

the North one-half of said vacated Delaware Ave.; also Lot 7 and the North 8 feet of Lot 8, in Block 8, together with the reversionary interest in the West one-half of the adjoining vacated alley, 20 feet wide, all within the "Irving Place Subdivision on 1/4 Section 55 of 10,000 Acre Tract in T. 1 S., R. 11 E." as recorded in Liber 11, Page 5 Plats, W.C.R.;

and also, the West 87.12 feet of Lots 1 through 5 inclusive, and the North 169 feet of Lot 13, all within the "Sullivan Subdivision of Lots 1, 2, 3 and 4 of Block 10, and Lots 21, 22, 23 and 24, Block 11, Beck's Sub., 1/4 Section 55, 10,000 A. T. Greenfield Twp., Wayne Co., Michigan" as recorded in Liber 15, Page 69 Plats, W.C.R.

and be it further

Resolved, That this agreement be considered confirmed when signed and executed by the Planning and Development Department's Director of Development Activities and approved by the Corporation Counsel as to form.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Pro Tem. K. Cockrel, Jr. — 6.

Nays — None.

Planning & Development Department

November 3, 2005

Honorable City Council:

Re: Surplus Property Sale — 1529 W. Boston Blvd.

The City of Detroit acquired as tax reverted property from the State of Michigan, 1529 W. Boston, located on the South side of W. Boston Blvd., between John C. Lodge and Woodrow Wilson. The property was subsequently sold on a land contract basis. The land contract vendees failed to make the monthly payments; therefore the Planning and Development Department initiated summary court action, which resulted in a judgment that returned all interest in the property to the City of Detroit.

The property was offered for sale to the general public on the Planning Development Department's October 2005 — Public Bid Sale. The highest bid received for the captioned property was from Gary E. Lentz, for the amount of \$200,001.00. The property consists of a single family residential structure and is located on an area of land zoned R1-H (Single-Family Residential Historic District). Mr. Lentz proposes to rehabilitate the property and use is as his primary residence.

The property is a four (4) bedroom brick colonial with a three-car garage and is located in the Boston-Edison Historic District. The property is currently in "move-in" condition. Presently, all mechanicals are operable and timely completion of sale and move-in would

prevent further damage that may occur with the upcoming winter season. The sale has been presented to the Detroit Historical Commission for review and they will give their recommendations following their November 9, 2005 commission meeting.

We request your Honorable Body's approval to accept the Highest bid from Gary E. Lentz, for the sales price of \$200,001.00 on a cash basis plus an \$18.00 deed recording fee.

Respectfully submitted,
O'NEAL EDWARDS
Executive Manager
Real Estate

By Council Member Collins:

Resolved, That in accordance with the foregoing communication the Planning and Development Department is hereby authorized to accept this Offer to Purchase for property described on the tax roll as:

Land in the City of Detroit, County of Wayne and State of Michigan being Lot 393; Boston Boulevard Subdivision of Lots 1-2-3-6-7-8-9-10-11-14-15-17-18-19-22-23-24-26-27-30-31, 1/4 Section 35, 10,000 Acre Tract, City of Detroit and Township of Greenfield, Wayne County, Michigan. Rec'd L. 29, P. 23 Plats, W.C.R. and be it further

Resolved, That the Planning and Development Department Director of Development Activities or his authorized designee is hereby authorized to issue a Quit Claim Deed to the purchaser, Gary E. Lentz., upon receipt of the sales price of \$200,001.00 and the deed recording fee in accordance with the conditions set forth in the Offer to Purchase.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Pro Tem. K. Cockrel, Jr. — 6.

Nays — None.

Department of Public Works City Engineering Division

November 4, 2005

Honorable City Council:

Re: Petition No. 3442 — Redico Management, Inc. ("REDICO") — New Office Building on the Kennedy Square Block site facing Campus Martius — Requesting easements, variances or encroachments within city rights-of-way area bounded by Griswold, Woodward, Fort and Michigan.

Petition No. 3442 of Redico Management, Inc. ("REDICO") requests easements for building street projections; also permission to install and maintain variances or public street encroachments within the rights-of-way of Griswold Street, Woodward Avenue, Fort Street and Michigan Avenue. REDICO is constructing a multi-story office building on the Kennedy Square Block site. The \$60

million building will add about 240,000 square feet of office space in downtown Detroit. The building is under construction above the renovated Kennedy Square Block underground parking garage. The new office building stands facing Campus Martius Park.

The REDICO project is consistent with City Policy 301-12G, City of Detroit Master Plan of Policies, to redevelop the Kennedy Square Block as an office-retail site, set forth in the Revised Master Plan change adopted by City Council on May 4, 2000 — J.C.C. pages 996-1002. The REDICO project allows the City to carry out its obligations under existing Kern Woodward Associates Development Agreement(s). The resolution adopted by your Honorable Body on August 2, 2000 (J.C.C. pages 1945-49) contains a summary of many City Council considerations related to redevelopment of the Kennedy Square Block.

Petition No. 3442 was referred to City Engineering Division—DPW for investiga-

tion and report. In this encroachment petition we consulted with Traffic Engineering Division—DPW. This is our report:

To construct and maintain the REDICO Office Building it is necessary to grant "easements" for parts of the building that will extend into the public street rights-of-way. The easement areas are identified as "A, B, C, D, D-1, D-2, E, E-1, E-2 and F" in the attached resolution.

The table on page two lists a total of 17 construction activities at the REDICO site into public street rights-of-way; some require city department permits and inspection. For example, certain utility relocations, public sidewalks and curbs are to be rebuilt by REDICO at no expense to the city. The utility relocations will become a part of the city-owned systems after satisfactory completion. Certain REDICO site construction activities are variances or public street encroachments into rights-of-way, and must be authorized by City Council resolution.

