

sulted with Traffic Engineering Division — DPW, Traffic Engineering' reported no objection to the proposed overhead pedestrian walkway bridge.

DTE — Edison Company ("Edison") reported facilities in the (converted) Columbia Street right-of-way or utility easement. Public Lighting Department (PLD) must maintain suitable right-of-way space for its extensive downtown high voltage power facilities. PLD reports high voltage feeders-in concrete encased conduits within (converted) Columbia Street (50 feet wide). Edison and PLD require access over the full width of the (converted) Columbia Street right-of-way to inspect service and maintain their existing equipment.

To build the Ford Field Parking Garage, it is necessary to reroute certain Water and Sewerage Department (DWSD) water main and sewer and sewer facilities. The resolution contains provisions designed to protect the equipment of DWSD.

Finally, City Engineering Division — DPW requires the owners of "Parcel H-2" to submit certified "as built" drawings, a map and survey, showing the exact location of the completed encroachments.

I am recommending adoption of the attached resolution.

Respectfully submitted,
WILLIAM TALLEY
Head Engineer

City Engineering Division — DPW
By Council Member Collins:

Whereas, A development project, to be completed before Super Bowl XL, is under construction. "Madison Office Associates, L.L.C. together with DLI Properties, L.L.C." is building a multiplex-story "Ford Field Parking Garage". The construction site is generally bounded by St. Antoine Street, Chrysler Freeway and Gratiot Avenue. This is a legal description of a land tract also known as Parcel H-2:

**Legal Description
Parcel H-2**

A parcel of land in the City of Detroit, Wayne County, Michigan, being Lots 21 through 24, inclusive, Lots 27 through 29, inclusive, Lots 36 through 38, inclusive, and part of Lots 30 through 35, of "Plat of Crawford's Subdivision of part of the Antoine Beaubien Farm" as recorded in Liber 49 of Deeds, Page 195, Wayne County Records; also Lots 46 through 48, inclusive, Lots 56 and 57, part of Lots 49 through 55, and part of Lots 58, and 60 through 66, and all of the vacated alley lying northerly of Lots 46 through 48, inclusive, all of the vacated alley lying easterly of Lots 62 and 63, and part of Lot 64, of "Part of the Crane and Wesson's Section of Antoine Beaubien Farm", as recorded in Liber 1 of Plats, Page 9, Wayne County Records; also all of Lot 7 and part of Lot 6 on the northerly side of

said Adams Avenue, all of Lot 7 and part of Lot 6 on the southerly side of Elizabeth Street, (60 feet wide), all of Lot 7 on the northerly side of said Elizabeth Street, part of vacated 20 foot alley north of said Elizabeth Street, and part of Lot 7 on the southerly side of Columbia Street (50 feet wide), of "Plat of the Subdivision of the C. Moran Farm between Gratiot and Indiana Streets" as recorded in Liber 1 of Plats, Page 254, Wayne County Records;

also part of vacated Adams Avenue (60 feet wide), Elizabeth Street (60 feet wide), Columbia Street (50 feet wide), and a part of vacated St. Antoine Street (50 feet wide) lying northerly of the north line of Columbia Street (50 feet wide) and southerly of the Fisher-Chrysler Freeway Interchange, lying within the bounds of this parcel, all being more particularly described as:

