

All interested persons are invited to be present to be heard as to their views.

Adopted as follows:

Yeas — Council Members S. Cockrel, Everett, Hood, Mahaffey, and President Hill — 5.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 5) per Motions before Adjournment.

Planning & Development Department

July 18, 2000

Honorable City Council:

Re: Cash advance for Section 108 Loan Repayments and St. Joseph Hospital Payment.

Section 108 Loan repayments are due July 25, 2000 for the following projects:

— Caraco Pharmaceutical Project	\$ 781,847.50
— Ferry Street Inn	91,961.75
— Garfield Building Project	82,670.25
— Jefferson Conner Industrial Project	201,035.00
— Michigan Repacking Section 108 Loan	80,843.75
— Riverbend Plaza Section 108 Loan	115,239.75
— Stuberstone Section 108 Loan	<u>22,910.75</u>
Total	\$1,376,508.75

The court mandated payment of an estimated \$8,557,500 for the Central Industrial Park St. Joseph Hospital acquisition is due in August.

Funds to cover these payments were included in the 2000-2001 Consolidated Plan. However, HUD has not yet approved the plan or added these 2000-2001 projects to the Integrated Disbursement and Information System (IDIS). We anticipate approval of the plan and addition of these projects to IDIS in late August. However, the payments will come due before these actions.

Thus, we request that your Honorable Body authorize, with waiver of reconsideration, the Finance Director to make cash advances from the General Fund as necessary if these payments come due prior to receipt of HUD approval of our 2000-2001 Consolidated Plan and draw down of funds from IDIS.

Repayment to the General Fund for any advances will be made as soon as HUD approves the plan and funds are drawn from IDIS.

Respectfully submitted,
PAUL A. BERNARD
Director

Approved:
ROGER SHORT
Budget Director
J. EDWARD HANNAN
Finance Director

By Council Member S. Cockrel:
Resolved, That the Finance Director be

and is hereby authorized to make temporary cash advances from the General Fund to make repayments for Section 108 Guaranteed Loans and to make court mandated payments for the Central Industrial Park St. Joseph Hospital acquisition.

Resolved, That all cash advances from the General Fund shall be repaid immediately upon receipt of approval of the 2000-2001 Consolidated Plan, and receipt of funds drawn from the HUD Integrated Disbursement and Information System in accordance with the foregoing communication, this resolution, and regulations and accounting practices of the City of Detroit.

Adopted as follows:

Yeas — Council Members S. Cockrel, Everett, Hood, Mahaffey, and President Hill — 5.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 6) per Motions before Adjournment.

City Planning Commission

July 21, 2000

Honorable City Council:

Re: Planning & Development Department (Petition #2221) requesting the rescinding of encroachments, the vacation of certain streets and alleys or portions thereof and the establishment of various easements within the Compuware Development Site; and the Compuware Corporation Restated Development Agreement (Recommending Approval of Both Items).

The staff of the City Planning Commission has reviewed the above captioned items and offers this brief report of our findings and resulting recommendation.

STREET/ALLEY VACATIONS, EASEMENTS, ETC.

In summary, the resolution presented by the City Engineering Division seeks to extinguish as many existing encumbrances on or immediate to the Kern and Crowley blocks as are appropriate in order to have a "clean slate" to re-encumber the land to satisfy the needs and interests of both Compuware and the City of Detroit/DDA. This method is clear and simpler than modifying the existing encumbrances to meet the needs of this project. With the exception of Farmer Street, it would appear that those mechanisms commonly employed by the City have been used in this instance. The outright vacation of Farmer requires the creation of a public street easement in order for that portion of the street to look and function like a dedicated public street. The only other instance in the City where this is done is around the Renaissance Center where Beaubien and Renaissance Center Drives North and West establish a public street condition via a public street

easement. While this mechanism is rarely used, it is appropriate here, given the site-specific activities which would take place on, above, below and along this area, including service and loading, below grade parking facility and daycare above.

DEVELOPMENT AGREEMENT

Several physical and programmatic changes to the development and its surrounds have necessitated revision of the Development Agreement. Among these changes are a reduction in the number of floors in the Compuware building from sixteen to fifteen. An additional loading and service bay will be added to the Gratiot side of the building and the entire service area has been shifted east along that facade to provide for an express ramp to the below-grade parking. This should help to reduce traffic congestion during the morning peak hour by providing more stacking space for vehicles entering the site off of Gratiot. The below-grade parking was reduced from three levels to two, resulting in the addition of one level of parking to the above-grade portion of the Crowley block parking deck. Despite the addition, this change created a net loss of 400 parking spaces for phase I of the project. In total, these revisions either improve or have no real impact on the project as originally reviewed and approved.

RECOMMENDATION

City Planning Commission staff, having reviewed and being satisfied with Petition #2221 relating to street/alley vacations, easements, etc., and with the Restated Development Agreement with the Compuware Corporation, recommends approval of both items.

Respectfully submitted,

MARSHA S. BRUHN

Director

MARCELL TODD

Staff

Department of Public Works City Engineering Division

July 13, 2000

Honorable City Council:

Re: Petition No. 2221 — Planning and Development Department requests to rescind encroachments and for certain rights-of-way changes within the Compuware Development Site known as the Kern Block and Crowley Block, generally in the area bounded by Woodward, Gratiot, Randolph, Monroe and Campus Martius.

Background

The City Council of the City of Detroit ("Council") adopted a resolution on December 8, 1999 (J.C.C. pages 3402-06) authorizing execution of the Compuware Development Agreement and Land Transfer Agreements consistent with a Project Plan and Site Plan present-

ed to Detroit City Council as attachments to the Development Agreement. As set forth in correspondence from the Corporation Counsel to your Honorable Body together with a proposed resolution that have been submitted to your Honorable Body contemporaneously with this correspondence, the City of Detroit (the "City"), the City of Detroit Downtown Development Authority (the "DDA") and Compuware Corporation (the "Company") will execute a Restated Development Agreement. The Planning and Development Department ("P&DD"), as current trustee of the land, requires certain changes to public rights-of-way to finalize the preparation of the Compuware Project Site for redevelopment and to allow clear title to the land for the Compuware Project.

In the Restated Development Agreement, the City has agreed to convey to the DDA, and the DDA has agreed to then convey to the Company or its designated developer (the "Developer"), the Kern Block, the Crowley Block, the to-be-vacated Farmer St. and Library St. rights-of-way, and the to-be-vacated portions of the Campus Martius, Monroe, Woodward and Gratiot Avenues rights-of-way. Each is defined herein and is described in this resolution. In accordance with the Restated Development Agreement, and as a condition to selling the property, the City, the DDA, and the Developer will execute two easement agreements referred to in the attached resolution as the "Compuware Easement Agreement" and the "Farmer Street Easement Agreement." All of the above requested changes are subject to the execution of the two easement agreements and the Land Transfer Agreements. P&DD seeks the authorization to execute the Compuware Easement Agreement and the Farmer Street Easement Agreement.

Further, the City owns all public rights-of-way in the "Governor and Judges Plan" in fee. Therefore the deeds from the City to the DDA pursuant to the Restated Development Agreement will transfer the vacated rights-of-way along with the other land being conveyed. Such deed(s) will also be subject to the terms of the two easement agreements and the Land Transfer Agreements.

Finally, an amendment to the existing Easement Agreement between the City and the Detroit Transportation Corporation for the People Mover is required for implementation of the Compuware Project. P&DD also seeks authorization to execute the Amendment to the DTC Easement Agreement.