Table of Variances of Encroachments:

"REDICO Office Building" construction within ROW, including Variances or Encroachments (Kennedy Square Block at Campus Martius)

ROW denotes public street right-of-way

#	Public Street Encroachment	Location
1	Front Entry Plaza Non-standard sidewalk in public ROW Surface grade entrance granite pavers (2 color pattern)	Woodward Avenue at Michigan
2	Front Entry Plaza Trench Drain #1	<ul style="list-style-type: none"> Woodward Avenue at Michigan (Drain #1); also
	Front Entry Plaza Trench Drain #2	<ul style="list-style-type: none"> Michigan Avenue at Woodward (Drain #2)
3	Front Entry Plaza Two in-grade luminaries	<ul style="list-style-type: none"> Woodward Avenue at Michigan (one within granite pavers) Woodward Avenue at Michigan (one within concrete sidewalk)
4	Front Entry Plaza One flag pole (CED-DPW permit required; with B&SE)	Woodward Avenue at Michigan (one within granite pavers)
5	Planter Boxes Four public sidewalk planter boxes and irrigation system	Woodward Avenue, North of Fort
6	New Curb & Gutter Placement (not a variance or encroachment, city permits required)	Fort Street at Griswold
7	Relocated PLD light poles Two of Five (not a variance or encroachment, city permits required)	Griswold Street, North of Fort (two relocated light poles)
8	Rear Entry Plaza Non-standard sidewalk in public ROW Surface grade entrance granite pavers (2 color pattern)	Griswold Street between Fort and Michigan
9	Rear Entry Plaza Fixed Awning-Canopy (B&SE awning-canopy permit required)	Griswold Street between Fort and Michigan
10	New Sidewalk, Pavement, Curb & Gutter Realignment	Michigan Avenue between Griswold and Woodward
11	Five Sidewalk Tree Wells, Grates & Irrigation System	Michigan Avenue, East of Griswold
12	Two Hydrant Relocations (not a variance or encroachment, city permits required)	Michigan Avenue between Griswold and Woodward
13	Relocated PLD light poles Three of Five (not a variance or encroachment, city permits required)	Michigan Avenue between Griswold and Woodward
14	Relocated Catch Basin Inlet #7 (not a variance or encroachment, city permits required)	Michigan Avenue West of Woodward
15	Front Entry Plaza Left Public Sidewalk Granite Planter Structure above grade walls & irrigation system	Michigan Avenue between Griswold and Woodward

#	Public Street Encroachment	Location
16	Front Entry Plaza Public Sidewalk Sculpture Wall above grade & LED Lights at surface grade system	Michigan Avenue between Griswold and Woodward
17	Front Entry Plaza Right Public Sidewalk Granite Planter Structure above grade walls & irrigation system	Michigan Avenue between Griswold and Woodward

In accord with Detroit Code Section 50-2-4 "REDICO" must maintain a surety bond for the flag pole encroachment into the marginal area of Woodward Avenue.

"REDICO" must apply to the Buildings and Safety Engineering Department for a special awning-canopy building permit.

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

Provisions protecting city departments and utilities are contained in the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

WILLIAM TALLEY

Head Engineer

City Engineering Division—DPW

By Council Member Collins:

Whereas, Redico Management Inc. ("REDICO") is constructing a multi-story office building on the Kennedy Square Block site. The \$60 million building will add about 240,000 square feet of office space in downtown Detroit. The building is under construction above the renovated Kennedy Square Block underground parking garage. The new office building stands facing Campus Martius Park; and

Whereas, The REDICO project is consistent with City Policy 301-12G, City of Detroit Master Plan of Policies, to redevelop the Kennedy Square Block as an office-retail site, set forth in the Revised Master Plan change adopted by City Council on May 4, 2000 — J.C.C. pages 1945-49. The REDICO project allows the City to carry out its obligations under existing Kern Woodward Associates Development Agreement(s). The resolution adopted on August 2, 2000 (J.C.C. pages 1945-49) contains a summary of many City Council considerations related to redevelopment of the Kennedy Square Block; therefore be it

Resolved, To construct and maintain the REDICO Office Building it is necessary to grant "easements" for parts of the structure that will extend into the public street rights-of-way. The easement areas are identified as "A, B, C, D, D-1, D-2, E, E-1, E-2 and F", and described as follows:

NOTES: In this resolution "easement(s)" means a non-possessory interest — delimited elevations in city datum; above-ground and surface-grade — within public street rights-of-way to construct and maintain parts of the "REDICO Office Building." When this specific purpose is

extinguished (meaning if the "REDICO Office Building" is razed by its land title holders) the public lands, street rights-of-way, revert back to their full height(s)-width(s)-depth(s) [elevations defined by condominium plan records] free of "REDICO Office Building" burden(s) or easement(s).

Easement "A"

A three-dimensional easement for permissible **BUILDING STREET PROJECTION** purposes, within an area between City of Detroit elevation **122.17** and City of Detroit Elevation **266.51**, lying within that portion of Michigan Avenue (100 feet wide) in the City of Detroit, County of Wayne, State of Michigan, and being described as:

Commencing at the northwest corner of Lot 16 of the "**MAP OF THE TRACT OF LAND GRANTED BY AN ACT OF CONGRESS, APPROVED MAY 20, 1826 TO THE CITY OF DETROIT AS THE SAME DIVIDED INTO LOTS AND NUMBER BY ORDER OF THE COMMON COUNCIL OF SAID CITY BY J. MULLET, SURVEYOR, 1831**" as recorded on June 13, 1831 in Liber 5 page 218 City Records; Thence N59°50'38"E along the southerly line of Lafayette Blvd. (80 feet wide), also being the northerly line of said Lot 16, a distance of 18.66 feet to the southerly line of Michigan Avenue (100 feet wide); Thence N89°51'36"E along the southerly line of said Michigan Avenue, also being the northerly line of said Lot 16, a distance of 74.53 feet to the POINT OF BEGINNING;

Thence N00°08'24"W 3.00 feet;

Thence N89°51'36"E 6.00 feet;

Thence S00°08'24"E 3.00 feet to a point on the southerly line of said Michigan Avenue, also being the northerly line of said Lot 16;

Thence S89°51'36"W along the southerly line of said Michigan Avenue, also being the northerly line of said Lot 16, a distance of 6.00 feet to the POINT OF BEGINNING.