Commencing at the intersection of the northerly line of the Madison Avenue connector to Interstate 375 (I-375) and the easterly line of St. Antoine Street (50 feet wide); thence N.26°08'14"W., 298.46 feet along said easterly line to the Point of Beginning; thence N.26°08'14"W., 155.93 feet to a point on the northerly line of proposed relocated Montcalm Street (variable width); thence the following two courses along said northerly line, (1) N.24°16'13"W., 501.33 feet and (2) along a curve to the left 232.49 feet, said curve having a radius of 355.00 feet, central angle of 37°31'26" and a long chord bearing of N.43°01'56"W., 228.36 feet to a point on the southerly line of the Fisher-Chrysler Freeway Interchange; thence the following twelve courses along said southerly line: (1) S.76°39'08"E., 51.72 feet, and (2) N.67°54'58"E., 9.25 feet, and (3) S.76°18'01"E., 117.33 feet, and (4) S.76°58'18"E., 17.46 feet, and (5) S.67°19'12"E., 85.17 feet, and (6) S.51°26'59"E., 93.82 feet, and (7) S.44°54'19"E., 63.56 feet, and (8) S.88°45'41"E., 43.61 feet, and (9) S.26°12'44"E., 95.00 feet, and (10) S.31°06'17"E., 60.62 feet, and (11) S.37°20'16"E., 116.71 feet, and (12) S.37°00'02"E., 96.75 feet, and (13) S.37°05'12"E., 61.12 feet to a point on the south line of Adams Avenue (vacated 60 feet wide); thence S.63°54'49"W., 189.98 feet along said south line to the northeast corner of Lot 24 of "Plat of Crawford's Subdivision of part of the Antoine Beaubien Farm" as recorded in Liber 49 of Deeds, Page 195, Wayne County Records; thence S.26°08'14"E., 122.11 feet along the east line to the southeast corner of said Lot 24; thence S.63°54'49"W., 37.00 feet along the south line to the southeast corner of said Lot 24; thence N.26°08'14"W., 20.11 feet along the west line of said Lot 24 to the northeast corner of Lot 20 of said plat; thence S.63°54'49"W., 89.02 feet along said

north line to the point of beginning and containing 3.97 acres; and

Whereas, To build the Ford Field Parking Garage, it is necessary to request the outright vacation of certain (converted) utility easements within "Parcel H-2"; and permission to construct and maintain an overhead pedestrian walkway bridge across St. Antoine Street (50 and 60 feet wide). The pedestrian bridge will connect the new parking garage and (Lion's Stadium) Ford Field crossing St. Antoine Street at the second story level. Petition No. 3450 of Etkin Equities, Project Management, has been filed with the Detroit City Clerk; therefore be it

Resolved, That City Engineering Division — DPW is hereby authorized and directed to issue permits to the "Madison Office Associates, L.L.C. together with DLI Properties, L.L.C. (the owners of Parcel H-2)" to construct and maintain an overhead pedestrian walkway bridge system, crossing St. Antoine Street (50 and 60 feet wide) between Ford Field (Lion's Stadium) and the "Ford Field Parking Garage", walkway described as follows:

Legal Description — Overhead Walkway Encroachment

Adjoining part of Lot 30 of "Plat of Crawford's Subdivision of part of the Antoine Beaubien Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 49 of Deeds, Page 195, Wayne County Records; and part of Lot 38 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; being more particularly described as follows:

Commencing at the intersection of the northerly line of the Madison Avenue connector to interstate 375 (I-375) and the easterly line of St. Antoine Street (50 and 60 feet wide); thence the following two courses along said easterly line, (1) N 26°08'14" W, 454.39 feet, and (2) N 24°16'13" W, 8.01 feet, to the Point of Beginning; thence S 63°49'19" W, 60.04 feet to a point on the westerly line of St. Antoine Street (50 and 60 feet wide); thence N 24°16'13" W, 32.02 feet along said westerly line; thence N 63°49'19" E, 60.04 feet to a point on the easterly line of St. Antoine Street (50 and 60 feet wide); thence S 24°16'13" E, 32.02 feet along said easterly line to the Point of Beginning.

Table of Proposed Overhead Pedestrian Walkway Bridge Plan Elevations

<u>Location</u>	<u>Elevation-Detroit City Datum</u>
Top of St. Antoine Street	123.20 feet

<u>Location</u>	<u>Elevation-Detroit City Datum</u>
Bottom of overhead pedestrian walkway bridge	139.90 feet
Second Floor at stairs of parking structure	142.70 feet
Top of spandrel glass of overhead bridge	158.00 feet

Notes: Legal description and elevations are taken from a sketch of description drawing prepared by Giffels-Webster Engineers, Inc. (GWE); 2871 Bond Street, Rochester Hills, MI 48309;

The overhead pedestrian walkway bridge system shall be constructed and maintained as shown in the "Rosetti Associates (RA)" plan set (102 sheets) submitted to City Engineering Department — DPW entitled:

