

Provided, That the "Greektown Casino LLC" or their assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division — DPW prior to any public right-of-way construction; and further

Provided, That the necessary permits shall be obtained from the City Engineering Division — DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; also in accord with plans submitted to and approved by these departments; including the Public Lighting Department (if necessary), and the Traffic Engineering Division — DPW (if necessary); and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by "Greektown Casino LLC" or their assigns; and further

Provided, That all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments shall be borne by "Greektown Casino LLC" or their assigns. Should damages to utilities occur "Greektown Casino LLC" or their assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

Provided, That "Greektown Casino LLC" or their assigns shall file with the Finance Department and/or City Engineering Division — DPW an indemnity in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance by "Greektown Casino LLC" or their assigns of the terms thereof. Further, "Greektown Casino LLC" or their assigns shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

Provided, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed 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; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and "Greektown Casino LLC" acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment permits 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 and indemnity agreement with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate, and President Jones — 9.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 18), per motions before adjournment.

**Department of Public Works
City Engineering Division**

April 5, 2019

Honorable City Council:

Re: Petition No. 1028 — Greektown Casino, request to encroach into the public rights-of-way with the new valet garage.

Correction: Amended to add additional encroachments.

Petition No. 1028 of "Greektown Casino" whose address is 555 E. Lafayette Avenue, Detroit, MI 48226 request permission to encroach into Macomb Street, 50 feet wide, 16.00 feet with a cantilever parking structure with an additional 2.00 feet for decorative façade at least 17.00 feet above grade, also 2.00 feet into Beaubien Avenue, 60 feet wide and 2.00 feet into St. Antoine Avenue feet 2.00 feet into the east-west public alley, 20 feet wide, with caissons and parking structure and a pedestrian bridge 25.00 feet wide and at least 17.00 feet above grade, and into Monroe Street, 50 feet wide, with a pedestrian bridge 25.00 feet wide and at least 17.00 feet above grade, also a reinforced underground caisson for the pedestrian bridge in the area of Macomb Street, 50 feet wide, Monroe Street, 50 feet wide, Beaubien Avenue, 60 feet wide, and St. Antoine Avenue, 50 feet wide.

A resolution granting the petition was approved by your Honorable Body by a Resolution adopted by City Council on October 18, 2011, JCC pages 2348-2351; a copy of which is recorded at Liber 49612, Page 386 Wayne County Records.

However, a review by DPW — City Engineering has been made and additional encroachments consisting of the extent of the decorative façade along with two protective bollards and signage have

been identified. The revisions to the resolution for encroachment are presented in **bold print**.

Respectfully submitted,
RICHARD DOHERTY
City Engineer

City Engineering Division — DPW
By Council Member Benson:

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to “Greektown Casino and assigns”, to install and/or maintain encroachments of a 16.00 feet wide strip into Macomb Street, 50 feet wide, with a cantilever parking structure with an additional 2.00 feet for decorative façade **with lighting** at least 17.00 feet above grade, 2.00 feet into the east - west public alley, 20 feet wide, with caissons and parking structure **including decorative façade with lighting the full length of the alley, and two bollards 4.00 to 6.00 feet west of the west line of St Antoine Avenue**, and a pedestrian bridge 25.00 feet wide and at least 17.00 feet above grade, a pedestrian bridge 25.00 feet wide over Monroe Street, 50 feet wide, at least 17.00 feet above grade, and a reinforced underground caisson into the south side of Monroe Street, 50 feet wide, **and a 2.00 feet wide strip of St Antoine Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting plus signage at the parking garage entrance and a 2.00 feet wide strip of Beaubien Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting**; said public rights-of-way being nearby or adjoining property described as follows:

Lying within the Southside of Macomb Street, 50 feet wide, between St. Antoine Avenue, 50 feet wide, and Beaubien Avenue, 60 feet wide, adjacent to the North of Lots E, F, G, and H in the “Plat of a part of the Beaubien Farm” in the City of Detroit as surveyed into Townlots for the proprietors by John Mullett Surveyor July 1831 recorded January 13, 1835 as recorded in Liber 6 Page 475-8, City Records, Wayne County Records; and North of Lots 5 through 9, both inclusive, in the “Plat of the Antoine Beaubien Farm” April 22nd 1846 as recorded in Liber 27, Page 197-8, Deeds, Wayne County Records; **also lying within the Eastside of Beaubien Avenue, 60 feet wide, lying easterly of and adjoining the easterly line of said Lot E “Plat of a part of the Beaubien Farm” in the City of Detroit as surveyed into Townlots for the proprietors by John Mullett Surveyor July 1831 recorded January 13, 1835 as recorded in Liber 6 Page 475-8, City Records, Wayne County Records; also lying within the Westside of St. Antoine, 50 feet wide, lying**

easterly of and adjoining the easterly line of said Lot 5 “Plat of the Antoine Beaubien Farm” April 22nd 1846 as recorded in Liber 27, Page 197-8, Deeds, Wayne County Records.
Public Alley Encroachments