Easement "B"

A three-dimensional easement for permissible **BUILDING STREET PROJECTION** purposes, within an area between City of Detroit elevation **122.17** and City of Detroit Elevation **149.25**, lying within that portion of Michigan Avenue (100 feet wide) in the City of Detroit, County of Wayne, State of Michigan, and being described as:

Commencing at the northwest corner of Lot 16 of the "**MAP OF THE TRACT OF LAND GRANTED BY AN ACT OF CONGRESS, APPROVED MAY 20, 1826 TO**

THE CITY OF DETROIT AS THE SAME DIVIDED INTO LOTS AND NUMBER BY ORDER OF THE COMMON COUNCIL OF SAID CITY BY J. MULLET, SURVEYOR, 1831" as recorded on June 13, 1831 in Liber 5 page 218 City Records; Thence N59°50'38"E along the southerly line of Lafayette Blvd. (80 feet wide), also being the northerly line of said Lot 16, a distance of 18.66 feet to the southerly line of Michigan Avenue (100 feet wide); Thence N89°51'36"E along the southerly line of said Michigan Avenue, also being the northerly line of said Lot 16, a distance of 123.03 feet to the POINT OF BEGINNING;

Thence N00°08'24"W 3.00 feet;

Thence N89°51'36"E 8.00 feet;

Thence S00°08'24"E 3.00 feet to a point on the southerly line of said Michigan Avenue, also being the northerly line of said Lot 16;

Thence S89°51'36"W along the southerly line of said Michigan Avenue, also being the northerly line of said Lot 16, a distance of 8.00 feet to the POINT OF BEGINNING.

Easement "C"

A three-dimensional easement for permissible **BUILDING STREET PROJECTION** purposes, within an area between City of Detroit elevation **122.17** and City of Detroit Elevation **140.42**, lying within that portion of Woodward Avenue (Variable Width) in the City of Detroit, County of Wayne, State of Michigan, and being described as:

Commencing at the intersection of the southerly line of Michigan Avenue (100 feet wide) with the westerly line of Woodward Avenue, as relocated, (variable width); Thence S00°08'24"E along the westerly line of said Woodward Avenue, 58.46 feet to the POINT OF BEGINNING;

Thence N89°51'36"E 7.00 feet;

Thence N00°08'24"W 35.00 feet;

Thence S89°51'36"W 7.00 feet to a point on the westerly line of said Woodward Avenue;

Thence N00°08'24"W along the westerly line of said Woodward Avenue, 35.00 feet to the POINT OF BEGINNING.

Easement "D"

A three-dimensional easement for permissible **BUILDING STREET PROJECTION** purposes, within an area between City of Detroit elevation **141.00** and City of Detroit Elevation **285.00**, lying within that portion of Woodward Avenue (Variable Width) in the City of Detroit, County of Wayne, State of Michigan, and being described as:

Commencing at the intersection of the southerly line of Michigan Avenue (100 feet wide) with the westerly line of Woodward Avenue, as relocated, (variable width); Thence S00°08'24"E along the westerly line of said Woodward Avenue, 100.46 feet to the POINT OF BEGINNING;

Thence N89°51'36"E 17.00 feet;

Thence S00°08'24"E 42.00 feet;

Thence S89°51'36"W 17.00 feet to a point on the westerly line of said Woodward Avenue;

Thence N00°08'24"W along the westerly line of said Woodward Avenue, 42.00 feet to the POINT OF BEGINNING.

Easement "D-1"

A three-dimensional easement for permissible **BUILDING STREET PROJECTION** purposes, within an area between City of Detroit elevation **122.17** and City of Detroit Elevation **141.00**, lying within that portion of Woodward Avenue (Variable Width) in the City of Detroit, County of Wayne, State of Michigan, and being described as:

Commencing at the intersection of the southerly line of Michigan Avenue (100 feet wide) with the westerly line of Woodward Avenue, as relocated, (variable width); Thence S00°08'24"E along the westerly line of said Woodward Avenue, 101.44 feet to the POINT OF BEGINNING;

Thence N56°51'36"E 1.50 feet;

Thence S33°08'24"E 3.00 feet;

Thence S56°51'36"W 3.45 feet to a point on the westerly line of said Woodward Avenue;

Thence N00°08'24"W along the westerly line of said Woodward Avenue, 3.58 feet to the POINT OF BEGINNING.

Easement "D-2"

A three-dimensional easement for permissible **BUILDING STREET PROJECTION** purposes, within an area between City of Detroit elevation **122.17** and City of Detroit Elevation **141.00**, lying within that portion of Woodward Avenue (Variable Width) in the City of Detroit, County of Wayne, State of Michigan, and being described as:

Commencing at the intersection of the southerly line of Michigan Avenue (100 feet wide) with the westerly line of Woodward Avenue, as relocated, (variable width); Thence S00°08'24"E along the westerly line of said Woodward Avenue, 137.21 feet to the POINT OF BEGINNING;

Thence N56°51'36"E 1.48 feet;

Thence S33°08'24"E 3.00 feet;

Thence S56°51'36"W 3.43 feet to a point on the westerly line of said Woodward Avenue;

Thence N00°08'24"W along the westerly line of said Woodward Avenue, 3.58 feet to the POINT OF BEGINNING.

