detroit, Wayne County, Michigan as recorded in Liber 45 of Deeds, Page 121, Wayne County Records;
- 7 **Tree Wells and Irrigation Sleeves**
16 tree wells in public sidewalk space
- *Lots adjoining:* Lot 11 of "Plat of Brush Subdivision of part of Lot 5, and part of Brush Farm east of Park Lot 5 and 4", City of Detroit, Wayne County, Michigan as recorded in Liber 45 of Deeds, Page 121, Wayne

**SHG Ref Drwgs
[I-3; landscape
details L-8, 9]**

Brush Street along west building elevation
NOTE: "DWCSA" must obtain permits from the Recreation Department for tree plantings within public rights-of-way in accord with Detroit Code Section 57, Article 2.

**Tree Wells and
Irrigation Sleeves**
*irrigation sleeves
installation by
boring underneath
public street rights-
of-way*

**SHG Ref Drwgs
[I-2, 4, 5, 6]**
2 irrigation sleeves under Montcalm described in this row of table

County Records; also the vacated east-west public alley 20 feet wide, in the block east of Brush Street between Montcalm and Columbia Streets (previously vacated by City Council on July 31, 1998 — J.C.C. pages 2049-57); also Lot 7 of "Map of Houghton's Section of the Brush Farm as Subdivided into lots by J. Almy (June 1835)," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 174, City Records; also vacated Columbia Street, 50 feet wide, east of Brush Street (previously vacated by City Council on July 31, 1998 — J.C.C. pages 2049-57); also Lot 15 of "Map of Houghton's Section of the Brush Farm as Subdivided into lots by J. Almy (June 1835)," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 174, City Records; also the vacated east-west public alley 20 feet wide, in the block east of Brush Street between Columbia and Elizabeth Streets (previously vacated by City Council on July 31, 1998 — J.C.C. pages 2049-57); Lot 23 of "Map of Houghton's Section of the Brush Farm as Subdivided into lots by J. Almy (June 1835)," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 174, City Records; also vacated Elizabeth Street, 60 feet wide, east of Brush Street (previously vacated by City Council on July 31, 1998 — J.C.C. pages 2049-57); also Lot 31 of "Map of Houghton's Section of the Brush Farm as Subdivided into lots by J. Almy (June 1835)," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 174, City Records;

South Lot adjoining [irrigation sleeve 4-inches diameter under Montcalm 1 of 3]: Remaining south part of Lot 11 of the "Plat of Brush Subdivision of Park Lot 5, and part of Brush Farm E. of and adjoining Park Lots 5 and 4, City of Detroit, made by Edmond Adelaide and Alfred Brush," City of Detroit, Wayne County, Michigan as recorded in Liber 45, Page 121, Deeds, Wayne County Records;

North Lot adjoining [irrigation sleeve 4-inches diameter under Montcalm 1 of 3]: Remaining north part of Lot 10 of the "Plat of Brush Subdivision of Park Lot 5, and part of Brush Farm E. of and adjoining Park Lots 5 and 4, City of Detroit, made by Edmond Adelaide and Alfred Brush," City of Detroit, Wayne County, Michigan as recorded in Liber 45, Page 121, Deeds, Wayne County Records;

South Lot adjoining [irrigation sleeve 6-inches diameter under Montcalm 2 of 3]: Being part of vacated Beaubien Street, 40 feet wide, lying south of relocated Montcalm Street (said Beaubien Street having been previously vacated by City Council on July 31, 1998 — J.C.C. pages 2049-57);

North Parcel adjoining [irrigation sleeve 6-inches diameter under Montcalm 2 of 3]: Being the so-called MICHIGAN DEPARTMENT OF TRANSPORTATION ACQUISITION — PARCEL B (described within the City Council resolution adopted on July 31, 1998 — J.C.C. pages 2049-57) as follows:

Land in the City of Detroit, Wayne County, Michigan, being a part of the Eastbound Fisher Freeway Service Drive lying easterly of Brush Street (50 feet wide), and westerly of the east line of Beaubien Street (40 feet wide) and northerly of Montcalm Street (50 feet wide), being more particularly described as follows: Commencing at the intersection of the northerly line of Adams Avenue (60 feet wide) and the easterly line of Brush Street (50 feet wide), said point also being the southwest corner of Lot 39 of "Map of Houghton's Section of the Brush Farm as Subdivided into lots by J. Almy (June 1835)," City of

Detroit, Wayne County, Michigan as recorded in Liber 7, Page 174, City Records; thence N.26832'38"W., 786.93 feet along said easterly line to a point on the northerly line of proposed relocated Montcalm Street (variable width); thence the following four courses along said northerly line, (1) N.62839'01"E., 32.47 feet, and (2) along a curve to the left 144.47 feet, said curve having a radius of 270.00 feet, central angle of 30839'26", and a long chord bearing of N.47819'18"E., 142.75 feet; and (3) thence N.31859'35"E., 108.00 feet, and (4) thence along a curve to the right 48.18 feet, said curve having a radius of 330.00 feet, central angle of 08821'53" and a long chord bearing of N.36810'32"E., 48.14 feet to the point of beginning; thence continuing along a curve to the right 52.50 feet, said curve having a radius of 330.00 feet, central angle of 09806'57", and a long chord bearing N.44854'46"E., 52.45 feet to a point on the easterly line of Beaubien Street (40 feet wide); thence S.26811'43"E., 18.17 feet; thence S.63858'04"W., 49.16 feet; thence N.49857'11"W., 1.14 feet to the point of beginning and containing about 513 square feet or 0.012 acres more or less;