Ford Field Parking Garage, Detroit, Michigan

Ford Field/Detroit Lions
 RA Project No. 2004-048
 Issued for Construction 02/07/05
 Architect Rossetti
 Two Town Square, Suite 200
 Southfield, MI 48076
 Phone: (248) 262-8300
 Fax: (248) 262-8360; 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 property affected to a condition satisfactory to the City Engineering Division — DPW at the owners of "Parcel H-2", expense; and further

Provided, The owners of "Parcel H-2", 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 owners of "Parcel H-2" 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 an overhead pedestrian walkway bridge system across public street right-of-way. To protect the city in the event of owners' default, a surety bond in a penal sum sufficient to pay the City of Detroit's cost to remove or alter the overhead pedestrian walkway bridge system (if such removal or alteration becomes necessary) shall be maintained by owners of "Parcel H-2". Also, owners of "Parcel H-2" shall maintain said surety bond indefinitely (with no expiration date). The petitioner shall be unable to obtain a release from said surety bond as long as the overhead pedestrian walkway bridge system is built across the public right-of-way of St. Antoine Street (50 and 60 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 the owners of "Parcel H-2" 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 the owners of "Parcel H-2" expense; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and the owners of "Parcel H-2" hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the owners of "Parcel H-2" acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the owners of "Parcel H-2" 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 be it further

Resolved, The owners of "Parcel H-2" and/or their contractor(s), shall submit two copies of "as built" drawing(s) sealed by a professional engineer registered in the State of Michigan to the City Engineering Division — DPW within 30 days after installing the public right-of-way encroachments; subject to city specifications, permits and inspections. Said "as built" drawing(s) shall furnish a complete means of identifying and ascertaining the precise position of every part of the "encroachments" with courses, distances, and depth throughout (containing City of Detroit datum), so that it may be deter-

mined with certainty where any portion of the "encroachment" has been built. Copies of the certified "as built" map(s) and survey(s) shall be an "appendix" to this City Council resolution. City Engineering Division — DPW shall record (or cause to be recorded) one copy of the "appendix" in the Wayne County Register of Deeds; and be it further

Resolved, The following four public rights-of-way (converted public streets and alleys) or utility easements, described below in this resolution, be and the same are hereby vacated to become part and parcel of the adjoining property:

Outright Vacation of Converted Utility Easements:

(1) All that part of the utility easement retained in the north-south public alley, 15 and 18 feet wide, in the block bounded by St. Antoine Street, Chrysler Freeway, Elizabeth and Columbia Streets (said public alley having been previously vacated and converted into a utility easement by City Council on May 29, 1973 — J.C.C. pages 1402-07); also

(2) All that part of the utility easement retained in the north-south public alley, 15 feet wide, in the block bounded by St. Antoine Street, Chrysler Freeway, Adams Avenue and Elizabeth Street (said public alley having been previously vacated and converted into a utility easement by City Council on May 29, 1973 — J.C.C. pages 1402-07); also

(3) All that part of the utility easement retained in Adams Avenue (60 feet wide) lying between St. Antoine Street (50 and 60 feet wide) and the Chrysler Freeway right-of-way (said public street having been previously vacated and converted into a utility easement by City Council on May 29, 1973 — J.C.C. pages 1402-07); also

(4) All that part of the utility easement retained in Elizabeth Street (60 feet wide) lying between St. Antoine Street (50 and 60 feet wide) and the Chrysler Freeway right-of-way (said public street having been previously vacated and converted into a utility easement by City Council on May 29, 1973 — J.C.C. pages 1402-07); and be it further

Resolved, The following public right-of-way (converted public street), described below in this resolution, be and the same is hereby vacated to become part and parcel of the adjoining property, subject to provisions of private easement for the existing utility facilities:

Vacation of Converted Utility Easement Except Existing Utility Facilities of DTE — Edison & PLD:

(1) All that part of Columbia Street (50 feet wide), lying between St. Antoine Street (50 and 60 feet wide) and the Chrysler Freeway right-of-way (said public street having been previously vacated and converted into a utility easement by

City Council on May 29, 1973 — J.C.C. pages 1402-07); subject to the following provisions of private easement for the existing facilities of DTE — Detroit Edison Company (DTE — Edison) and existing Public Lighting Department (PLD) utilities:

Provided, That a private utility easement for the existing services of DTE — Edison and PLD existing utilities, is hereby retained within said vacated Columbia Street, 50 feet wide, lying between St. Antoine Street (50 and 60 feet wide) and the Chrysler Freeway right-of-way;