Petition No. 2221

Petition No. 2221, from the Planning & Development Department dated January 11, 2000, requests Council approval of "street and alley vacations and establish-

ment of various easement as necessary for implementation of the [Compuware] Project Plan and Site Plan previously presented to Detroit City Council." In addition to the requested changes, itemized below, our investigation revealed fifteen non-transferable encroachments recorded in City of Detroit records in the Kern and Crowley blocks that must be rescinded to allow clear title to land for the Compuware Project. The vacations and easements referred to in Petition No. 2221 are described as follows (locations and "zone" designations below and on the attached resolution are taken from City Engineering records; Spalding DeDecker Associates, Inc. drawing No. SM99050 dated as of April 13, 2000; and Rossetti Associates Architects drawing No. C-102, Project No. 99018, dated as of June 30, 2000):

A. Vacations of rights-of-way:

- 1) Vacation of all public rights-of-way and utility easements in the Kern block bounded by Woodward, Farmer, Gratiot, Campus Martius, and Monroe. (Zone K-1)
- 2) Vacation of Library Avenue easement 60 ft. wd. between Gratiot and Monroe Avenues. (Zone K-2)
- 3) Vacation of the north 26.7 ft. of Campus Martius between Monroe and Woodward Avenues. (Zone K-3)
- 4) Vacating 10 ft. of public rights-of-way, as platted, along those portions of (a) Woodward between relocated boundary of Campus Martius and Gratiot adjacent to the Kern Block; (b) Gratiot between Woodward and Farmer adjacent to the Kern Block; (c) the southerly side of Farmer adjacent to the Kern Block; and (d) Monroe between the relocated boundary of Campus Martius and Randolph adjacent to the Kern Block and the Crowley Block, subject to provision for restriction, reservation and reverter as contained in provisions to be inserted in the Deed (such language is contained within the attached resolution), which include among other things the reservation of a public sidewalk within such 10' feet areas. (Zones K-4a and K-4b)
- 5) Vacation of Farmer Street, subject to the easement to be reserved and granted to the public pursuant to the Agreement and Grant of Easement for the Farmer Street Permanent Easement Street (Zone AD; also Zone AA)

B. Easements:

- 1) Grant of 177.01 ft. x 60 ft. permanent tieback easement into a part of Campus Martius (Zone A)
- 2) Grant of 401.88 ft. x 34.00 ft. and a 56 ft.-4 in. x 24 ft.-8 in. permanent tieback easement into a part of Gratiot Avenue. (Zone B)
- 3) Grant of 333.93 ft. x 60.00 ft. permanent tieback easement into a part of Monroe Avenue. (Zone C)

4) Grant of 50.00 ft. x 18.00 ft. permanent subsurface easement into a part of Campus Martius for anchor retention system and support of the sculptural element. (Zone F)

5) Grant of 336.59 ft. x 60.00 ft. temporary tieback easement into a part of Monroe Avenue. (Zone N)

6) Grant of 286.59 ft. x 60.00 ft. temporary tieback easement into a part of Woodward Avenue. (Zone P)

7) Grant of Temporary tieback easement into a part of Farmer Street. (Zone S)

8) Grant of Temporary tieback easement into a portion of a public alley and also into City land. (Zone T)

9) Grant of 5 ft. temporary subsurface easement into 20 ft. wd. public alley south of Broadway/Randolph east of Gratiot for soldier piles. (Zone AC)

10) Grant of 198.63 ft. x 20.00 ft. permanent easement into a part of Campus Martius for installation and maintenance of an overhead canopy (Zone G)

11) Grant of 198.63 ft. x 1.00 ft. permanent easement into a part of Campus Martius for installation and maintenance of portions of the building facade. (Zone AB)

12) Grant of landscape easements into a part of Woodward Avenue, a part of Monroe Avenue, and a part of Gratiot Avenue. (Zone H, Zone J, and Zone L)

13) Grant of ramp easement in a part of Monroe Avenue to serve as underground ingress/egress into the parking structure in the Crowley Block. (Zone M)

14) Grant of easements or permits as necessary for tie-ins to city water and sewer utilities and for access to the Development Site for development.

15) Reservation of access easement for the Public Lighting Department across a part of to-be-vacated Gratiot Avenue. (Zone Z)

16) Reservation and/or acceptance of grant of vehicular and pedestrian access easement across to-be-vacated Farmer Street. (Zone AA)

C. Encroachments:

1) Grant of 50.00 ft. x 18.00 ft. surface encroachment into a part of Campus Martius to allow placement of sculptural element. (Zone F)

2) Grant of 10.00 ft. x 22.00 ft. encroachment into a part of Campus Martius to allow placement of flagpoles. (Zone X)

The petition was referred to the City Engineering Division — DPW on January 14, 2000, for investigation and report. This is our report.

Agency & Utility Responses:

Following are the written responses that we have received from the agencies and utilities having or potentially having facilities in the subject property.

A. Traffic Engineering Division of the Department of Public Works (TED).

"The Traffic Engineering Division — DPW (TED) has reviewed the requested changes to public rights-of-way as outlined in drawing No. SM99050 sheets 1 through 22, dated November 30, 1999. TED's report is as follows:

PROVISIONS:

100% signatures of abutting property owners are secured.

Minimum clearances without obstructions are provided as indicated in individual cases.

Dedication of land for public use is confirmed where indicated.

Approvals are subject to the comments endorsed in drawings.

Easement "A" [Zone A]: TED has no objection for 60-ft. underground easement on Campus Martius easement for utility and tieback.

Easement "B" [Zone B]: TED has no objection to 34-ft. underground for tieback on Gratiot.

Easement "C" [Zone C]: TED has no objection to 60-ft. wide underground easement on Monroe St. for tieback.

Easement "F" [Zone F]: TED has no objection for sculptural encroachment (dim. not provided) as long as petitioner maintains 10 ft. clear sidewalk without any obstruction (planters, landscape, street furniture)

Easement "G" [Zone G]: TED has no objection for the 20-ft. overhead encroachment as shown on sheet 7. Petitioner should maintain 8.5-ft. vertical clearance over walkway surface and 16.5 ft. minimum clearance over roadway surface if this encroachment projects over roadway surface.

Easement "H" [Zone H]: TED has no objection for the 6.67 ft. & 6.67 ft. landscape encroachment as shown on sheet 8. Petitioner should maintain 2-1/2 ft. clearance from curb and 10 ft. minimum clear sidewalk without any obstruction (planters, landscape, street furniture)

Easement "J" [Zone J]: TED has no objection for 6.5 ft. wide landscape encroachment as long as petitioner maintains 10 ft. clear sidewalk without any obstruction (Planters, landscape, street furniture). To achieve minimum 10 ft. clear sidewalk PETITIONER MUST TRANSFER SURFACE USE OF 10 FT. VACATED PORTION BACK TO CITY.

Easement "K" [Zones K-3, K-4a, K-4b]: TED has no objection for 10 ft. vacation Monroe St., 26.7 ft. vacation on Campus Martius (between Woodward and Monroe Triangle), 10 ft. vacation on Woodward and 10 ft. vacation on Gratiot as long as petitioner use below surface area and transfer back surface use of proposed vacated portion back to city to maintain 10 ft. clear sidewalk without any obstruction and future widening of any roadway (if required).

[Zone AD]: TED has no objection to vacate Farmer St. between Monroe and Gratiot.

Easement "L" [Zone L]: TED has no objection for 6.00 ft. encroachment for landscape along Gratiot Ave. as shown on sheet 11, as petitioner maintains 10 ft. clear sidewalk without any obstruction (planters, landscape, street furniture).