Tree Wells and Irrigation Sleeves
 irrigation sleeves installation by boring underneath public street rights-of-way

SHG Ref Drwgs [I-2, 4, 5, 6]
 irrigation sleeves under ... St. Antoine, Beacon described in this row of table

- *West Lot adjoining [irrigation sleeve 6-inches diameter under Montcalm-St. Antoine 3 of 3]:* Remaining part of Lot 4 of "Re-subdivision of Block 2 Van Dyke's Section of Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 4 of Plats, Page 18, Wayne County Records;
- *East Lot adjoining [irrigation sleeve 6-inches diameter under Montcalm-St. Antoine 3 of 3]:* Remaining part of Lot 65 of "Part of Crane and Wesson's Section of the Antoine Beaubien Farm North of Elizabeth Street", City of Detroit, Wayne County, Michigan as recorded in Liber 1 of Plats, Page 9, Wayne County Records;
- *West Lot adjoining [irrigation sleeve 6-inches diameter under St. Antoine]:* Lot 26 of the "Plat of Crane and Wesson's Section of Antoine Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 35 of Deeds, Page 200 1/2, Wayne County Records;
- *East Lot adjoining [irrigation sleeve 6-inches diameter under St. Antoine]:* Lot 17 of the "Plat of Crawford's Subdivision of part of the Antoine Beaubien Farm, June 4, 1853," City of Detroit, Wayne County, Michigan as recorded in Liber 49, Page 195 of Deeds, Wayne County Records;
- *South Lot adjoining [irrigation sleeve 4-inches diameter under Beacon]:* Lot 19 of the "Plat of Crane and Wesson's Section of Antoine Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 35 of Deeds, Page 200 1/2, Wayne County Records;
- *North Lot adjoining [irrigation sleeve 4-inches diameter under Beacon]:* Lot 26 of the "Plat of Crane and Wesson's Section of Antoine Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 35 of Deeds, Page 200 1/2, Wayne County Records;

8 **Brush Street Return Entrance Modifications**

36th District Court curb cut
SHG Ref Drwg Shown on the General Site Grading-Paving Plan [C8-1]

street return entrance modifications at vacated Beacon Street

Remaining part of Lots 58 and 61 of "Map of Houghton's Section of the Brush Farm as Subdivided into lots by J. Almy (June 1835)," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 174, City Records;

The encroachments are shown on drawings (dated: October 6, 2000 to January 8, 2002), submitted by "SHG Incorporated, 500 Griswold Street, Suite 200, Detroit, MI 48226 — Project No. SHG # 21500.00; and "Tucker, Young, Jackson, Tull, Inc., 365 E. Larned, Suite 300, Detroit, MI 48226 — Project No. TYJT #99001" for the petitioner(s), "DWCSA". The reference drawings for the proposed encroachments; are adjoining lots at the "Ford Field" site:

Provided, Whenever it becomes necessary to open-cut a public street, bore, jack, occupy or barricade city rights-of-way for construction or brick paver(s) placement, such work shall be according to detailed permit application drawings (to be submitted by the petitioner, subject to city department review and stamp approvals; including approval from the Michigan Department of Transportation, if necessary) prior to any public right-of-way roadwork; and further

Provided, It is the responsibility of "DWCSA" and their contractors to properly notify all other abutting property owners before starting any (permitted) open cut, bore, jack, occupancy or barricade operations within city public rights-of-way and/or easements of record; and further

Provided, Any city rights-of-way encroachment(s) that require electrical power shall be installed to conform to the National Electrical Code as adopted by the Michigan Public Service Commission; and further

Provided, The Public Lighting Department (PLD) is hereby authorized and directed to draft-modify (or cause to be drafted-modified) and execute (for and on behalf of the City of Detroit) a "Hold Harmless/Indemnity and Maintenance Agreement" between "DWCSA" and PLD to accommodate the non-standard street light poles and fixtures in the public right-of-way installed within the Stadium Development Area as described in the Stadia Project Plan. The costs to engineer and construct new rerouted equipment shall be borne by "DWCSA". Whenever, underground maintenance is required, PLD shall not be responsible to maintain brick paver(s) and/or permitted non-standard public sidewalk materials, that may become disturbed by PLD excavations. [NOTES: City Engineering Division — DPW advises "DWCSA" to maintain sufficient stock of brick pavers and/or other non-standard public sidewalk materials for the purpose of replacing permitted surfaces in the event of public utility construction.] No permanent barriers or structures shall be built or placed over PLD underground facilities. The petitioner, "DWCSA", shall comply with all specific conditions imposed to insure unimpeded 24-hour-per-day access to PLD and utility companies for access within public rights-of-way; and further

Provided, Said "Ford Field" variances or 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 underground conduit banks, and manholes with power cables (including any other PLD facilities) and the proposed "Ford Field" encroachments; and further