Also, lying within the north portion of the East-West public alley, 20 feet wide, between St. Antoine Avenue, 50 feet wide, and Beaubien Avenue, 60 feet wide adjacent to the South of Lots E, F, G, and H in the “Plat of a part of the Beaubien Farm” in the City of Detroit as surveyed into Townlots for the proprietors by John Mullett Surveyor July 1831 recorded January 13, 1835 as recorded in Liber 6 Page 475-8, City Records, Wayne County Records; and South of Lots 5 through 9, both inclusive, in the “Plat of the Antoine Beaubien Farm” April 22, 1846 as recorded in Liber 27, Page 197-8, Deeds, Wayne County Records;

Pedestrian Bridge Encroachment

Also, lying within the East-West public alley, 20 feet wide, between St. Antoine Avenue, 50 feet wide, and Beaubien Avenue, 60 feet wide adjacent to the East 25.00 feet of Lot 7 (on the north and south side of said public alley) in the “Plat of the Antoine Beaubien Farm” April 22, 1846 as recorded in Liber 27, Page 197-8, Deeds, Wayne County Records; Pedestrian Bridge Encroachment.

Also, lying within Monroe Street, 50 feet wide, between St. Antoine Avenue, 50 feet wide, and Beaubien Avenue, 60 feet wide, adjacent to the East 25.00 feet of Lot 7 (on both sides of said Monroe Street) in the “Plat of the Antoine Beaubien Farm” April 22, 1846 as recorded in Liber 27, Page 197-8, Deeds, Wayne County Records;

Encroachment(s) to consist of “permanently” (meaning more than thirty days, or other long-term duration) installed and/or existing within public rights-of-way, nearby or adjacent to the above-described property;

Provided, That nothing in this resolution shall be construed as giving any authority, permission or grant to the permittee for any part of encroachments of a 16.00 feet wide strip into Macomb Street, 50 feet wide, with a cantilever parking structure with an additional 2.00 feet for decorative façade **with lighting** at least 17.00 feet above grade, 2.00 feet into the east-west public alley, 20 feet wide, with caissons and parking structure **including decorative façade with lighting the full length of the alley, and two bollards 4.00 to 6.00 feet west of the west line of St. Antoine Avenue**, and a pedestrian bridge 25.00 feet wide and at least 17.00 feet above grade, a pedestrian bridge 25.00 feet wide over Monroe Street, 50 feet wide, at least 17.00 feet above grade, and a reinforced underground caisson into the south side of Monroe Street, 50 feet wide, **and a 2.00 feet wide strip of**

St. Antoine Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting plus signage at the parking garage entrance and a 2.00 feet wide strip of Beaubien Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting; that is placed above the surface or underground rights of privately-owned property. Enforcement of violations of fire safety regulations and buildings code is the responsibility of the Fire Marshal and Buildings and Safety Engineering Department. The petitioner shall apply to the Buildings and Safety Department for approval and permits for encroachments of a 16.00 feet wide strip into Macomb Street, 50 feet wide, with a cantilever parking structure with an additional 2.00 feet for decorative façade **with lighting** at least 17.00 feet above grade, 2.00 feet into the east-west public alley, 20 feet wide, with caissons and parking structure including decorative façade with lighting the full length of the alley, and two bollards 4.00 to 6.00 feet west of the west line of St Antoine Avenue, and a pedestrian bridge 25.00 feet wide and at least 17.00 feet above grade, a pedestrian bridge 25.00 feet wide over Monroe Street, 50 feet wide, at least 17.00 feet above grade, and a reinforced underground caisson into the south side of Monroe Street, 50 feet wide, and a **2.00 feet wide strip of St. Antoine Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting plus signage at the parking garage entrance and a 2.00 feet wide strip of Beaubien Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting** encroachments (if necessary); and further