Easement "M" [Zone M]: TED has no objection for 30 ft. underground easement form entrance/exit for parking garage as shown on sheet 12. On the surface of Monroe St. TED reserves right to restrict the width of surface easement to maintain proper street width.

Easement "N" [Zone N]: TED has no objection for 60-ft. underground easement on Monroe for tieback.

Easement "P" [Zone P]: TED has no objection for 60-ft. underground easement on Woodward for tieback.

Easement "S" [Zone S]: TED has no objection for 20 ft. guideway underground easement on Gratiot as shown on drawing No. 16."

B. The Detroit Water and Sewerage Department (DWSD)

DWSD has reviewed the subject petition and has made the following report:

We have reviewed the subject petition [No. 2221] and have the following comments:

Zone "A" — Three Dimensional Easement for Tiebacks

Zone "B" — Three Dimensional Easement for Tiebacks

Zone "C" — Three Dimensional Easement for Tiebacks

Zone "N" — Three Dimensional Temporary Easement for Tiebacks

Zone "P" — Three Dimensional Temporary Easement for Tiebacks

Zone "S" — Three Dimensional Temporary Easement for Tiebacks

Zone "T" — Three Dimensional Temporary Easement for Tiebacks

Zone "X" — Encroachment for Flag Poles

According to our records there are:

- Fire Hydrants and possible catch basins and street drainage in Campus Martius between Woodward and Monroe.

- 10-inch, 16-inch and 30-inch water mains and 18-inch and 3'-6" sewers located in and adjacent to the proposed encroachments located in Gratiot between Farmer and the alley west of Broadway.

- 12-inch water main located in and adjacent to the proposed encroachment in Monroe between Campus Martius and Randolph.

- 2' x 3" Sewer located in and adjacent to the proposed encroachment located in Monroe between Farmer and Randolph.

- 16-inch Water Main, 4'-0" sewer and 9'-0" sewer located in Woodward between Campus Martius and Gratiot.

• 15-inch Sewer located in the southerly 5 feet and 8-inch water main located in the middle of the alley adjacent to Lots 54, 55 and 56 between Library and Randolph.

We have no objections to the proposed encroachments provided that:

1. DWSD does not waive any rights to its facilities located in the proposed easement.

2. The tie backs are installed beneath our facilities.

3. A minimum clearance of 18 inches is to be maintained between the bottom of our facilities and the top of the tie backs.

4. If any damage is done to our facilities during construction, the Petitioner, its successors and assigns, will be responsible to repair or replace the damage at their expense and they will hold DWSD harmless and defend it against all compensation claims resulting from the damage to our facilities.

5. The Petitioner, its successors and assigns, will hold DWSD harmless for any damage to the tie backs caused by the failure of DWSD's facilities located in or adjacent to the proposed easement.

6. The Petitioner, its successors and assigns, will hold DWSD harmless for any damage to the tie backs caused by DWSD while inspecting, maintaining, repairing, replacing or installing our facilities.

Zone "G" — Three Dimensional Zone for Building Canopy

We have no objections to the proposed encroachments for building canopies.

Zone "F" — Sculptural Element

According to our records there are:

• Fire Hydrants and possibly catch basins and street drainage in Campus Martius between Woodward and Monroe

We have no objections to the proposed encroachments provided that:

1. If any damage is done to our facilities during construction, the Petitioner, its successors and assigns, will be responsible to repair or replace the damage at their expense and they will hold DWSD harmless and defend it against all compensation claims resulting from the damage to our facilities.

2. The Petitioner, its successors and assigns, will hold DWSD harmless for any damage to the sculptural element encroachment caused by the failure of DWSD's facilities located in or adjacent to the proposed easement.

3. The Petitioner, its successors and assigns, will hold DWSD harmless for any damage to the sculptural element encroachment caused by DWSD while inspecting, maintaining, repairing, replacing or installing our facilities.

Zone "AD" — Vacation of Farmer Street
According to our records there are:

• 12-inch and 6-inch water mains, fire hydrants and 1'-9" x 2'-6" Sewer located in Farmer between Monroe and Gratiot.

We have no objections to the proposed vacation provided that:

1. 1'-9" x 2'-6" Sewer in Farmer is to be abandoned, and a manhole is to be constructed on the sewer approximately 20 feet east of the west line of Monroe.

2. The 12-inch water main and 6-inch water main in Farmer are to be abandoned and the fire hydrants relocated.

3. The water mains and sewer abandonment, construction of a manhole and relocation of fire hydrants are to be done at the petitioner's expense at no cost to DWSD.

4. The work is to be done under DWSD's permit and inspection in accordance with plans approved by DWSD.

5. Petitioner is to provide any necessary easements for the sewer alterations.

Zone "H" — Landscape Easement

Zone "J" — Landscape Easement

Zone "L" — Landscape Easement

According to our records there are:

• Fire Hydrants, 16-inch water main and 4'-0" and 9'-0" sewers located in and adjacent to the proposed encroachment located in Woodward and Campus Martius.

• 12-inch water main and 2' x 3' sewer located in and adjacent to the proposed encroachment located in Monroe between Campus Martius and Randolph.

• 10-inch, 16-inch and 30-inch water mains and 18-inch and 3'-6" sewers located in and adjacent to the proposed encroachment located in Gratiot between Farmer and the alley west of Broadway.

We have no objections to the proposed encroachment provided that:

1. If any damage is done to our facilities during construction, the Petitioner, its successors and assigns, will be responsible to repair or replace the damage at their expense and they will hold DWSD harmless and defend it against all compensation claims resulting from the damage to our facilities.

2. The Petitioner, its successors and assigns, will hold DWSD harmless for any damage to the encroachment caused by the failure of DWSD's facilities located in or adjacent to the proposed easement.

3. The Petitioner, its successors and assigns, will hold DWSD harmless for any damage to the encroachment caused by DWSD while inspecting, maintaining, repairing, replacing or installing our facilities.

Zone "M" — Ramp Easement in Monroe

We have no objections to the proposed ramp easement.

Zone "R": — Detroit Edison Easement

Zone "V" — Three Dimensional Easement for Detroit Edison

Zone "W" — Three Dimensional Easement for Comcast

Zone "Z" — Easement for PLD Access

We are not involved.

Zone "AB" — 3 Dimensional Easement for Building Protrusion

We have no objection to the proposed easement.

Zone "AA" — 3 Dimensional Easement for Roadway Maintenance

We have no objection to the proposed easement if clarification is provided that DWSD is not going to maintain this road, and possible catch basin flow is adequately directed.

Zone "AC" — Subsurface Temporary Easement for Piling

According to our records there are:

- 15-inch Sewer located in the southerly 5 feet of the alley adjacent to Lots 54, 55 and 56 between Library and Randolph
- 8-inch water main located in the middle of the alley adjacent to Lots 54, 55 and 56 between Library and Randolph

We have no objections to the proposed easement provided that:

1. 15-inch Sewer in the southerly 5 feet of the alley adjacent to Lots 54, 55 and 56 between Library and Randolph is to be structurally improved by relining process at no cost to DWSD.

2. If any damage is done to our facilities during construction, the petitioner, its successors and assigns, will be responsible to repair or replace the damage at their expense and they will hold DWSD harmless and defend it against all compensations, claims resulting from the damage to our facilities."

C. The Public Lighting Department (PLD) has reported the following comments for the requested property changes contained in the Compuware World Headquarters Project Site:

"Easement B" [Zone B], The southeasterly portion of Gratiot between Farmer and the alley northeast of Library Street — The PLD has no objection to the proposed "Tieback" easement. PLD has underground facilities in the area and care must be taken to avoid disturbing them.