First, Said owners of "Parcel H-2" hereby retains for the use of DTE — Edison and PLD existing utilities an easement or right-of-way within said vacated Columbia Street for the purposes of maintaining, repairing, removing, or replacing existing utility services such as concrete encased electric power transmission and distribution feeders, electric light conduits, man-holes, cables or things installed by DTE — Edison and PLD, within said vacated Columbia Street, with the right to ingress and egress at any time to an over said easement for the purpose above set forth,

Second, Said retained utility easement or right-of-way in and over vacated Columbia Street shall be forever accessible to the maintenance and inspection forces of the DTE — Edison and PLD, or those specifically authorized by them, for the purpose of inspecting, maintaining, repairing, removing, or replacing existing electric light conduit, and/or electric power cable, or any DTE — Edison and PLD existing utility facilities placed or installed in the utility easement or right-of-way. The DTE — Edison and PLD shall have the right to cross or use the driveways and yards of the "Parcel H-2" properties for ingress and egress to and within said right-of-way with any necessary equipment to perform the above mentioned tasks, with the understanding that the DTE — Edison and PLD, shall use due care in such crossing or use, and that any property damaged by the utility company, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition,

Third, Said "Parcel H-2" owners for their successors and assigns further agree that construction plans shall be subject to the reasonable and proper review-approval of the DTE — Edison and PLD to protect their existing facilities within said vacated Columbia Street right-of-way. Changes to the surface grade (that may affect drainage to remaining parts of public streets and Chrysler Freeway rights-of-way, outside of the "Parcel H-2" bounds) shall be subject to the approval of the City Engineering Division — DPW and M-DOT (if necessary),

Fourth, That if the "Parcels H-2" owners adjoining said retained utility right-of-way shall request the removal and/or reloca-

tion of any existing DTE — Edison and PLD utilities, within said Columbia Street right-of-way, such "Parcel H-2" owners, shall pay all costs incidental to such removal and/or relocation, unless such changes are waived by the DTE — Edison and PLD,

Fifth, That if any DTE — Edison and PLD existing utilities, located in said Columbia Street right-of-way shall break or be damaged as a result of any action on the part of said "Parcel H-2" 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 "Parcel H-2" owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged DTE — Edison and/or PLD existing utilities; and further

Provided, The owners of "Parcel H-2" and/or their successors or assigns shall put forth its reasonable and best efforts to arrange for the orderly transfer, reroute, relocation and/or abandonment of utility facilities (except DTE — Edison and PLD existing utilities) to lands outside of the above described vacated Columbia Street right-of-way at no expense to the City; related to the construction and operation of the proposed "Ford Field Parking Garage within Parcel H-2" (if necessary); and further

Provided, That the City Engineering Division — DPW, upon proper application and cash deposit, is hereby authorized and directed to issue permits to the public utilities and private utility companies for relocation of their facilities from the vacated streets and alleys — to remaining city public streets and alleys consistent with the public health, safety, convenience and general welfare; and further

Provided, The City Engineering Division — DPW shall be unable to "sign-off" on building plans until satisfactory agreements between the owners of "Parcel H-2" and PLD have been reached. Any additional grants of private easement for existing city-owned PLD utilities (and other existing utility facilities of DTE — Edison), shall be conveyed by legal descriptions and survey maps suitable for recording in public land records. The legal descriptions and survey maps for PLD shall be reviewed and approved by the City Engineering Division — DPW (in conjunction with the Law Department as to form and execution, if necessary); and be it further

Easement for Relocated DWSD — Water Main (48-inches diameter) 30 feet wide & variable width, along the eastern boundary of Parcel H-2

Resolved, There are existing Water and Sewerage Department (DWSD) facilities that must be rerouted to build the "Ford Field Parking Garage within Parcel H-2".