Provided, The Law Department shall approve the "Hold Harmless/Indemnity and Maintenance Agreement" as to form and execution, after which said Hold Harmless/Indemnity and Maintenance Agreement shall be considered confirmed. The Public Lighting Department shall record (or cause to be recorded) the executed document referenced above as the "Hold Harmless/Indemnity and Maintenance Agreement" with the Wayne County Register of Deeds; and further

Provided, That before any encroaching "DWCSA" construction (such as the "Ford Field" variances or encroachments depicted in Table "FF" above) shall be permitted within city public rights-of-way, "DWCSA" shall apply to the Buildings and Safety Engineering Department for a building permit. As a part of "Plan Review" the Fire Marshal Division — Detroit Fire Department (DFD) shall examine "Ford Field" drawings for compliance with the following public safety stipulations:

- All pavers leading to interior areas shall be specified for minimum 27 ton capacity.
- Bollards shall not block access for fire and emergency vehicles.
- DWCSA is responsible for providing the locations of hydrants and DFD Siamese connections.
- Hydrants are to be installed not further than 300 feet apart and not further than 3 feet from curb or paved surface.

Simultaneously, "DWCSA" shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval. The "DWCSA" shall pay all costs for plan review associated with the placement of encroaching structure(s) near DWSD equipment — including, but not limited to — other requisite construction, inspection, survey, engineering, and permits. The City Engineering Division — DPW shall be unable to sign building plans to build near sewer(s) and water mains that must remain public, unless said plans are first reviewed and approved by DWSD; and further

Provided, Due to the extent of DWSD equipment at the site, the "DWCSA" shall procure an independent Encroachment Permit from DWSD before any encroaching "DWCSA" construction (such as the "Ford Field" variances or encroachments depicted in Table "FF" above) shall be allowed within city public rights-of-way. Said "Encroachment Permit" from DWSD shall be subject to the following stipulations (fixed in a report attach-

ment from DWSD dated March 29, 2002 — Signed by Bharat Doshi, P.E., Head Engineer of Water Systems — phone number 313-224-4735):

- That a specific condition and limitation of this permit is that if DWSD deems it necessary at any time to construct, reconstruct, maintain, repair, or operate its facilities or perform any other DWSD function that may necessitate, either permanently or temporarily, the raising or lowering, moving, changing, or removing and replacing the construction or installation herein permitted within the Right-of-way, PETITIONER, its successors and assigns, perform such labor with reasonable dispatch, as its own expense, upon notice from DWSD (it being intended hereby that the right of DWSD to use and occupancy of the Right-of-way shall be paramount in all respects to Petitioner, its successors or assigns). If the applicant cannot perform such labor with reasonable dispatch, then DWSD shall have right to perform such labor, all at the cost and expense of PETITIONER, also

- That by approval of this petition, DWSD does not waive any of its rights to its facilities located in the Right-of-way, and at all time, 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 the DWSD's facilities for maintenance, repairing, alteration, servicing, or inspection by DWSD shall be borne by PETITIONER. All costs associated with gaining access to the DWSD's facilities which would normally be expected had applicant not encroached into the right-of-way, shall be borne by DWSD, also

- 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, also

- 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, also

- That, this petition applies only to the easement interest of DWSD and PETITIONER is hereby put on notice that other grants and/or permits may be required, also

- That if the DWSD facilities located within the Right-of-way shall break or be damaged as the result of any action on the part of PETITIONER, then in such event PETITIONER agrees to be liable for all costs incident to the repair, replacement or relocation of such broken or damaged DWSD facilities, also

- That the PETITIONER shall hold DWSD harmless for any damage to the encroaching device constructed or installed under this permit which may be caused by the failure of DWSD's facilities, also

- That, if any time in future PETITIONER shall request removal and/or relocation of the DWSD's facilities in the Right-of-way being encroached upon, PETITIONER agrees to pay all costs for such removal and/or relocation, also

- That, the surface of the Right-of-way shall be restored to the same condition that existed prior to the construction or installation herein permitted insofar as is practical, also

- That the cost of Resurfacing/Replacing of special surface treatments like brick paving shown in the drawings, as necessitated by future DWSD facilities maintenance in the Right-of-way is not to be borne by DWSD. The PETITIONER will be responsible to resurface/replace any special surface treatments disturbed by DWSD. The PETITIONER has to maintain a sufficient stock of special surfacing material in case DWSD is requested to restore the special surface treatment. All cost incurred by DWSD to restore the surface are to be borne by the PETITIONER, also

- That the PETITIONER shall hold harmless DWSD, its officers, employees and agents, from any and all liability, claims, suits, actions or causes of action for damages for injuries or otherwise and shall assume the defense and bear all costs and expense of such actions which may be brought against DWSD, its officers, employees or agents by reason of the permission herein granted; provided, however, that nothing herein may be construed as rendering PETITIONER Liable for acts of negligence of DWSD, its officers, employees or agents; and further