"Easement C" [Zone C], The north side of Monroe between Farmer and Randolph — The PLD has no objection to the proposed tieback easement; please take caution to avoid existing underground facilities located in this area. NOTE: The proposed underground parking garage will have an underground entry ramp in this easement. PLD will relocate their underground cable to accommodate this work. PLD's cost estimate is \$600,000.00.

"Easement H" [Zone H], a landscape easement into the eastern boundary of Woodward between Campus Martius and Gratiot — The PLD has underground facilities located within this proposed landscape easement. PLD has an estimated cost of \$80,000.00 to relocate their conduit and handholes to accommodate tree planters proposed for this area.

"Easement J" [Zone J], a 6.6 ft. wide landscape easement on the north side of

Monroe between Campus Martius and Randolph — The PLD is proposing new street lighting in this area and will require additional information as to the nature of the landscape work.

"Easement L" [Zones AD, K-3, K-4a, K-4b], the proposed vacation of Farmer Street and portions of Gratiot, Woodward, Campus Martius and Monroe — The PLD has underground facilities in the area where vacations are requested. PLD estimates their relocation costs to be \$600,000.00. Please note that the parking garage underground ramp cost is included in this estimate.

"Easement M" [Zone L], landscape easements on the south side of Gratiot between the alley east of Library Street and Farmer Street — The PLD has underground facilities and street lights located in the proposed landscape easements. PLD will require additional information about the landscape work before they can comment on the proposed easement. NOTE: PLD will require access to their facilities and if it becomes unavailable, then PLD must relocate their facilities at project cost.

In addition to the above comments PLD has the following general comments on this petition:

Our facilities located in the project site are in operational condition and must remain so. Any damage done to facilities during construction will be repaired at project cost.

All street lighting and traffic signal poles that must be removed temporarily removed or relocated due to construction work or new site geometric must be done at project cost.

Lighting on the "new" Farmer Street must conform to PLD and Illuminating Engineering Society (I.E.S.) Guidelines. If these guidelines are not met. Then the PLD will provide additional lighting at project cost.

The relocations of PLD underground conduit, cables and handholes to accommodate planter placement along Woodward are to be done at project cost. We estimate costs to be \$80,000.00.

We require a waiver of the rule that disallows overhead construction in the downtown area. For a period of 18 months, we will have temporary wood poles and overhead lines to reroute primary distribution cables in Farmer Street and in Monroe Avenue.

We have costs associated with man-hole enlargement and the permanent relocation of underground cables.

The PLD will require easement rights for access to the relocated cabinets that will be recessed in the new Compuware building. The recess will be located in the northwest corner of the Compuware building. This corner of the building is located at the southeast corner of Gratiot

and Woodward. The cabinets are for multiple street lighting, special events and traffic signals.”

D. Detroit Edison Company (DeCo) has investigated the requested changes in public rights-of-way. The nature of their services and the estimated costs of removing and/or rerouting such services are as follows:

Easement “A” [Zone A]: DeCo has underground facilities in the area, along the northwest side of Monroe Street, in road right-of-way. DeCo does not object to the tieback easement, provided the following conditions are met. Tiebacks must not cause damage to DeCo facilities. DeCo must have 24-hour access to its facilities.

Easements “B” & “C” [Zones B & C]: DeCo has underground facilities in these areas. DeCo does not object to the tieback easements, provided the following conditions are met. Tiebacks must not cause damage to DeCo facilities. DeCo must have 24-hour access to its facilities.

Overhead Encroachment Zone “G”: DeCo has underground facilities in the area, along the northwest side of Monroe Street, in road right-of-way. DeCo does not object to the overhead encroachment, provided the following conditions are met. Encroachment must not cause damage to DeCo facilities. DeCo must have 24-hour access to its facilities.

Easement “J” [Zone J]: DeCo has underground facilities in the area, along vacated Library St. extended. The removal of these facilities is addressed under the section titled “Proposed Vacation L” [Zones K-1, K-3, K-4a, K-4b, AD]. DeCo does not object to the landscape easement.

Easement “M” [Zone L]: DeCo objects to this change in property. DeCo has underground facilities in the area that could be damaged by the petitioners proposed landscaping.

Proposed Vacations “L” [Zones K-1, K-3, K-4a, K-4b, AD]: DeCo has underground facilities in the area. The cost to relocate these facilities is \$317,000.00.”

E. Michigan Consolidated Gas Company (Mich Con) has reported the following involvement within the public rights-of-way:

Easement “B” [Zone B]: 34-ft. tieback easement easterly side of Gratiot. Gas main is 2” plastic main (10 psig) in 6” dead cast iron main from 5 ft. S/S Library St. north to Broadway at 15 ft. W/E Gratiot. This main is involved in the easement but is above proposed tiebacks.

MichCon has reported no objections to the other requested changes in public rights-of-way as proposed on drawing No. C-102.

F. Ameritech has reported the following involvement within the public rights-of-way:

Ameritech has reviewed the requested changes in public rights-of-way; records show that their facilities in the critical areas of development have already been abandoned. Ameritech does have cable in conduit along Woodward Ave. and along Gratiot Ave. To maintain the quality and reliability to our customers, it is imperative that the service not be disrupted during construction. Contact MISS DIG for cable staking before any underground work proceeds and throughout the Phase 1 development.

The proposed tiebacks for this project must not disturb the existing facilities. As discussed, the tiebacks will be at a point no less than 6 feet below our facility runs.

Ameritech has underground conduit in Woodward Avenue and must maintain full access along Woodward to manholes and conduit for maintenance and repair between Monroe and Gratiot.

Ameritech has underground conduit in Gratiot Avenue and must maintain full access along Gratiot to manholes and conduit for maintenance and repair.

G. In addition to the above requested changes in public rights-of-way, the Developer will be providing private easements to Comcast Cablevision of Detroit and Detroit Edison within vacated Farmer Street. This area will be within the underground parking structure, and will provide for a 24” x 24” Edison steam easement (Zone V) and a 4” Comcast conduit easement (Zone W).

H. All other City departments or privately owned utility companies have no objection to the proposed change in public rights-of-way or have confirmed that satisfactory arrangements have been made.

Please note that the responses set forth above are based on the original drawings submitted with the Petition. Representatives from City Engineering, P&DD, Compuware, and all potentially involved agencies and utility companies have been meeting on a weekly basis for the past several months to assure that satisfactory arrangements have been made regarding utility placements. At these meetings, all potential concerns have been raised and addressed. The attached resolution, together with the Farmer Street Easement Agreement, the Compuware Easement Agreement, and the Amendment to the DTC Easement Agreement described in this letter and the attached resolution, reflect the resolution of all concerns of all potentially involved agencies and utilities. Payment of any costs for relocating utilities will be handled in accordance with the terms of the Restated Development Agreement approved by your Honorable Body.