The existing DWSD facilities are within vacated street rights-of-way. The existing facilities and public interests need to be protected by easement reservations in "Parcel H-2." The owners of "Parcel H-2" shall grant to the City satisfactory easements for the water mains and public sewers that must be rerouted to build the "Ford Field Parking Garage within Parcel H-2"; said related public utility reconstruction shall be at no expense to DWSD and/or Board of Water Commissioners. The owners of "Parcel H-2" shall provide land descriptions of the necessary DWSD easements (depicted on topographic survey drawings, prepared by Giffels & Webster Engineers, Inc. for Rosetti Associates, Job name "Ford Field Parking Garage — Detroit Lions", Project number 2004-048, sheet numbers C-100.1 and C-100.2, dated November 5, 2004);

Provided, The DWSD is hereby authorized to review survey drawings of the above described easement grant(s) for the Board of Water Commissioners; and further

Provided, After satisfactory agreements between the owners of "Parcel H-2" and DWSD have been reached, the Board of Water Commissioners shall accept and execute the above described easement grant(s) on behalf of the City; and further

Provided, The City Engineering Division — DPW shall be unable to "sign-off" on building plans until satisfactory agreements between the owners of "Parcel H-2" and DWSD have been reached. Any grants of private easement for existing city-owned DWSD utility facilities, shall be conveyed by legal descriptions and survey maps suitable for recording in public land records. The legal descriptions and survey maps for DWSD shall be reviewed and

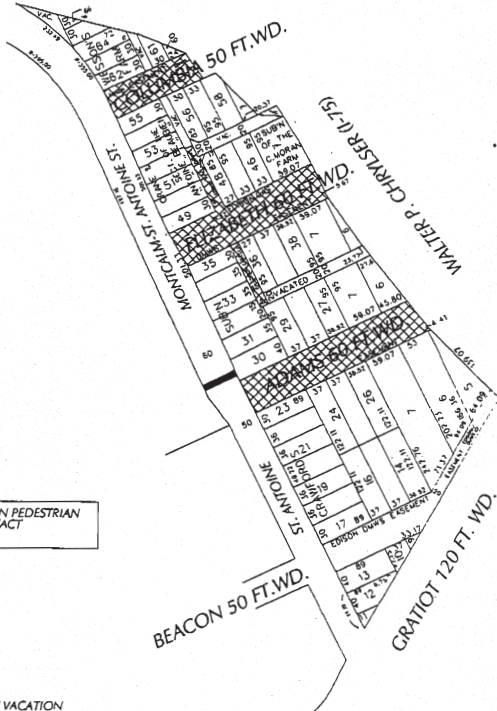
approved by the City Engineering Division — DPW (in conjunction with the Law Department as to form and execution, if necessary); and be it further

Resolved, The owners of "Parcel H-2" and/or their successors or assigns shall put forth its reasonable and best efforts to arrange for the orderly transfer, reroute, relocation and/or abandonment of utility facilities to lands outside and overlap parts of the above described vacated public street, alley and utility easement rights-of-way at no expense to the City; related to the construction and operation of the proposed "Ford Field Parking Garage within Parcel H-2"; and further

Provided, Where any other city-owned and privately-owned utility facilities must remain public, by way of illustration but not limitation — such as water mains, public sewers, conduits, telephone systems, cables, manholes, poles and electric power cables — serving land owners outside of "Parcel H2" properties, the owners of "Parcel H-2" shall grant a private easement for existing city-owned and privately-owned utility facilities at no expense to the City. Any grants of private easement for existing city-owned and privately-owned utility facilities shall be conveyed by legal descriptions and survey maps suitable for recording in public land records. The legal descriptions of grants of private easement for existing city-owned utility facilities shall be reviewed and approved by the City Engineering Division — DPW (in conjunction with the Law Department as to form and execution, if necessary); and be it further

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

PETITION NO. 3450
 ETKIN EQUITIES/
 FORD FIELD/
 DU PROPERTIES INC.
 200 FRANKLIN CENTER
 29100 NORTHWESTERN HWY.
 c/o JOSH A. SUARDINI
 PROJECT MANAGER
 PHONE NO. 248-358-0800



NOTE: FOR MORE DETAILS ON PEDESTRIAN BRIDGE PLEASE CONTACT PETITIONER.