Provided, The installation and maintenance of the proposed "Ford Field" variances or encroachments [depicted in Table "FF" above; including tree wells, brick pavers and several non-standard commercial curb cut openings greater than 50 feet for the purpose of driveways, and/or approaches to loading docks] within public sidewalk space (meaning the space between the lot line of the property and the public street curb line) shall comply with the rules and regulations of the Department of Public Works (DPW). City Engineering Division — DPW, shall review and approve the "DWCSA" plan for sidewalk alignment and grades prior to any public sidewalk space installation(s) in accord with Detroit Code Section 50, Article 4, Division 2. The construction, placement, and maintenance of the replacement public sidewalk space shall be subject to city permits, inspection and specifications. All public rights-of-way shall be maintained safe and convenient for public travel. The petitioner, "DWCSA", shall be responsible 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 on 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 the proposed "Ford Field" variances or encroachments (depicted in Table "FF" above); and further

Provided, all costs for the construction, maintenance, permits and use of said "Ford Field" variances or encroachments (depicted in Table "FF" above) shall be borne by "DWCSA". [NOTES: The proposed brick pavers, several non-standard commercial curb cut openings, and tree plantings will be placed over the existing utility facilities. Generally, city departments and privately owned utility companies request contractors for "DWCSA" take every precaution so as not to endanger utilities during or following excavations and/or installations within public rights-of-way or utility easements. City Engineering Division — DPW advises contractors for DWCSA to arrange for "pre-construction meeting(s)" with city departments and privately owned utility companies, as needed.] If damages to utilities occur, then "DWCSA" and/or their contractors shall be responsible for all incidental repairs and waives all claims for damages to the encroaching installation(s); and further

Provided, The use and/or operation of said city rights-of-way encroachment(s) shall be subject to proper zoning or regulated use (Board of Zoning Appeals Grant); and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located in city rights-of-way, by the acceptance of this permission the owners for themselves, their heirs or assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal and/or alteration, if their removal and/or alteration becomes necessary, and to restore the city right-of-way affected to a condition satisfactory to the City Engineering Division — DPW at "DWCSA", the encroachment(s) owner, expense; and further

Provided, the petitioner, "DWCSA", shall file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit 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 all claims, damages or expenses that may arise out of the maintenance of said encroachments; and further

Provided, The petitioner "DWCSA" shall be required by the Law Department in conjunction with the Finance Department — Risk Management Division to present proof of financial capability (bonds and insurance; the City of Detroit shall be named as coinsured therein) to pay any claims, damages or expenses that may arise as a result of the installation, maintenance or use of non-standard public sidewalk space installations ["Ford Field" variances depicted in Table "FF" above] within public street rights-of-way. To protect the city in the event of petitioner ("DWCSA") default, a surety bond in a penal sum sufficient to pay the City of Detroit's cost to remove or alter the non-standard public [right-of-way] sidewalk space installations [including tree wells, brick pavers, several non-standard commercial curb cut openings greater than 50 feet for the purpose of driveways, and/or approaches to loading docks; if such removal or alteration becomes necessary] shall be maintained by "DWCSA". Also, "DWCSA" shall maintain said surety bond in perpetuity (with no expiration date). The petitioner shall be unable to obtain a release from said surety bond as long as the non-standard public [right-of-way] sidewalk space installations exist within the public parts of Brush Street (50 feet wide), Beacon Street (50 feet wide), (curvilinear) St. Antoine — Montcalm (60 feet wide and variable width), Beaubien Street (40 feet wide), and Madison Avenue (90 feet wide). The "City Engineering Division — Street Design Bureau" in conjunction with the Traffic Engineering Division — DPW (if necessary) shall be responsible for determining the amount of said surety bond, and then to transmit the information to the Finance Department; and further

Provided, That no rights in the public streets or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at the expense of "DWCSA" 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 at "DWCSA" expense; and further

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

Provided, That "DWCSA" shall apply to and become a participating member of the "Miss Dig" organization; and further

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

Resolved, The encroachments in the vicinity of "Comerica Ballpark" are pending recording in Wayne County. Table "BB" contains descriptions of adjoining lots for the encroachments at "Comerica Ballpark":

Comerica Park Encroachments Approved by City Council — Table “BB” [Baseball]
August 4, 1999 — J.C.C. pages 2421-27