Provided, It is the intention of this resolution to authorize the City Engineering Division — DPW (prior to the issuance of “encroachment” permits) to act in behalf of the city to require the permit applicant to perform any reasonable task to protect public property interests including, but not limited to, the submission of engineering plans and/or surveys (containing construction details and distances from property lines) of the 16.00 feet wide strip into Macomb Street, 50 feet wide, with a cantilever parking structure with an additional 2.00 feet for decorative façade **with lighting** at least 17.00 feet above grade, 2.00 feet into the east-west public alley, 20 feet wide, with caissons and parking structure including decorative façade **with lighting the full length of the alley, and two bollards 4.00 to 6.00 feet west of the west line of St. Antoine Avenue, and a**

pedestrian bridge 25.00 feet wide and at least 17.00 feet above grade, a pedestrian bridge 25.00 feet wide over Monroe Street, 50 feet wide, at least 17.00 feet above grade, and a reinforced underground caisson into the south side of Monroe Street, 50 feet wide, and a **2.00 feet wide strip of St. Antoine Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting plus signage at the parking garage entrance and a 2.00 feet wide strip of Beaubien Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting.** Also, the City Engineering Division — DPW may require the permit applicant to secure approval(s) of said encroachments from Wayne County, the State of Michigan, any city departments (including city commissions, authorities, corporations, councils, boards, contractors, and agencies whenever applicable) and/or utility companies are specifically enumerated in this resolution or not; and further

Provided, That an easement of the full width of the public right-of-way of Monroe Street between St. Antoine and Beaubien is reserved for utility easement, and must be free from any obstructions, and if petitioner can not meet these qualifications please contact Michcon Gas Company Improvement Department at 313-389-7261 for estimate cost of abandoning, removing, relocation, or rerouting DTE’s facilities; and further

Provided, That a 24-hrs. vehicle access to this site to perform circuit maintenance is maintain. No structure can be built over PLD installations. As per PLD requirements, any structure proposed to be built shall maintain a minimum of 10 feet horizontal clearance for the overhead PLD lines and installations and shall maintain a minimum of 3 feet horizontal clearance and 12 inch vertical clearance from the PLD conduit bank and manholes. The contractor will be liable for any damages to any PLD underground or overhead facilities; and further

Provided, That if there is a cost for removing and/or rerouting of said utility installations in said requested area the petitioner and its assigns/heirs will pay all cost, and further

Provided, That by approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the streets or alley, and at all times, DWSD, its agents or employees, shall have the right to enter upon the streets or alley to maintain, repair, alter service, inspect, or install its facilities. All cost incident to the damaging, dismantling, demolish, removal and replacement of structures or other improvements herein permitted and including in gaining access to DWSD shall

be born by the petitioner. All cost associated with gaining access to DWSD facilities which could normally be expected had the petitioner not encroached into the streets or alley shall be born by DWSD; and further

Provided, That all construction performed, if any, under this petition shall not be commenced until after (5) five 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; and further

Provided, That any such 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; and further

Provided, That if DWSD facilities located within the streets or alley shall break or be damaged as the result of any action on the part of the petitioner, then in such event the petitioner agrees to be liable for all cost incident to the repair, replacement or relocation of such broken or damaged DWSD facilities; and be it further

Provided, That the petitioner shall hold DWSD harmless for any damage to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD facilities; and be it further

Provided, That at any time in the future or present the petitioner shall request removal and/or relocation of DWSD facilities in the street being encroached upon the petitioner agrees to pay all cost for such removal/relocation; and be it further

Provided, That the petitioner has, concurrently herewith, filed with the Finance Department and/or City Engineering Division — DPW an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages, or expenses that may arise out of the maintenance of the proposed encroachments; and further

Provided, That said permittee shall be subject to any tax under the provision of the General Property Tax act, which may be levied against it pursuant to law; and further

Provided, That no other rights in the public streets, alley or other public places shall be consider waived by this permission which is granted expressly on the condition that said encroachments shall be removed at the expense of the permittee at any time when so directed by the

City Council, and the public property affected shall be restored to a condition satisfactory to City Engineering Division — DPW at the permittee sole cost and expense; and further

Provided, That, if not already a member, the petitioner shall apply to become a participating member of the "MISS DIG" organization; and further

Provided, That said permits issued by the City Engineering Division — DPW and/or the Buildings and Safety Engineering Department(s) are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinance(s), or resolution(s), or city policies (governing the placement of encroachments in the public rights-of-ways) are amended to provide for levying thereafter, of fee, charge or rental, to be hereafter determined upon, for the occupancy of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said Charter, or Code(s), or ordinance(s), or resolutions), or policies; also said permittee does hereby bind itself thereunto, and accept said permits on the conditions hereby imposed, and in the event said permittee shall contest the validity of said Charter, or Code(s), or ordinance(s), or resolution, or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; and further

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

Provided, That installation and maintenance of the encroachments referred to herein shall be construed as acceptance of this resolution by the permittee; and further

Provided, That this encroachment permits shall not be assigned or transferred by the permittee, excepting by transfer of the title to the building, without the written approval of the City Council; and further

Provided, That a minimum sidewalk width of 6.00 feet and a vertical clearance of 17.00 feet clear sidewalk is maintained at all times and the access of the existing ADA ramps is maintained at all times, and; and be it further

Provided, That all necessary permits for the encroachments (caissons under and above ground, cantilever building, pedestrian bridge, and reinforced caisson) are obtained;

Provided, That, all requirements required herein having been met by petitioner, the City Clerk shall within 30 days of City Council's approval of this encroachment, record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 9.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 19) Per motions before adjournment.