Easement "E"

A three-dimensional easement for permissible **BUILDING STREET PROJECTION** purposes, within an area between City of Detroit elevation **141.00** and City of Detroit Elevation **266.51**, lying within that portion of Woodward Avenue (Variable Width) in the City of Detroit, County of

Wayne, State of Michigan, and being described as:

Commencing at the intersection of the southerly line of Michigan Avenue (100 feet wide) with the westerly line of Woodward Avenue, as relocated, (variable width); Thence S00°08'24"E along the westerly line of said Woodward Avenue, 171.46 feet to the POINT OF BEGINNING;

Thence N89°51'36"E 15.00 feet;

Thence S00°08'24"E 35.00 feet;

Thence S89°51'36"W 15.00 feet to a point on the westerly line of said Woodward Avenue;

Thence N00°08'24"W along the westerly line of said Woodward Avenue, 35.00 feet to the POINT OF BEGINNING.

Easement "E-1"

A three-dimensional easement for permissible **BUILDING STREET PROJECTION** purposes, within an area between City of Detroit elevation **122.17** and City of Detroit Elevation **141.00**, lying within that portion of Woodward Avenue (Variable Width) in the City of Detroit, County of Wayne, State of Michigan, and being described as:

Commencing at the intersection of the southerly line of Michigan Avenue (100 feet wide) with the westerly line of Woodward Avenue, as relocated, (variable width); Thence S00°08'24"E along the westerly line of said Woodward Avenue, 172.98 feet to the POINT OF BEGINNING;

Thence N56°51'36"E 1.46 feet;

Thence S33°08'24"E 3.00 feet;

Thence S56°51'36"W 3.41 feet to a point on the westerly line of said Woodward Avenue;

Thence N00°08'24"W along the westerly line of said Woodward Avenue, 3.58 feet to the POINT OF BEGINNING.

Easement "E-2"

A three-dimensional easement for permissible **BUILDING STREET PROJECTION** purposes, within an area between City of Detroit elevation **122.17** and City of Detroit Elevation **141.00**, lying within that portion of Woodward Avenue (Variable Width) in the City of Detroit, County of Wayne, State of Michigan, and being described as:

Commencing at the intersection of the southerly line of Michigan Avenue (100 feet wide) with the westerly line of Woodward Avenue, as relocated, (vari-

able width); Thence S00°08'24"E along the westerly line of said Woodward Avenue, 201.60 feet to the POINT OF BEGINNING;

Thence N56°51'36"E 1.55 feet;

Thence S33°08'24"E 3.00 feet;

Thence S56°51'36"W 3.50 feet to a point on the westerly line of said Woodward Avenue;

Thence N00°08'24"W along the westerly line of said Woodward Avenue, 3.58 feet to the POINT OF BEGINNING.

Easement "F"

A three-dimensional easement for permissible **BUILDING STREET PROJECTION** purposes, within an area between City of Detroit elevation **122.17** and City of Detroit Elevation **140.42**, lying within that portion of Fort Street (100 feet wide) in the City of Detroit, County of Wayne, State of Michigan, and being described as:

Commencing at the southwest corner of Lot 16 of the "**MAP OF THE TRACT OF LAND GRANTED BY AN ACT OF CONGRESS, APPROVED MAY 20, 1826 TO THE CITY OF DETROIT AS THE SAME DIVIDED INTO LOTS AND NUMBER BY ORDER OF THE COMMON COUNCIL OF SAID CITY BY J. MULLET, SURVEYOR, 1831**" as recorded on June 13, 1831 in Liber 5 page 218 City Records; Thence N59°50'27"E along the northerly line of said Fort Street, also being the southerly line of said Lot 16 and the northeasterly extension thereof, 35.00 feet to the POINT OF BEGINNING;

Thence continuing N59°50'27"E along the northerly line of said Fort Street also being the southerly line of said Lot 16 and the northeasterly extension thereof, 21.00 feet;

Thence S30°09'33"E 5.00 feet;

Thence S59°50'27"W 21.00 feet;

Thence N00°08'24"E 3.00 feet to a point on the southerly line of said Michigan Avenue, also being the northerly line of said Lot 16;

Thence 30°09'33"W 5.00 feet to the POINT OF BEGINNING; and be it further

Resolved, the City Engineering Division—DPW is hereby authorized and directed to issue permits to Redico Management Inc. ("REDICO") to install and maintain several office building variances, encroaching within perimeter city rights-of-way, adjoining the "REDICO Office Building" parcel site as follows:

Table of Variances of Encroachments:
 “REDICO Office Building” construction within ROW, including Variances or Encroachments
 (Kennedy Square Block at Campus Martius) Petition No. 3442
ROW denotes public street right-of-way

#	Public Street Encroachment	Location	Remarks	Neumann Smith & Associates Sheet #
1	Front Entry Plaza Non-standard sidewalk in public ROW Surface grade entrance granite pavers (2 color pattern)	Woodward Avenue at Michigan	Granite Paving Type ‘A’ (large stripes) Black antique finish. Granite Paving Type ‘B’ (small stripes) white antique finish.	L-1.0 Plaza Paving Layout Plan
2	Front Entry Plaza Trench Drain #1 Front Entry Plaza Trench Drain #2	<ul style="list-style-type: none"> Woodward Avenue at Michigan (Drain #1); also Michigan Avenue at Woodward (Drain #2) 	Trench Drain, see civil plans for storm sewer connection	C-1.2 Site Utility Plan & L-4.2 Detail
3	Front Entry Plaza Two in-grade luminaires	<ul style="list-style-type: none"> Woodward Avenue at Michigan (one within granite pavers) Woodward Avenue at Michigan (one within concrete sidewalk) 	Subject to PLD specifications [BEGA drive-over buried luminaires #8851MH, 39WT4 G8.5 MH]	L-1.0 Plaza Paving Layout Plan & L-4.2 Detail
4	Front Entry Plaza One flag pole (CED-DPW permit required; consensus with B&SE)	Woodward Avenue at Michigan (one within granite pavers)	Flag Pole installation Type ‘B’ —subject to the requirements of Detroit Code Section 50-2-4	L-1.0 Plaza Paving Layout Plan & L-4.2 Detail
5	Planter Boxes Four public sidewalk planter boxes and irrigation system	Woodward Avenue, North of Fort	Granite Planter walls; plant materials subject to Recreation Department Review	L-1.1 Plaza Paving Layout Plan & L-2.0 Landscape Plan & L-3.0 Irrigation Plan & L-4.0 Detail
6	New Curb & Gutter Placement (not a variance or encroachment; city permits required)	Fort Street at Griswold <i>After the curb and sidewalk construction is completed to the satisfaction of DPW, the construction shall become a part of the city system — thereafter subject to Detroit Code Section 16, Article 12.</i>	Sawcut and remove existing driveway, curb and sidewalk, replace about 29 feet of new curb and gutter; subject to City Engineering Division—DPW review and permits	C-1.0 Site Demolition Plan & C-1.1 Site Grading and Drainage Plan & C-1.1A Site Layout Plan