Attachment #	Encroachment	Parcel #	Description of Lots Adjoining Encroachment
Attachment 01 Service Level Key Plan	Tunnel under Montcalm	10 & 11	Lying northerly of and abutting the north line of part of Lots 186, 187; also lying southerly of and abutting the south line of part of Lots 190 and 191 of the “Plat of Williams Park Lots 1, 2, 3 and 4” as made and adopted by the commissioners for the partition of the Estate of John R. Williams referred to in their partition in their report duly filed in the City of Detroit, Wayne County, Michigan (1857) as recorded in Liber 1, Pages 39 and 65, Plats, Wayne County Records;
Attachment 02 Main Concourse Key Plan	Tiger Statue system on Witherell	6	Lying westerly of and abutting the west line of part of Lot 140 and part of vacated Columbia Street (50 feet wide; said public street having been previously vacated by City Council on April 23, 1998 — J.C.C. pages 939-43) of the “Plat of Williams Park Lots 1, 2, 3 and 4” as made and adopted by the commissioners for the partition of the Estate of John R. Williams referred to in their partition in their report duly filed in the City of Detroit, Wayne County, Michigan (1857) as recorded in Liber 1, Pages 39 and 65, Plats, Wayne County Records;
Attachment 03 Main Concourse Key Plan	Bridge and VIP drop-off Canopy over Montcalm	10 & 11	Lying northerly of and abutting the north line of part of Lots 186, 187 also lying southerly of and abutting the south line of part of Lots 190 and 191 of the “Plat of Williams Park Lots 1, 2, 3, 4” as made and adopted by the commissioners for the partition of the Estate of John R. Williams referred to in their partition in their report duly filed in the City of Detroit, Wayne County, Michigan (1857) as recorded in Liber 1, Pages 39 and 65, Plats, Wayne County Records;
Attachment 04 Main Concourse Key Plan	Ballpark Club Canopy and Bat Extensions at Elizabeth (vac.) and Witherell	6 & 7	Lying westerly of and abutting the west line of part of Lot 56 and part of vacated Elizabeth Street (60 feet wide; said public street having been previously vacated by City Council on April 23, 1998 — J.C.C. pages 939-43) of the “Plat of Williams Park Lots 1, 2, 3 and 4” as made and adopted by the commissioners for the partition of the Estate of John R. Williams referred to in their partition in their report duly filed in the City of Detroit, Wayne County, Michigan (1857) as recorded in Liber 1, Pages 39 and 65, Plats, Wayne County Records;

Attachment 05 Main Concourse Key Plan	Canopy over West Side Home Plate Entrance at John R (vac.) and Montcalm	6	Lying northerly of and abutting the north line of part of Lot 180 and part of vacated John R Street (60 feet wide; said public street having been previously vacated by City Council on April 23, 1998 — J.C.C. pages 939-43) of the "Plat of Williams Park Lots 1, 2, 3 and 4" as made and adopted by the commissioners for the partition of the Estate of John R. Williams referred to in their partition in their report duly filed in the City of Detroit, Wayne County, Michigan (1857) as recorded in Liber 1, Pages 39 and 65, Plats, Wayne County Records;
Attachment 06 Main Concourse Key Plan	Canopy over East Side Home Plate Entrance — Montcalm	10	Lying northerly of and abutting the north line of part of Lots 182, 183 184 and the "Plat of Williams Park Lots 1, 2, 3 and 4" as made and adopted by the commissioners for the partition of the Estate of John R. Williams referred to in their partition in their report duly filed in the City of Detroit, Wayne County, Michigan (1857) as recorded in Liber 1, Pages 39 and 65, Plats, Wayne County Records;
Attachment 07 Main Concourse Key Plan	Non-standard Pavers at Adams and Witherell	7	Lying southerly of and abutting the south line of part of Lot 13, Lot 11, Lot 12; also lying westerly of and abutting the west line of said Lot 11 and part of the vacated east-west public alley (20 feet wide, in the block bounded by Witherell, John R, Adams and Elizabeth; said public alley having been previously vacated by City Council on April 23, 1998 — J.C.C. pages 939-43) of the "Plat of Williams Park Lots 1, 2, 3 and 4" as made and adopted by the commissioners for the partition of the Estate of John R. Williams referred to in their partition in their report duly filed in the City of Detroit, Wayne County, Michigan (1857) as recorded in Liber 1, Pages 39 and 65, Plats, Wayne County Records;
Attachment 08 Main Concourse Key Plan	Non-standard Pavers at Ballpark Club Entrance Elizabeth (vac.) and Witherell	6 & 7	Lying westerly of and abutting the west line of part of Lot 56, vacated Elizabeth Street (60 feet wide; said public street having been previously vacated by City Council on April 23, 1998 — J.C.C. pages 939-43), and part of Lot 36 of the "Plat of Williams Park Lots 1, 2, 3 and 4" as made and adopted by the commissioners for the partition of the Estate of John R. Williams referred to in their partition in their report duly filed in the City of Detroit, Wayne County, Michigan (1857) as recorded in Liber 1, Pages 39 and 65, Plats, Wayne County Records;