- REQUESTED OUTRIGHT VACATION
- AREA OF ENCROACHMENT (WITH PEDESTRIAN BRIDGE) (16'-0" ABOVE GRADE OF PAVEMENT AT CENTER)

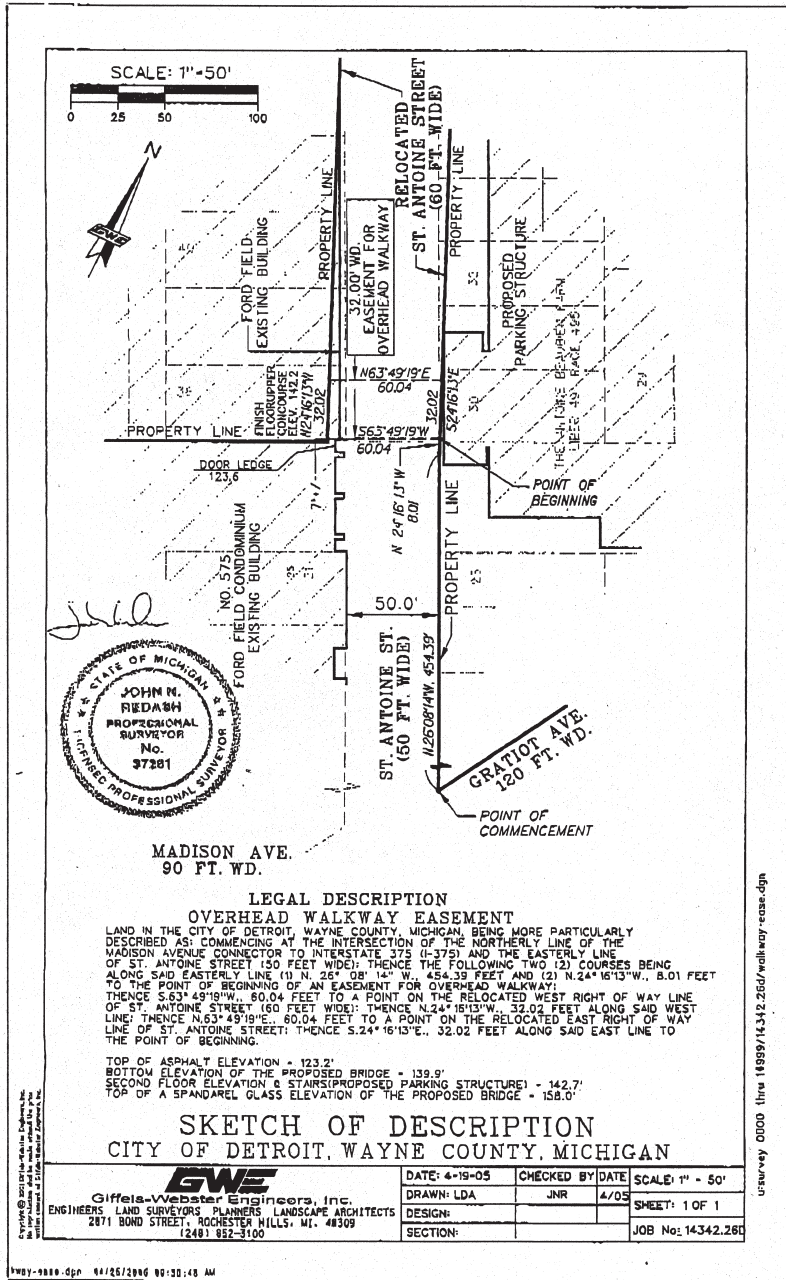
(FOR OFFICE USE ONLY)

CARTO 28 A & 29 F (REV.)

B				
A				
DESCRIPTION	DEPT	CHKD	APPD	DATE
REVISIONS				
DRAWN BY	NP	CHECKED		
DATE	3-24-05	APPROVED		

REQUESTED OUTRIGHT VACATION OF CERTAIN EASEMENTS AND TO ENCROACH INTO MONTCALM-ST. ANTOINE WITH A PEDESTRIAN BRIDGE ALL IN THE AREA OF GRATIOT, ST. ANTOINE AND WALTER P. CHRYSLER HWY.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRAWN NO.	



Adopted as follows:
Yeas — Council Members S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9.
Nays — None.

Recreation Department
August 10, 2006
Honorable City Council:
Re: Authorization to accept a grant from the Michigan Department of Natural Resources Trust Fund for the Butzel Playfield Improvements project.