An appropriate resolution is attached for consideration by your Honorable Body. I am recommending adoption of the

attached resolution. A waiver of reconsideration is respectfully requested.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW

By Council Member Everett:

Whereas, on December 8, 1999 (J.C.C. pages 3402-06), the City of Detroit City Council (the "City Council") adopted its resolution authorizing the Director of the City of Detroit Planning and Development Department ("P&DD") to execute that certain development agreement (the "Development Agreement") by and among the City of Detroit (the "City"), the City of Detroit Downtown Development Authority (the "DDA"), and Compuware Corporation ("Compuware"), which Development Agreement contemplates, among other things, the transfer from the City of that property more commonly known as the Kern Block and that property more commonly known as the Crowley Block to the DDA, for reconveyance to and development by Compuware or its designated developer (the "Developer") of Compuware's new corporate headquarters (the "Project"); and

Whereas, in connection therewith, on December 8, 1999, the City Council also authorized the Director of P&DD to execute certain land transfer agreements by and between the City and the DDA for transfer to the DDA of the Kern Block and the Crowley Block, and portions of certain public rights-of-way adjacent thereto, including that portion of Farmer Street lying between Gratiot and Monroe Avenues (hereinafter referred to as the "Transfer Agreements"); and

Whereas, on this day the City Council has adopted a resolution authorizing changes to the Development Agreement and execution of a "Restated Development Agreement" to replace the Development Agreement; and

Whereas, the Project redevelopment plan as approved by P&DD includes the construction of a multi-level high-rise office tower with subsurface and above-ground parking supported by an anchoring retention system into the public rights-of-way; and

Whereas, the City, the DDA, and Compuware have agreed upon the description of the contiguous parcel of land to be conveyed pursuant to the Transfer Agreements, such parcel of land described as:

Land in the City of Detroit, Wayne County, Michigan, described as:

Being a portion of "Section No. 7 Governor and Judges Plan of the City of Detroit" as recorded in Liber 34, Page 544, Deeds, and Liber 1, Page 199, Plats, Wayne County Records; also, "Subdivision of Lot 80 Sec. 7 Gov. and Judges Plan of the City of Detroit", as

recorded in Liber 1, Page 271, Plats, Wayne County Records, being more particularly described as follows:

Land in the block bounded by Woodward, Gratiot, Farmer, Monroe, and Campus Martius, comprised of Lots 40 through 49, Lot 79, and Lot 81 of "Section No. 7 Governor and Judges Plan of the City of Detroit" as recorded in Liber 34, Page 544, Deeds, and Liber 1, Page 199, Plats, Wayne County Records; and Lots 1 through 5 of the "Subdivision of Lot 80 Sec. 7 Gov. and Judges Plan of the City of Detroit", as recorded in Liber 1, Page 271, Plats, Wayne County Records,

together with the vacated alley adjacent to such lots,

also together with those vacated portions of Woodward, Gratiot, Farmer, Monroe, and Campus Martius adjacent to such lots;

also

Land in the block bounded by Gratiot, Farmer, Monroe, Randolph, and Broadway, comprised of Lot 1 (except that portion taken for widening of Randolph), Lots 50 through 56, and Lots 82 through 84 of "Section No. 7 Governor and Judges Plan of the City of Detroit" as recorded in Liber 34, Page 544, Deeds, Plats, Wayne County Records,

together with the vacated alley adjacent to Lots 50 through 52 and Lots 82 through 84;

also together with the vacated north-south alley between Lot 55 and Lots 53 and 54;

also together with the vacated portion of the alley adjacent to Lot 1;

also together with vacated Farmer and Library adjacent to such lots and vacated alleys;

also together with those vacated portions of Monroe adjacent to such lots and adjacent to vacated Farmer and Library.

More particularly described as:

Beginning at a point distant N.75°10'18"W., 14.15' from the northwesterly corner of Lot 40 of said "Section No. 7 Governor and Judges Plan of the City of Detroit", said point also being at the intersection of the proposed easterly line of Woodward Ave., (variable width), and the proposed southerly line of Gratiot Ave., (variable width); thence N.59°50' 52"E., 280.88' along the said proposed southerly line of Gratiot Ave. to a point on the proposed southerly line of Farmer St., 60 feet wide; thence S.60°06'57"E., 51.09', along said proposed southerly line to a point on the extension of the easterly line of Gratiot Ave., (variable width); thence N.29°46'55"E. 401.65', along said easterly line to a point on the southerly line of a 20 ft. wd. Alley; thence S.60°06'10"E., 140.46', along said southerly line to a point on the easterly line of said alley; thence, N.29°46'31"E., 40.00' along said easterly line, and its extension, to a point

on the southerly line of lot 2 of said "Section No. 7 Governor and Judges Plan of the City of Detroit"; thence, S.60°06'10"E., 30.11' along said southerly line to a point on the westerly line of lot 1; thence, N.29°46'26"E., 22.99' along said westerly line to a point on the southerly line of Randolph St. (variable width); thence, S.26°17'44"E., 72.53' along said southerly line to a point on the proposed westerly line of Monroe Ave. (120 ft. wd., proposed 110 ft. wd.); thence, S.29°45'57"W., 712.42' along said proposed westerly line to a point on the proposed north line of Campus Martius; thence, S.89°46'54"W., 198.63' along said north line to a point on the said proposed easterly line of Woodward Ave. (variable width); thence, N.30°11'27"W., 289.61' along said easterly line to the point of beginning, containing 4.9728 acres, more or less;

hereafter referred to as the "Project Site," as such description may be corrected by the City Engineer, Department of Public Works, pursuant to a certified survey; and

Whereas, to permit the conveyance of the Project Site for redevelopment in accordance with the Restated Development Agreement and the Transfer Agreements, P&DD requests City Council approval (i) to rescind fifteen (15) non-transferable encroachments appurtenant to the Kern Block and the Crowley Block recorded in City of Detroit records between 1925 through 1949; (ii) for changes to certain public rights-of-way as hereinafter provided, including outright vacations of certain public rights-of-way and vacations of parts of certain other public rights-of-ways, subject to conditions and/or reservations; (iii) for granting of certain easements in, under, and/or above the public rights-of-way, including execution of easement agreements; and (iv) for granting certain encroachments into the public rights-of-way;

Now, Therefore, Be It Resolved By The City Of Detroit City Council As Follows:

A. Resolved, by the City of Detroit City Council that the following fifteen non-transferable public right-of-way encroachments, found in city records and connected with the Project Site, in the area bounded by Woodward, Randolph, Monroe, Campus Martius, and Gratiot Avenues, be and the same are hereby rescinded:

1. Permit to David Nederlander to erect an addition to the Shubert Detroit Opera House extending 10 ft. from the building into the alley at the rear, 16 ft. above the alley grade: May 7, 1929 — encroachment book page 26, City records;

2. Permit to Century Flower Shop — Philip Breitmeyer to extend window of its store at 7 Campus Martius the same distance out from lot line as adjoining win-

dows in same block: April 21, 1931 — encroachment book page 47, City records;

3. Permit to Truly Warner, Inc., to extend window of its store at 5 Campus Martius the same distance out from lot line as adjoining windows in same block: May 19, 1931 — encroachment book page 47, City records;

4. Permit to Sam's Cut Rate, Inc., to construct two additional elevator shafts and loading platforms 10 ft. wide and 30 ft. long in alley north of Monroe west of Farmer: October 5, 1937 — J.C.C. pages 2091-2092;

5. Permit to Sam's Cut Rate, Inc., to construct two bay windows which will project 2-1/2 ft. beyond the property line, the bottom being at a height of 20 ft. above the sidewalk, said windows being 23-1/2 ft. long by 10-1/2 ft. wide: March 29, 1938 — encroachment book page 123, City records;

6. Permit to Sam's Cut Rate, Inc., to construct a covered passageway over public alley connecting building at 15 Campus Martius, with adjoining building at 39 Campus Martius, at the fifth floor level: July 23, 1940 — encroachment book page 195, City records;

7. Permit to the Ernst Kern Co., to erect one story addition over and above present bridge existing between their building, at 1030 Woodward Ave. and the Weber Building which they lease and occupy at 28 Gratiot Ave.: December 3, 1940 — encroachment book page 206, City records;