Attachment 09 Main Concourse Key Plan	Non-standard Pavers at Columbia (vac.) and Witherell Entrance	6	Lying westerly of and abutting the west line of part of Lot 98 vacated Columbia Street (50 feet wide; said public street having been previously vacated by City Council on April 23, 1998 — J.C.C. pages 939-43), and part of Lot 140 of the "Plat of Williams Park Lots 1, 2, 3 and 4" as made and adopted by the commissioners for the partition of the Estate of John R. Williams referred to in their partition in their report duly filed in the City of Detroit, Wayne County, Michigan (1857) as recorded in Liber 1, Pages 39 and 65, Plats, Wayne County Records;
Attachment 10 Main Concourse Key Plan	Non-standard Pavers at West Side Home Plate Entrance at John R (vac.) and Montcalm	6	Lying northerly of and abutting the north line of part of Lot 180 and part of vacated John R Street (60 feet wide; said public street having been previously vacated by City Council on April 23, 1998 — J.C.C. pages 939-43) of the "Plat of Williams Park Lots 1, 2, 3 and 4" as made and adopted by the commissioners for the partition of the Estate of John R. Williams referred to in their partition in their report duly filed in the City of Detroit, Wayne County, Michigan (1857) as recorded in Liber 1, Pages 39 and 65, Plats, Wayne County Records;
Attachment 11 Main Concourse Key Plan	Non-standard Pavers at East Side Home Plate Entrance — Montcalm	10	Lying northerly of and abutting the north line of part of Lots 182, 183 and 184 of the "Plat of Williams Park Lots 1, 2, 3 and 4" as made and adopted by the commissioners for the partition of the Estate of John R. Williams referred to in their partition in their report duly filed in the City of Detroit, Wayne County, Michigan (1857) as recorded in Liber 1, Pages 39 and 65, Plats, Wayne County Records;
Attachment 12 Main Concourse Key Plan	Non-standard Pavers at Tiger's Office Entrance on Montcalm	10	Lying northerly of and abutting the north line of part of Lots 186 and 187 of the "Plat of Williams Park Lots 1, 2, 3 and 4" as made and adopted by the commissioners for the partition of the Estate of John R. Williams referred to in their partition in their report duly filed in the City of Detroit, Wayne County, Michigan (1857) as recorded in Liber 1, Pages 39 and 65, Plats, Wayne County Records;
Attachment 13 Main Concourse Key Plan	Non-standard Pavers at Beer Garden Entrance —Brush	10	Lying easterly of and abutting the east line of part of Lot 7 of Plat of "Brush Subdivision of Park Lot 5, and a part of Brush Farm, east of and adjoining Park Lots 5 and 4", City of Detroit, Wayne County, Michigan as recorded in Liber 45, of Deeds, Page 121, Wayne County Records;

Attachment 14 Main Concourse Key Plan	Non-standard Pavers at Brush and Adams Entrance	8	Lying southerly of and abutting the south line of part of Lots 36, 37, and 38; also lying easterly of and abutting the east line of said Lot 38 and part of the vacated east-west public alley (20 feet wide, in the block bounded by John R, Brush, Adams and Elizabeth; said public alley having been previously vacated by City Council on April 23, 1998 — J.C.C. pages 939-43) of the "Map of Houghton's Section of the Brush Farm as Subdivided into lots by J. Almy (June 1835)," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 174, City Records;
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and be it further

Resolved, Six curb cut variances were unintentionally omitted from the 1999 resolution granting public right-of-way encroachments in the vicinity of "Comerica Ballpark". Table "CC" below contains descriptions of adjoining lots for the non-standard commercial curb cut openings greater than 50 feet for the purpose of driveways, and/or approaches to loading docks:

**Table of Curb Cut Variances — "Comerica Ballpark" encroachments —
Table "CC" [Curb Cut]
Not previously approved with Petition No. 1380
August 4, 1999 — J.C.C. pages 2421-27
Street rights-of-way (ROW) bounded by
Woodward, Brush, Adams, and Fisher Freeway South Service Drive
ROW denotes public right-of-way (street, alley, or service drive)**

Public Street Encroachment	Description of Lots
Curb cut greater than 50 feet	<u>Adjoining Encroachment(s)</u>
#	
1	<p>Service Area T—North side of Adams, West of Brush about 74 feet curb opening</p>
2	<p>Loading Dock I—West side of Brush, 2nd driveway South of Montcalm about 96 feet curb opening</p>
3	<p>Parking Lot G—North side of Montcalm, West of John R about 57 feet curb opening</p>

Lying southerly of and abutting the south line of part of Lot 33 and part of Lot 34 of "Map of Houghton's Section of the Brush Farm as Subdivided into lots by J. Almy (June 1835)," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 174, City Records;

Lying easterly of and abutting the east line of part of Lot 6; also lying easterly of and abutting the east line of part of vacated Columbia Street (50 feet wide, having been previously vacated by City Council on April 23, 1998 — J.C.C. pages 939-43) of "Map of Houghton's Section of the Brush Farm as Subdivided into lots by J. Almy (June 1835)," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 174, City Records;

Lying southerly of and abutting the south line of part of Lot 202, part of Lot 204, and Lot 203 of the "Plat of Williams Park Lots 1, 2, 3 and 4" as made and adopted by the commissioners for the partition of the Estate of John R Williams referred to in their partition in their report duly filed in the City of Detroit, Wayne County, Michigan (1857) as recorded in Liber 1, Pages 39 and 65, Plats, Wayne County Records;