Remarks

Two relocated lights subject to PLD specifications & City Engineering Division—DPW permits; see on-site electrical plans — Detroit Code Section 42, Article 1

L-1.0 Plaza Paving Layout Plan

Granite Paving Type 'A' (large stripes) Black antique finish. Granite Paving Type 'B' (small stripes) White antique finish.

L-1.0 Plaza Paving Layout Plan

If an awning-canopy extends over public rights-of-way, a special (Buildings & Safety Engineering Department) canopy permit is required. The awning can only display the name-identification of the building and its address location. No advertising is permitted. (See architectural plans)

L-1.0 Plaza Paving Layout Plan & C-1.0 Site Demolition Plan & C-1.1 Site Grading and Drainage Plan

New concrete sidewalk, pavement, curb relocation, manhole adjustments to new grade (see civil plans); subject to City Engineering Division—DPW review and permits

L-1.0- Plaza Paving Layout Plan & L-3.0 Landscape Plan & L-3.0 Irrigation Plan & L-4.0 Detail

Five public sidewalk tree wells (crushed stone mulch inside), grates and irrigation system; subject to Recreation Department review — Detroit Code Section 57-2-18

L-1.0 Plaza Paving Layout Plan & C-1.2 Site Utility Plan

Two existing hydrants relocated (see civil plans); subject to DWSD specifications

Location

Griswold Street, North of Fort (two relocated light poles) *After the light pole(s) relocation is completed (subject to permits and inspection) to the satisfaction of PLD; the utility shall become a part of the city-owned system.*

Griswold Street between Fort and Michigan

Griswold Street between Fort and Michigan

Michigan Avenue between Griswold and Woodward (ROW transfer to City Jurisdiction 2001 & 2005 — Campus Martius)

Michigan Avenue, East of Griswold (ROW transfer to City jurisdiction 2001 & 2005 — Campus Martius)

Michigan Avenue between Griswold and Woodward (ROW transfer to City Jurisdiction 2001 & 2005 — Campus Martius) *After the hydrant(s) relocation is completed (subject to permits and inspection) to the satisfaction of the Fire Department and DWSD, the utility shall become a part of the city-owned system.*

Public Street Encroachment

7 Relocated PLD light poles Two of Five (not a variance or encroachment, city permits required)

8 Rear Entry Plaza Non-standard sidewalk in public ROW. Surface grade entrance granite pavers (2 color pattern)

9 Rear Entry Plaza Fixed Awning-Canopy (B&SE awning-canopy permit required)

10 New Sidewalk, Pavement, Curb & Gutter Realignment

11 Five Sidewalk Tree Wells, Grates & Irrigation System

12 Two Hydrant Relocations (not a variance or encroachment, city permits required)

#	Public Street Encroachment	Location	Remarks	Neumann Smith & Associates Sheet #
13	Relocated PLD light poles Three of Five (not a variance or encroachment, city permits required)	Michigan Avenue between Griswold and Woodward (ROW transfer to City jurisdiction 2001 & 2005 — Campus Martius) After the light pole(s) relocation is completed (subject to permits and inspection) to the satisfaction of PLD; the utility shall become a part of the city-owned system.	Three relocated lights subject to PLD specifications & City Engineering Division—DPW permits; see on-site electrical plans — Detroit Code Section 42, Article 1	L-1.0 Plaza Paving Layout Plan
14	Relocated Catch Basin Inlet #7 (not a variance or encroachment, city permits required)	Michigan Avenue West of Woodward (ROW transfer to City jurisdiction 2001 & 2005 — Campus Martius) After the catch basin inlet relocation is completed (subject to permits and inspection) to the satisfaction of DPW (and DWSD, if necessary), the utility shall become a part of the city-owned system.	One relocated catch basin; subject to City Engineering Division—DPW review and permits	C-1.2 Site Utility Plan
15	Front Entry Plaza Left Public Sidewalk Granite Planter Structure above grade walls & irrigation system	Michigan Avenue between Griswold and Woodward (ROW transfer to City jurisdiction 2001 & 2005 — Campus Martius)	Granite Planter walls; plant materials subject to Recreation Department review	L-1.0 Plaza Paving Layout Plan & L-2.0 Landscape Plan & L-3.0 Irrigation Plan & L-4.0 Detail & L-4.1 Details & C-1.2 Site Utility Plan
16	Front Entry Plaza Public Sidewalk Sculpture Wall above grade & LED Lights at surface grade system	Michigan Avenue between Griswold and Woodward (ROW transfer to City jurisdiction 2001 & 2005 — Campus Martius)	LED lights; subject to PLD specifications	L-1.0 Plaza Paving Layout Plan & L-2.0 Landscape Plan & L-4.0 Detail & C-1.2 Site Utility Plan
17	Front Entry Plaza Right Public Sidewalk Granite Planter Structure above grade walls & irrigation system	Michigan Avenue between Griswold and Woodward (ROW transfer to City jurisdiction 2001 & 2005 — Campus Martius)	Granite Planter walls; plant materials subject to Recreation Department review	L-1.0 Plaza Paving Layout Plan & L-2.0 Landscape Plan & L-3.0 Irrigation Plan & L-4.0 Detail & L-4.1 Details & C-1.2 Site Utility Plan