8. Permit to Sam's Cut Rate, Inc., to construct a bridge over the alley connecting the second, third, fourth and fifth floors of the buildings at 13-27 Campus Martius and 1127 Farmer St., said bridge to be approximately 11 ft. wide and 30 ft. long, with a clearance of 16 ft. 6 in. above the alley grade: November 21, 1944 — J.C.C. pages 2844-2845;

9. Permit to Sam's Inc., to construct a tunnel and baler room under east and west public alley, connecting from stores at 13-27 Campus Martius and 1127 Farmer St., for the purpose of egress and ingress from the basement of the respective stores, and also for the baling of waste paper; said proposed tunnel to be constructed 3 ft. below the top grade of the alley: September 24, 1946 — J.C.C. page 2238;

10. Permit to Sam's Inc., to install an underground duct in the alley for the purpose of carrying primary electrical system lines; said lines run from the rear of building at 17-21 Campus Martius, across said east-west alley to premises at 1127 Farmer St: October 30, 1945 — J.C.C. pages 2144-5;

11. Permit to Frederick G. Clayton Estate to erect a marquise on front of four-story building at 83 Monroe Ave.

between Farmer St. and Campus Martius; same to be a curved marquise, 20 ft. long to project 5-1/2 ft. over the sidewalk at one end, tapered to a 2 ft. projection at the other end, and to be 10 ft. above the sidewalk: May 6, 1947 — J.C.C. page 1260;

12. Permit to Sam's Inc., to erect a canopy over alley rear of store building at 13-27 Campus Martius, for the protection from inclement weather of persons passing over the alley from said store building and petitioner's store across the alley at 1127 Farmer St., said canopy to project 10 ft. over the alley from the Campus Martius building wall; to be 29 ft. in length at the longest point, connecting with their present pedestrian overpass, and to be erected at least 16 ft. above the top grade of the alley: January 13, 1948 — January 13, 1948 — J.C.C. pages 56-57;

13. Permit to Engass Jewelry Co., for transfer of permit for clock on sidewalk front of 223 Monroe Ave., to new location at 83 Monroe Ave: January 27, 1948 — J.C.C. pages 177-8;

14. Permit to Engass Jewelry Co., for ornamental clock on base in Monroe Ave: August 4, 1925 — J.C.C. page 2158;

15. Permit to Detroit Merchants Improvement Co., to install a metal molding on the front of building at 49-51 Monroe Ave: August 9, 1949 — J.C.C. page 2390;

It is the intention of the City Council in adopting this Resolution A to vacate and rescind all encroachments previously granted in the rights-of-way lying within or adjacent to the Project Site, subject only to the general conditions and reservations set forth in Resolution J.

B. Be It Further Resolved by the City of Detroit City Council that the following public rights-of-way be and the same are hereby vacated, subject to the following covenants, agreements, uses, reservations and regulations, and the provisions of this Resolution, which shall be observed by the owner(s) of the property consisting of or abutting on said public rights-of-way, and by their heirs, executors, administrators, successors and assigns, forever, to wit:

1. **Zone K-1.** All that part of the public alleys, 20 feet wide, in the block bounded by Woodward Avenue, Farmer Street, Monroe Avenue, Gratiot Avenue, and Campus Martius, lying southerly of lots 79, 81, and the vacated public alley; and lying northerly of lots 40, 41, 42, 47, 48, 49, and the vacated parts of public alleys, as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit", as recorded in Liber 34, Page 544, Deeds; and Liber 1, Page 199 Plats, Wayne County Records; also

2. **Zone K-2.** All that part of Library Avenue, 60 feet wide, (vacated with sub-surface easement(s) reserved July 6, 1977, J.C.C. pages 1489-90, and April 5,

1978, J.C.C. pages 888-89) between Monroe and Gratiot Avenues, lying southerly of and abutting the south line of lots 53, 55, 56, and the vacated public alley, 20 feet wide, and lying northerly of and abutting the north line of lots 52, 84, and the vacated public alley, 20 feet wide, as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit", as recorded in Liber 34, Page 544, Deeds, Wayne County Records; and

3. **Zone K-3.** Land in the City of Detroit, County of Wayne, Michigan, being a part of Campus Martius, as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit" as recorded in Liber 34, Page 544 of Deeds and Liber 1, Page 199, Plats, Wayne County Records, being more particularly described as follows:

Beginning at the southeasterly corner of lot 46 of the said "Section No. 7 Governor and Judges Plan of the City of Detroit," thence S.29°45'57"W., 30.83' along the extension of the northwesterly line of Monroe Avenue, 120 ft. wd., also being a point on the new north line of Campus Martius; thence, S.89°46'54"W., 175.54', thence, N.30°11'27"W., 30.82', to the southwesterly corner of lot 43; thence, N.89°46'54"E., 206.35' to the point of beginning, containing 5098.27 sq. ft. or 0.117 acres, more or less.

4. **Zone K-4.**

a. Land in the City of Detroit, County of Wayne, Michigan, being a part of Woodward, Gratiot and Farmer, as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit" as recorded in Liber 34, Page 544 of Deeds and Liber 1, Page 199, Plats, Wayne County Records, and the "Subdivision of Lot 80 Sec. 7 Gov. and Judges Plan, City of Detroit", as recorded in Liber 1, Page 271, Plats, Wayne County Records, being more particularly described as follows:

Beginning at the northwesterly corner of Lot 40, of the said "Section No. 7 Governor and Judges Plan of the City of Detroit," thence N. 59°50'52"E., 265.10' along the existing southerly line of Gratiot Ave.; thence S60°06'57"E., 45.33' along the existing southerly line of Farmer St.; thence N.29°46'55"E., 10.00'; thence N.60°06'57"W., 51.09'; thence S.59°50'52"W., 280.88; thence S.30°11'27"E., 289.61'; thence N.89°46'54"E., 11.54'; thence N.30°11'27"W., 285.37' to the point of beginning, containing 6075.64 sq. ft. or 0.139 acres, more or less; also

b. Land in the City of Detroit, County of Wayne, Michigan, being a part of Monroe Avenue, as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit" as recorded in Liber 34, Page 544 of Deeds and Liber 1, Page 199, Plats, Wayne County Records, being more particularly described as follows:

Beginning at the northeasterly corner of lot 1 of the said "Section No. 7 Governor

and Judges Plan of the City of Detroit," thence S.26°17'44"E., 12.05' along the extension of the south line of Randolph Street; thence, S.29°45'57"W., 712.42', thence, N.89°46'54"E., 11.55', thence, N.29°45'57"E., 724.92' along the westerly line of Monroe Ave. to the point of beginning, containing 8300.81 sq. ft. or 0.191 acres, more or less.