**Department of Public Works
City Engineering Division**

April 5, 2019

Honorable City Council:

Re: Request for issuance of new encroachment permits to Greektown Propco LLC.

Your Honorable Body previously approved the Resolutions (as defined below) related to the issuance of certain encroachment permits that affect property owned by Greektown Casino, L.L.C., a Michigan limited liability company ("Greektown Casino") as set forth in such Resolutions (collectively, the "Encroachment Permits").

Greektown Casino has entered into an agreement with Greektown Propco LLC, a Delaware limited liability company ("Propco"), for the sale of the Casino Complex, pending necessary regulatory and City approvals and therefore seeks approval to have new encroachment permits issued to Propco in place of the existing Encroachment Permits effective upon closing of the contemplated transaction.

The resolutions previously adopted by your Honorable Body are: a Resolution adopted by City Council on December 4, 1998, a copy of which is recorded in the Wayne County, Michigan Register of Deeds at Liber 30102, Page 2115; a Resolution adopted by City Council on November 10, 1999, a copy of which is recorded at Liber 31283, Page 467; a Resolution adopted by City Council on May 17, 2006, a copy of which is recorded at Liber 45733, Page 800 and later corrected in a Resolution adopted by City Council on November 8, 2006, a copy of which is recorded at Liber 46207, Page 1298; a Resolution adopted by City Council on October 18, 2011, a copy of which is recorded at Liber 49612, Page 386; a Resolution adopted by City Council on July 18, 2007, a copy of which is recorded at Liber 47629, Page 872; a Resolution adopted by City Council on November 17, 2006, a copy of which is recorded at Liber 47420, Page 1284; a Resolution adopted by City Council on July 28, 2015, a copy of which is recorded at Liber 52402, Page 410 (as the same may have been or may be amended from time to time, collectively, the "Resolutions").

City Engineering Division — DPW and the City Law Department have reviewed and approve of the transfer conditions.

I am recommending adoption of the attached resolution.

Respectfully submitted,
RICHARD DOHERTY, P.E.

City Engineer

City Engineering Division—DPW
By Council Member Benson:

Whereas, The City Council adopted a number of Resolutions relating to encroachment permits that affect property owned by Greektown, including a Resolution adopted by City Council on December 4, 1998, a copy of which is recorded in the Wayne County, Michigan Register of Deeds at Liber 30102, Page 2115; a Resolution adopted by City Council on November 10, 1999, a copy of which is recorded at Liber 31283, Page 467; a Resolution adopted by City Council on May 17, 2006, a copy of which is recorded at Liber 45733, Page 800 and later corrected in a Resolution adopted by City Council on November 8, 2006, a copy of which is recorded at Liber 46207, Page 1298; a Resolution adopted by City Council on October 18, 2011, a copy of which is recorded at Liber 49612, Page 386; a Resolution adopted by City Council on July 18, 2007, a copy of which is recorded at Liber 47629, Page 872; a Resolution adopted by City Council on November 17, 2006, a copy of which is recorded at Liber 47420, Page 1284; a Resolution adopted by City Council on July 28, 2015, a copy of which is recorded at Liber 52402, Page 410 (as the same may have been or may be amended from time to time, collectively, the "Resolutions").

Whereas, To the best of the City's knowledge, Greektown has complied with and is in compliance with all of the requirements set forth in the Resolutions.

Whereas, Greektown has entered into an agreement to sell to Propco the real property comprising the Casino Complex, pending regulatory and necessary City approvals.

Now therefore, be it

Resolved, That the Detroit City Council hereby approves the issuance of new encroachment permits to Greektown Propco LLC in place of the Encroachment Permits described above, effective upon the closing of the sale of Greektown's real estate to Propco, and also be it

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue new encroachment permits pursuant to this Resolution and the terms and conditions of the original Resolutions to Greektown Propco LLC effective upon the closing of the sale of the Casino Complex to Greektown Propco LLC.

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate, and President Jones — 9.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 20), per motions before adjournment.