The encroachments are shown on drawings (dated: July 5, 2005, Addendum No. 7) submitted by "Neumann Smith & Associates", 400 Galleria Offcentre, Suite 555, Southfield, MI 48034 — Job No. 24088 — NS@neumannsmith.com; and "Grissim-Metz-Andriese Associates", 300 East Cady Street, Northville, MI 48167 — mailbox@gma-la.com for the petitioner(s), "Redico Management, Inc. [REDICO]". The drawings for the proposed encroachments reference Lot 16 of the "MAP OF THE TRACT OF LAND GRANTED BY AN ACT OF CONGRESS, APPROVED MAY 20, 1826 TO THE CITY OF DETROIT AS THE SAME DIVIDED INTO LOTS AND NUMBER BY ORDER OF THE COMMON COUNCIL OF SAID CITY BY J. MULLET, SURVEYOR, 1831" as recorded on June 13, 1831 in Liber 5 page 218 City Records;

Provided, It is the responsibility of "REDICO" 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, That before any encroaching "REDICO" construction (such as the variances or encroachments described in the Table above) shall be permitted within city public rights-of-way, "REDICO" shall apply to the Buildings and Safety Engineering Department for a building permit. As a part of "plan review" the Fire Marshall Division—Detroit Fire Department (DFD) shall examine "REDICO" drawings for compliance with emergency and fire public safety stipulations. Simultaneously, "REDICO" shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval. "REDICO" shall pay all DWSD costs for plan review associated with the placement of variances or encroachments related to DWSD equipment — including, but not limited to — water line feeds to relocated hydrants, water line feeds to landscape irrigation systems, and sewer-connection(s) to catch basin inlet(s) and trench drain(s). After the hydrant(s) relocation is completed (subject to permits and inspection) to the satisfaction of the Fire Department and DWSD, the utility shall become a part of the city-owned system. Also, "REDICO" shall pay all DWSD costs for other area of influence construction, inspection, survey, engineering, and permits. The City Engineering Division—DPW shall be unable to sign building plans to connect to or near sewer(s) and water mains that must remain public, unless said plans are first reviewed and approved by DWSD; and further

Provided, "REDICO" shall apply to the Buildings and Safety Engineering Department for a special awning-canopy building permit. [NOTES: The awning can

only display the name-identification of the building and its address location. No advertising is permitted.] The awning-canopy is to be installed within the eastern public sidewalk space of Griswold Street (90 feet wide) in the City of Detroit, County of Wayne, State of Michigan, more particularly described as follows:

Commencing at the northwest corner of Lot 16 of the "MAP OF THE TRACT OF LAND GRANTED BY AN ACT OF CONGRESS, APPROVED MAY 20, 1826 TO THE CITY OF DETROIT AS THE SAME DIVIDED INTO LOTS AND NUMBER BY ORDER OF THE COMMON COUNCIL OF SAID CITY BY J. MULLET, SURVEYOR, 1831" as recorded on June 13, 1831 in Liber 5 page 218 City Records; Thence S33°07'12"E along the easterly line of said Griswold Street, also being the westerly line of said Lot 16, 137.98 feet to the POINT OF BEGINNING;

Thence continuing S33°07'12"E along the easterly line of said Griswold Street also being the westerly line of said Lot 16, 23.00 feet;

Thence S56°51'33"W 9.00 feet;

Thence N33°07'12"W 23.00 feet;

Thence N56°51'33"E 9.00 feet to the POINT OF BEGINNING; and further

Provided, Any public rights-of-way variances or encroachment(s) that require electrical power shall be installed to conform to the current National Electrical Code as adopted by the Michigan Public Service Commission. "REDICO" electrical power installations within public rights-of-way shall be according to specifications, permits and inspection of the Public Lighting Department in conjunction with Buildings and Safety Engineering Department (if necessary); and further

Provided, the costs to relocate Public Lighting Department (PLD) street light poles and fixtures in the public right-of-way shall be borne by "REDICO". Contractors for "REDICO" shall employ an electrical company that PLD pre-approves to remove, store and reinstall the public street light poles. [NOTE: The PLD contact-person is Michael Laskowski at 313-267-7306.] After the street light pole(s) relocation is completed (subject to permits and inspection) to the satisfaction of PLD, the utility shall become a part of the city-owned system. No permanent barriers or structures shall be built or placed over PLD underground facilities. The petitioner, "REDICO", 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 "REDICO" variances or encroachments shall be installed and maintained 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 "REDICO" variances and encroachments; and further

Provided, Detroit Water and Sewerage Department (DWSD) forces shall have free and easy access to the water main and/or sewer facilities at all times to permit proper operation, maintenance and if required, alteration or repair of the water main and/or sewer facilities. Free and easy access means that no structures or storage of materials will be built or placed over DWSD facilities. "REDICO" variances or encroachments shall be installed 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 or shut-offs (and any other DWSD facilities) and the proposed "REDICO" variances or encroachments. The petitioner, "REDICO", shall comply with all specific conditions imposed to insure unimpeded 24-hour-per-day access to DWSD and utility companies for access within public rights-of-way; and further

Provided; Whenever, underground utility facility maintenance is required, city departments and/or utility companies shall not be held responsible to maintain granite pavers and/or other permitted non-standard public sidewalk materials that may become disturbed by utility excavations. [NOTES: City Engineering Division—DPW advises "REDICO" to maintain sufficient stock of granite pavers and/or other non-standard public sidewalk materials for the purpose of replacing permitted surfaces in the event of utility construction.]; and further