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|---|---|---|
| 4 | <p style="text-align: center;">Parking Lot</p> <p>E—North side of Montcalm, East of John R about 87 feet curb opening</p> | <p>Lying southerly of and abutting the south line of part of Lot 195, part of Lot 191, and Lots 192 through 194 of the "Plat of Williams Park Lots 1, 2, 3 and 4" as made and adopted by the commissioners for the partition of the Estate of John R Williams referred to in their partition in their report duly filed in the City of Detroit, Wayne County, Michigan (1857) as recorded in Liber 1, Pages 39 and 65, Plats, Wayne County Records;</p> |
| 5 | <p style="text-align: center;">Parking Garage</p> <p>R—South side of I-75, Service Drive, 2nd driveway East of John R about 72 feet curb opening (in conjunction with M-DOT permit, if necessary)</p> | <p>Lying northerly of and abutting the north line of part of Lots 5 and 6 of "Mark Flanigan's Subdivision of Lot No. 5, Park Lot 5," City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 29 of Plats, Wayne County Records; also lying northerly of and abutting the north line of part of Lot 6 of the "Plat of Brush Subdivision of Park Lot Number Five and part of Brush Farm, East of and adjoining Park Lots Five and Four, City of Detroit, made by Edmond, Adelaide and Alfred Brush," City of Detroit, Wayne County, Michigan as recorded in Liber 45, Page 121 of Deeds, Wayne County Records.</p> |
| 6 | <p style="text-align: center;">Parking Garage</p> <p>S—North side of Montcalm, West of Brush about 51 feet curb opening</p> | <p>Lying southerly of and abutting the south line of the remaining northerly part of Lot 4 of the "Plat of Subdivision of Lot 13 of the Subdivision of the Park Lot 5 and Part of the Brush Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 144 of Plats, Wayne County Records;</p> |

Provided, The installation and maintenance of the proposed "Comerica Ballpark" variances or encroachments [depicted in Table "CC" above for six non-standard commercial curb cut openings greater than 50 feet for the purpose of driveways, and/or approaches to loading docks] within public sidewalk space (meaning the space between the lot line of the property and the public street curb line) shall comply with the rules and regulations of the Department of Public Works (DPW). City Engineering Division — DPW, shall review and approve the "DWCSA" plan for sidewalk alignment and grades in accord with Detroit Code Section 50, Article 4, Division 2. The construction, placement, and maintenance of the public sidewalk space shall be subject to city permits, inspection and specifications. All public rights-of-way shall be maintained safe and convenient for public travel. The petitioner, "DWCSA", shall be responsible 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 on 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 the proposed "Comerica Ballpark" variances or encroachments (depicted in Table "CC" above); and further

Provided, All costs for the construction, maintenance, permits and use of said "Comerica Ballpark" variances or encroachments (depicted in the table above) shall be borne by "DWCSA". [NOTES: The non-standard commercial curb cut openings will be over the existing utility facilities. Generally, city departments and privately owned utility companies request contractors for "DWCSA" take every precaution so as not to endanger utilities during or following excavations and/or installations within public rights-of-way or utility easements.] If damages to utilities occur, then "DWCSA" and/or their contractors shall be responsible for all incidental repairs and waives all claims for damages to the encroaching installation(s); and further

Provided, The use and/or operation of said city rights-of-way encroachment(s) shall be subject to proper zoning or regulated use (Board of Zoning Appeals Grant); and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located in city rights-of-way, by the acceptance of this permission the owners for themselves, their heirs or assigns, waive claims for any damages to the encroaching installa-

tions and agree to pay the costs incurred in their removal and/or alteration, if their removal and/or alteration becomes necessary, and to restore the city right-of-way affected to a condition satisfactory to the City Engineering Division — DPW at “DWCSA”, the encroachment(s) owner, expense; and further

Provided, The petitioner, “DWCSA”, shall file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit 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 all claims, damages or expenses that may arise out of the maintenance of said encroachments; and further

Provided, The petitioner “DWCSA” shall be required by the Law Department in conjunction with the Finance Department — Risk Management Division to present proof of financial capability (bonds and insurance; the City of Detroit shall be named as coinsured therein) to pay any claims, damages or expenses that may arise as a result of the installation, maintenance or use of non-standard public sidewalk space installations [“Comerica Ballpark” variances depicted in Table “CC” above] within public street rights-of-way. To protect the city in the event of petitioner (“DWCSA”) default, a surety bond in a penal sum sufficient to pay the City of Detroit’s cost to remove or alter the non-standard public [right-of-way] sidewalk space installations [six non-standard commercial curb cut openings greater than 50 feet for the purpose of driveways, and/or approaches to loading docks; if such removal or alteration becomes necessary] shall be maintained by “DWCSA”. Also, “DWCSA” shall maintain said surety bond in perpetuity (with no expiration date). The petitioner shall be unable to obtain a release from said surety bond as long as the non-standard public [right-of-way] sidewalk space installations exist within the public parts of Adams Avenue (60 feet wide), Brush Street (50 feet wide), Beacon Street (50 feet wide), Montcalm Street (50 feet wide), and the Fisher Freeway South Service Drive (M-DOT jurisdiction). The “City Engineering Division — Street Design Bureau” in conjunction with the Traffic Engineering Division — DPW (and the Michigan Department of Transportation [“M-DOT”], if necessary) shall be responsible for determining the amount of said surety bond, and then to transmit the information to the Finance Department; and further

Provided, That no rights in the public streets or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at the expense of “DWCSA” 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 at “DWCSA” expense; and further

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

Provided, That “DWCSA” shall apply to and become a participating member of the “Miss Dig” organization; and further

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

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.

Nays — None.

City Engineering Division

June 25, 2002

Honorable City Council:

Re: Petition No. 3939 — Omar Hawari, et. al., requesting for conversion of alley to easement in the area of Edsel Ford Hwy., Whitehead, and Livernois.