Provided That the vacation of the rights-of-way described in Zone K-4, herein referred to as the "Subject Area," is subject to the conditions regarding the use of the Subject Area in substantially the form set forth below, which shall be included in the deed of conveyance of the Project Site (the word "Building") as used below means the "Project":

A. RESTRICTION

The grantee from the City of the Subject Area, and its successors and assigns (the "Owner")

(1) may use and occupy that portion of the Subject Area lying below grade elevation (the portion is the "Subsurface Area" and the grade elevation determines the "Surface" of the Subject Area) (i) for foundations, footings and structural support for improvements constructed below the Surface of the Project Site and on and above the Surface of that portion of the Project Site not including the Subject Area; and (ii) for ventilation ducts and systems, utilities and mechanical and electrical systems, for parking, for support of or connected with the uses described in (2) below and other similar functional lawful purposes as long as the use for any such purpose shall not interfere with the rights of the public to occupy and use the Surface of the Subject Area for pedestrian walkways as provided for in the Reservation herein;

(2) shall make no use of the Surface portion of the Subject Area for any purpose other than the installation, maintenance and replacement of (i) ventilation system exhaust grillwork; (ii) materials permitting the passage of natural light from above and the passage of artificial light from below, in each case with materials meeting Governmental Requirements as defined in the development Agreement serving the uses permitted in (1) above, and (iii) sidewalks in the area not occupied by the improvements described in (i) and (ii); and

(3) shall make no use of that portion of the Subject Area above the Surface (the "Above Surface Area") for any improvements except for (i) the purposes for which permits to encroach in the Public Rights-of-Way have been or may be issued, but subject to the terms and conditions of such permits; (ii) portions of the Building facade, consisting of the building materials structurally and architecturally integrated in the Building facade, in an area not to exceed one (1) foot into the

Above Surface Area from that portion of the Project Site not including the Subject Area, beginning not less than ten feet (10') above the Surface, and (iii) those canopies structurally made a part of the Building and occupying an area being not less than ten feet (10') nor more than twenty feet (20') above the Surface, subject to the further conditions of subsection (d) to this Section A,

it being acknowledged that the Subject Area was a portion of the public rights-of-way and is subject to the Reservation and the Reverter herein.

With respect to the foregoing, the following provisions shall apply:

(a) The improvements permitted within the Subsurface Area are the "Subsurface Improvements", the improvements permitted on the Surface are the "Surface Improvements" and those improvements permitted in the Above Surface Area are the "Above Surface Improvements." Collectively, the Subsurface Improvements, the Surface Improvements and the Above Surface Improvements are the "Subject Area Improvements."

(b) The Owner of the Subject Area shall construct and at all times maintain the Subject Area Improvements in a manner which shall permit the uses of Grantor provided for under the Reservation. The sidewalk portion of the Surface Improvements shall be constructed and maintained by Owner at no less than the standards generally required for sidewalks by the City as promulgated by the Department of Public Works or by ordinance of the City. Subject to approval of the City, Owner may install and maintain pavers or other special sidewalk surface treatment enhancing its adjacent development.

(c) The Owner shall have the right to access the Subsurface Area through the Surface, provided, however, that the Owner shall provide for barricades and protection of the area of the work from access by pedestrians and shall comply with those requirements of the City that would pertain to such work conducted in public rights-of-way, except that no bond shall be required for work solely within the Subject Area. The Owner shall not block pedestrian access over the Surface except in accordance with the ordinances of the City for temporary occupation of a public sidewalk, and shall obtain any permits therefor which would be required if the Surface were a part of the public sidewalk.

(d) The Owner shall design, install and construct, and at all times maintain, the Above Surface Improvements in a structurally sound and secure manner, and in good condition and repair. At no time shall any Above Surface Improvements become unsafe or unsound or pose any threat or danger to the public by reason of

their condition. The right to occupy the Above Surface Area is limited to the Above Surface Improvements specified in subsection A(3) above.

Upon a determination by the City agency having jurisdiction over public rights-of-way that the Above Surface Improvements are not in compliance with the requirements set forth above, the City may give notice in writing to Owner that any or all of the improvements and installations shall be brought to a condition complying with the requirements at Owner's sole cost and expense. If a determination has been made by the City that the Above Surface Improvements are not in compliance with the requirements of this subsection, Owner shall have a period of sixty (60) days (the "cure period") after notice in which to attempt to remedy the deficiencies determined by the City to exist. If at the end of the cure period the City finds that the Above Surface Improvements still do not meet the requirements of this subsection, a written notice of such determination shall be given to Owner, and after the expiration of ten (10) days from the date of the notice, the City may pursue the remedies it would have if the Above Surface Improvements had been permitted as "encroachments" into a public right-of-way.

(e) The Owner shall indemnify and hold the City harmless from and against all liability from claims and damages (and expenses in connection therewith, including reasonable attorney fees) to any person or property in or upon the Subject Area incurred by or asserted against the City alleged to have resulted from the existence of Owner's installations, improvements, activities and inactions within the Subject Area.

B. RESERVATION

Grantor reserves unto itself a perpetual and non-exclusive easement (i) upon the Surface for use by the public for sidewalk purposes for pedestrian traffic and (ii) within the Above Surface Area for open space subject to the provisions of Section A(3) above.

C. REVERTER

Because the Subject Area was a portion of public rights-of-way that has been vacated and conveyed by the City to enable development of the Land pursuant to the Development Agreement, the Subject Area shall revert to the grantor when the Land has not been or is no longer improved by the Building contemplated by the Development Agreement or its functionally equivalent replacement, or a building built on the same footings and foundations as the Building for which the use of the Subject Area is required for the purposes described in Part A for a period of five (5) consecutive years. If Owner does not voluntarily reconvey the Subject Area to the City upon the occurrence of

the described events, Grantor may file a written declaration with the Wayne County Register of Deeds following the expiration of thirty (30) days' written notice of intent to file to the then-record Owner of the Land. In the event Owner disputes the right of the City to claim reverter, during the notice period the Owner shall file an action to enjoin reversion in a court having jurisdiction of the subject matter and parties in Wayne County, Michigan, including the Federal District Court for the Eastern District of Michigan. After reversion of title to the City, the City may grant permits for encroachment of Subject Area Improvements, subject to permitting requirements and conditions at such time."

Provided, further, that the City of Detroit reserves an easement in the Subject Property for the City of Detroit Public Lighting Department ("PLD") to allow access to the PLD facilities control room located on the southeast corner of Gratiot and Woodward Avenues within the following described property:

Zone Z. Land in the City of Detroit, County of Wayne, Michigan, being a part of Gratiot Avenue, as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit," as recorded in Liber 34, page 544 of Deeds and Liber 1, Page 199 of Plats, Wayne County Records, being more particularly described as follows:

Commencing at the northwesterly corner of lot 40 of the said "Section No. 7 Governor and Judges Plan of the City of Detroit," thence N.59°50'52"E. 20.00' along the existing southerly line of Gratiot Ave. (60' wide existing, 50' wide proposed) to the point of beginning; thence N.30°09'08"W. 10.00' to a point on the proposed southerly line of said Gratiot Ave.; thence N.59°50'52"E. 15.00' along said proposed line; thence S.30°09'08"E. 10.00' to a point on the said existing line of Gratiot; thence S.59°50'52"W. 15.00' along the said existing line to the point of beginning;

5. **Zone AD.** All that part of Farmer Street, 60 feet wide, between Gratiot and Monroe Avenues, lying southerly of and abutting the south line of lots 50, 82 and the vacated alley 20 ft. wd., of "Section No. 7 Governor and Judges Plan of the City of Detroit", as recorded in Liber 34, Page 544 of Deeds, Wayne County Records; and lying northerly of and abutting the north line of lots 49, 81, and the vacated public alley, 20 ft. wd. of Plat of a part of Sec. No. 7 Governor and Judges Plan of the City of Detroit, as recorded in Liber 1, Page 199, Plats, Wayne County Records; also, lying northerly of and abutting the north line of the easterly 40.00 ft. of lot 5 of "Subdivision of lot 80 Sec. 7 Gov. and Judges Plan of the City of Detroit", as recorded in Liber 1, Page 271 Plats;

Provided, however, that the City of

Detroit reserves a permanent and perpetual easement for pedestrian and vehicular traffic, utilities services and lighting as described in that certain "Agreement and Grant of Easement (Farmer Street Permanent Easement)" to be executed by and among the City, the DDA and the Developer prior to conveyance of the Project Site (hereinafter referred to as the "Farmer Street Easement Agreement").