Provided, "REDICO" shall apply to the Recreation Department for a tree planting(s) permit in accord with Detroit Code Section 57-2-18, [NOTES: The applicant for such permit shall designate the locations and species of trees, shrubs or plants to be planted and the method proposed to be followed.] The five tree wells, grates and irrigation system are to be installed within the southern public sidewalk space of Michigan Avenue (100 feet wide) in the City of Detroit, County of Wayne, State of Michigan, more particularly described as follows:

Commencing at the northwest corner of Lot 16 of the "**MAP OF THE TRACT OF LAND GRANTED BY AN ACT OF CONGRESS, APPROVED MAY 20, 1826 TO THE CITY OF DETROIT AS THE SAME DIVIDED INTO LOTS AND NUMBER BY ORDER OF THE COMMON COUNCIL OF SAID CITY BY J. MULLET, SURVEY-**

OR, 1831" as recorded on June 13, 1831 in Liber 5 page 218 City Records; Thence N59°50'38"E along the southerly line of Lafayette Blvd. (80 feet wide), also being the northerly line of said Lot 16, a distance of 18.66 feet to the southerly line of Michigan Avenue (100 feet wide); to the POINT OF BEGINNING;

Thence N30°09'22"W 18.18 feet;

Thence N59°50'38"E 10.51 feet;

Thence N89°51'36"E 70.67 feet;

Thence S30°09'22"W 20.52 feet;

Thence S89°51'36"W 6.00 feet;

Thence S00°08'24"E 3.00 feet; to a point on the southerly line of said Michigan Avenue, also being the northerly line of said Lot 16;

Thence S89°51'36"W along the southerly line of said Michigan Avenue, also being the northerly line of said Lot 16, a distance of 74.53 feet to the POINT OF BEGINNING; and further

Provided, The installation and maintenance of the proposed "REDICO" variances and encroachments [described in the Table above; including tree wells, granite pavers, planter structures and boxes, sculpture wall, surface grade LED lights, in-grade luminaries, trench drains and flag pole] with 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 "REDICO" plan for curb-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 curb realignment (Michigan Avenue), new catch basin inlet (Michigan Avenue), replacement new curb and gutter (Fort Street), and all other replacement public sidewalk space shall be subject to city permits, inspection and specifications. [NOTES: After the Michigan Avenue catch basin inlet relocation is completed to the satisfaction of DPW (and DWSD, if necessary), the utility shall become a part of the city-owned system. After the Fort Street new curb and gutter construction is completed to the satisfaction of DPW, the construction shall become a part of the city system — thereafter subject to Detroit Code Section 18, Article 12 — and any abutting property owner maintenance responsibilities.] All public rights-of-way shall be maintained safe and convenient for public travel. The petitioner, "REDICO", 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 "REDICO" variances or encroachments (described in the Table above); and further

Provided, All costs for the construction, maintenance, permits and use of said "REDICO" variances or encroachments (depicted in the Table above) shall be borne by "REDICO". [NOTES: Some of the proposed granite pavers, trench drains, planter structures and boxes, and tree plantings will be placed near or connected with existing utility facilities. Generally, city departments and privately owned utility companies request contractors for "REDICO" 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 "REDICO" to arrange for "pre-construction meeting(s)" with city departments and privately owned utility companies, as needed.] If damages to utilities occur, then "REDICO" and/or their contractors shall be responsible for all incidental repairs and waives all claims for damages to the encroaching installations); and further

Provided, The use and/or operation of said public rights-of-way variances or 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 public 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 public right-of-way affected to a condition satisfactory to the City Engineering Division—DPW at "REDICO", the variance or encroachment(s) owners', expense; and further

Provided, The petitioner, "REDICO", 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 "REDICO" 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 installa-

tion, maintenance or use of non-standard public sidewalk space installations ("REDICO" variances described in the Table above) within public street rights-of-way. To protect the city in the event of petitioner ("REDICO") default, a surety bond shall be maintained by "REDICO". "REDICO" shall maintain said surety bond in a penal sum sufficient to pay the City of Detroit's cost to remove or alter the non-standard public sidewalk space installations [described in the Table above; including tree wells, granite pavers, planter structures and boxes, sculpture wall, surface grade LED lights, in-grade luminaries, and trench drains; if such removal or alteration becomes necessary]. Also, "REDICO" shall maintain said surety bond indefinitely, without an expiration date. "REDICO" shall be unable to obtain a release from said surety bond as long as the non-standard public sidewalk space installations exist within part of Griswold Street (90 feet wide), Woodward Avenue (variable width at Campus Martius), Fort Street (variable width at Campus Martius), and Michigan Avenue (100 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 "REDICO" 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 "REDICO" expense; and further

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

Provided, That "REDICO" shall apply to the "MISS DIG" association in advance of any public right-of-way construction or maintenance related activities as imposed by Michigan Public Act 53 of 1974, "Protection of Underground Facilities (460.701-460.718)"; and further

Provided, That the variances or 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, Subject to consensus with the Buildings and Safety Engineering Department (if necessary), the City Engineering Division—DPW is hereby authorized and directed to issue a permit to Redico Management Inc. (“REDICO”) to install and maintain one flagpole building variance, encroaching with the western public sidewalk space of Woodward Avenue (variable width at Campus Martius), adjoining the “REDICO Office Building” parcel in the City of Detroit, County of Wayne, State of Michigan, said public sidewalk space being more particularly described as follows:

Commencing at the intersection of the southerly line of Michigan Avenue (100 feet wide) with the westerly line of Woodward Avenue, as relocated, (variable width); Thence S00°08'24"E along the westerly line of said Woodward Avenue, 5.05 feet to the POINT OF BEGINNING;