Petition No. 3939 of “Omar Hawari, et. al.”, request the conversion of the North-South public alley, 20 feet, in the block bounded by Livernois Avenue, 120 feet wide, Gilbert Avenue, 50 feet wide, Edsel Ford Freeway, and Whitehead Avenue, 39.8 feet wide, into a private easement for public utilities.

The request was approved by the Solid

Waste Division — DPW, and the Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

If the petitioner at any time plan to discontinue use of the paved alley return entrance (into Edsel Ford Freeway and Whitehead Avenue), the petitioner shall pay all incidental removal cost.

All other city departments and private utility companies have reported no objection to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility instal-

lations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW

By Council Member S. Cockrel:

Resolved, All that part of the North-South public alley, 20 feet wide, lying Easterly of and abutting the East line of Lot 41, also lying Westerly of and abutting the West line of Lots 5 through 8, both inclusive, in the "Andrew J. Linzee's Subdivision of the Southerly half of Lot (7) Seven of Campaus Subdivision of Private Claim 266 Township of Springwells Wayne County, Michigan, T.2S., R.11E.," as recorded in Liber 8 Page 22, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a private easement for public utilities of the full width of the alley, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said alley and by their heirs, executors, administrators and assigns, forever to wit:

First, Said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public alley in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

Second, Said utility easement or right-of-way in and over said vacated alley herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the

utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned task, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition.

Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls, shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division — DPW,

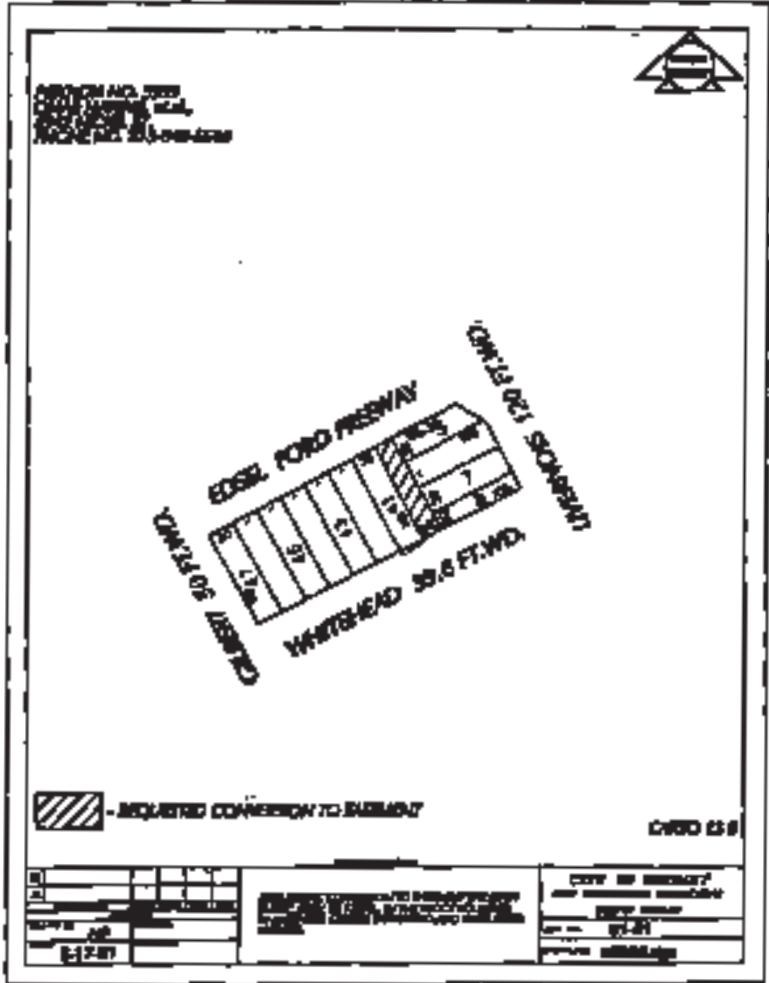
Fourth, that if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and further

Provided, That if it becomes necessary to remove the paved return at the entrance (into Edsel Ford Freeway and Whitehead Avenue), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications with all costs borne by the abutting owner(s), their heirs or assigns; 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.

Adopted as follows:



Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.
 Nays — None.

**Department of Public Works
 City Engineering Division**

June 19, 2002

Honorable City Council:

Re: Petition No. 4301 — Detroit Transportation Corporation (DTC), requesting temporary encroachment into the public right-of-way in the area of Grand Circus Park and Washington Blvd. to provide egress for the Grand Circus People Mover station.

Petition No. 4301 of "Detroit Transportation Corporation" 1420 Washington Blvd., 3rd Fl., Detroit, Michigan 48226, request to maintain the encroachment of

a Temporary Stairway system within Park Avenue, 60 feet wide, between Washington Boulevard and Woodward Avenue. The David Whitney Building is currently closed for an indefinite period of time and this closure limits the current configuration to one means of egress, which is not acceptable. The Temporary Stairway system encroachment, which measures 8'-6" x 33' to the right-of-way, will provide the required secondary means of egress for the Grand Circus People Mover station. The temporary encroachment will end once the David Whitney Building renovations are completed.

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

The Traffic Engineering Division — DPW reports no objections with the requested encroachment provided that