Thence S33°08'24"E 34.49 feet;

Thence S56°51'36"W 22.40 feet to a point on the westerly line of said Woodward Avenue;

Thence N00°08'24"W along the southerly line of Woodward Avenue, 32.90 feet to the POINT OF BEGINNING; and further

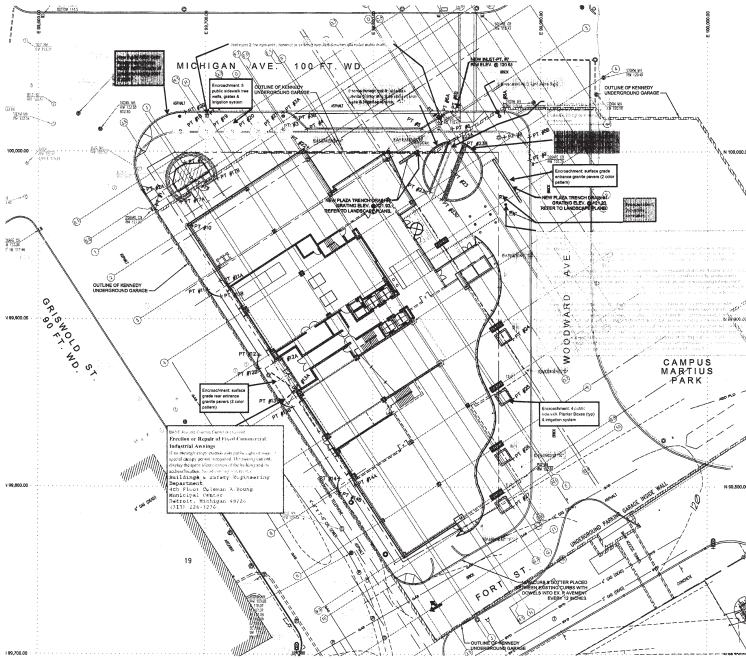
Provided, “REDICO” shall install and maintain one flagpole, displaying the American Flag only, within said public sidewalk space or marginal area of the public street. The flagpole encroachment is shown on drawing(s) entitled “L-1.0 Plaza Paving Layout Plan” and L-4.2 “Flag Pole installation Type ‘B’”; (dated: July 5, 2005, Addendum No. 7), submitted by “Neumann Smith & Associates”, 400 Galleria Officentre, Suite 555, Southfield, MI 48034 — Job No. 24088 — NS@neumannsmith.com; and further

Provided, “REDICO” shall maintain

an insurance policy (the City of Detroit shall be named as coinsured therein) for the flagpole in public sidewalk space or marginal area of the public street. to protect the city in accord with Detroit Code Section 50-2-4 a surety bond in the amount of \$2,000.00 shall be maintained by “REDICO”. Also, “REDICO” shall maintain said surety bond indefinitely, without an expiration date. “REDICO” shall be unable to obtain a release from said surety bond as long as the flagpole exists within said marginal area of Woodward Avenue (variable width at Campus Martius); and further

Provided, The petitioner, “REDICO” shall addendum the indemnity agreement (referenced above in other variance or encroachment parts of this resolution) to be filed with the Finance Department, subject to approval by the Law Department, to save, protect and hold harmless the City of Detroit from any and all claims, damages, or expenses that may arise by reason of the issuance of a flagpole permit in accord with Detroit Code Section 50-2-4 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 a flagpole encroachment in the public sidewalk space; and further

Provided, This flagpole permit is revocable at the will, whim or caprice of the City Council, and “REDICO” hereby waives any right to claim damages or compensation for removal of a flagpole encroachment in the public sidewalk space, and further, that “REDICO” acquires no implied or other privileges hereunder not expressly stated herein.



Adopted as follows:
 Yeas — Council Members S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Pro Tem. K. Cockrel, Jr. — 6.
 Nays — None.

**Finance Department
 Purchasing Division**

November 9, 2005

Honorable City Council:
 Re: Contract #2641018 — Change Order No. 1 — 100% City Funding — Project Management for Design & Construction Services; will include Funding for Infrastructure; Streets, Sidewalks, Water Sewer & Public Lighting for all Brush Park Residents — Economic Development Corp. of the City of Detroit, 500 Griswold, Ste. #2200, Detroit, MI 48226 — Upon Notice to Proceed until Completion of Project — Contract Increase: \$4,850,000.00 — Not to exceed: \$8,850,000.00. P&D.D.

The Purchasing Division of the Finance Department recommends contracts as outlined above.

The approval of your Honorable Body and a waiver of reconsideration is requested.

Respectfully submitted,
 AUDREY P. JACKSON
 Purchasing Director

By Council Member S. Cockrel:
 Resolved, That Contract #2641018 referred to in the foregoing communication, dated November 9, 2005, be hereby and is approved.

Adopted as follows:
 Yeas — Council Members S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Pro Tem. K. Cockrel, Jr. — 6.
 Nays — None.

*WAIVER OF RECONSIDERATION (No. 1) per motions before adjournment.

Law Department

November 16, 2005

Honorable City Council:
 Re: Stephanie Bennett, Denise Diamond, and Toyia Moody vs. City of Detroit and David Witherspoon. Case No.: 01-118433 CZ and 01-CV-73069-DT. File No.: A37000.003381 (PLC).

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential memorandum that is being separately hand-delivered to each member of your Honorable Body. From this review, it is our considered opinion that a settlement in the amount of One Million Five Hundred Thousand Dollars and No Cents (\$1,500,000.00) is in the best interest of the City of Detroit.

We, therefore, request authorization to settle this matter in the amount of One Million Five Hundred Thousand Dollars and No Cents (\$1,500,000.00) and that your Honorable Body direct the Finance Director to issue a draft in that amount payable to Amos E. Williams, P.C., and Robinson and Associates, P.C., attorneys, and Stephanie Bennett, Denise