Provided, that the vacations of rights-of-way set forth in this Resolution B shall not affect and shall be subject to (i) that certain easement granted to the Detroit Transportation Corporation ("DTC") for People Mover Station and Guideway (the "DTC Easement Agreement"), a memorandum of which is recorded in Liber 22786, Page 204, Wayne County Records, as amended by the Amended and Restated Grant of Easement between the City and the DTC (the "Amendment to the DTC Easement Agreement"); (ii) the grants of easements to install an underground "anchor system" as authorized by City Council on August 4, 1999, J.C.C. p. 2418, as recorded November 17, 1999 in Liber 30692, Page 8, Register Number 99101684, Wayne County Records; and (iii) the rights, if any, of the State of Michigan and the County of Wayne in the rights-of-way.

It is the intention of the City Council in adopting this Resolution B to vacate all interests in the rights-of-way described in this Resolution B, subject only to the specific reservations set forth in this Resolution B and the general conditions and reservations set forth in Resolution J.

C. Be It Further Resolved that the City of Detroit City Council hereby approves the granting of easements being delimited space to install a permanent underground anchor retention system and support system in the public street rights-of-way described below. Each of the easements described in this Resolution C shall be non-exclusive easements subject to the terms, conditions and agreements of that certain easement agreement to be executed by and among the City, the DDA and the Developer prior to conveyance of the Project Site (hereinafter referred to as the "Compuware Easement Agreement") and this Resolution:

1. **Zone A.** An underground part of land in the City of Detroit, County of Wayne, Michigan, being a part of Campus Martius of "Section 7 Governor and Judges Plan of the City of Detroit", as recorded in Liber 34, Page 544 of Deeds and Liber 1, Page 199 Plats, Wayne County Records, being more particularly described as follows:

Commencing at the southeasterly corner of lot 46 of the said "Section No. 7 Governor and Judges Plan of the City of Detroit"; thence, S.29°45'57"W., 30.83' along the extension of the northwesterly

line of Monroe Ave., (120 ft. wd), to the point of beginning, also being a point on the proposed northerly line of Campus Martius; thence N.89°46'54"E. 11.55' along said north line; thence S.00°13'06"E. 60.00'; thence, S.89°46'54"W., 198.63'; thence, N. 00°13'06"W. 60.00' to a point on the said proposed northerly line of Campus Martius; thence N.89°46'54"E. 187.08' along said proposed northerly line to the point of beginning;

Said part of Campus Martius lying underground within a top plane elevation of 122.00 feet city datum; and a bottom plane elevation of 12.00 feet city datum; excepting therefrom the following two parts (said delimited space to install an underground anchor system as indicated in Zone A, Section A):

Campus Martius Exception A: All that part of underground public street space with a top elevation of 122.00 city datum, and a bottom plane elevation gradient north-to-south from 112.00 feet city datum to 100.00 city datum; and

Campus Martius Exception B: All that part of underground public street space with a top plane elevation gradient north-to-south from 72.00 feet city datum to 12.00 feet city datum, and a bottom plane elevation of 12.00 city datum; also

2. **Zone F.** An underground part of land in the City of Detroit, County of Wayne, Michigan, being a part of Campus Martius, as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit," as recorded in Liber 34, Page 544 of Deeds and Liber 1, Page 199, Plats, Wayne County Records, being more particularly described as follows:

Commencing at the southwesterly corner of lot 43 of said "Section No. 7 Governor and Judges Plan of the City of Detroit;" thence S.30°11'27"E. 30.82' along the extension of Woodward Ave. (width varies) to a point on the proposed north line of Campus Martius; thence N.89°46'54"E. 40.00' along said proposed line to the point of beginning; thence N.89°46'54"E. 50.00' along said north line; thence S.00°13'06"E. 18.00'; thence S.89°46'54"W. 50.00'; thence N.00°13'06"W. 18.00' to the point of beginning; also

3. **Zone B.** An underground part of land in the City of Detroit, County of Wayne, Michigan, being a part of Gratiot Avenue, as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit," as recorded in Liber 34, Page 544 of Deeds, and Liber 1, Page 199, Plats, Wayne County Records, being more particularly described as follows:

Beginning at the northwesterly corner of Lot 56 of said "Section No. 7 Governor and Judges Plan of the City of Detroit;" thence S.29°46'55"W. 401.64' along the easterly line of Gratiot Ave. (width varies) to a point on the proposed southerly line

of Farmer St.; thence N.60°06'57"W. 34.00' along said southerly line; thence N.29°46'55"E. 50.00'; thence N.60°13'05"W. 24.67'; thence N.29°46'55"E. 56.33'; thence S.60°13'05"E. 24.67'; thence N.29°45'55"E. 295.25'; thence S.60°13'05"E. 34.00' to the point of beginning;

Said part of Gratiot Avenue lying underground within a top plane elevation of 122.00 city datum; and a bottom plane elevation of 12.00 city datum; excepting therefrom the following two parts (said delimited space to install an underground anchor system as indicated in Zone B, Section B);

Gratiot Avenue Exception A: All that part of underground public street space with a top plane elevation of 122.00 city datum, and a bottom plane elevation gradient south-to-north from 107.50 feet city datum to 100.50 feet city datum; and

Gratiot Avenue Exception B: All that part of underground public street space with a top plane elevation gradient south-to-north 41.00 feet city datum to 12.00 feet city datum, and a bottom plane elevation of 12.00 feet city datum; and

Provided, however, that the permanent anchor system installed in the above-described easement shall be suitably adjusted and correctly offset to prevent damage to existing "People Mover Guideway Caissons"; also

4. **Zone C:** An underground part of land in the City of Detroit, County of Wayne, Michigan, being a part of Monroe Avenue (120' wide), as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit," as recorded in Liber 34, Page 544 of Deeds, Wayne County Records, being more particularly described as follows:

Commencing at the southeasterly corner of Lot 50 of said "Section No. 7 Governor and Judges Plan of the City of Detroit;" thence S.60°14'03"E. 10.00' to a point on the proposed westerly line of Monroe Ave. (existing 120' wide), said point also being the point of beginning; thence N.29°45'57"E. 374.20' along the said proposed westerly line to a point on the southerly line of Randolph St.; thence S.26°17'44"E. 72.32' along the said southerly line; thence S.29°45'57"W. 333.82' parallel to the said proposed westerly line; thence N.60°14'03"W. 60.00' to the point of beginning;

Said part of Monroe Avenue lying underground within a top plane elevation of 122.00 city datum; and a bottom plane elevation of 12.00 feet city datum; excepting therefrom the following two parts (said delimited space to install an underground anchor system as indicated in Zone C, Section C):

Monroe Avenue Exception A: All that part of underground public street space with a top plane elevation of 122.00 feet

city datum, and a bottom plane elevation gradient west-to-east from 112.00 feet city datum to 100.00 feet city datum; and

Monroe Avenue Exception B: All that part of underground public street space with a top plane elevation gradient west-to-east from 72.00 feet city datum to 12.00 feet city datum, and a bottom plane elevation of 12.00 feet city datum; and further;

Provided, that nothing in this Resolution C shall be interpreted as a fee simple conveyance and/or vacation of public street rights-of-way.

D. Be It Further Resolved that the City of Detroit City Council hereby approves the granting of easements — being delimited space to install a temporary underground anchor retention system and soldier piles — in the public street rights-of-way described below. Each of the easements described in this Resolution D shall be non-exclusive easements subject to the terms, conditions, and agreements of the Compuware Easement Agreement and this Resolution:

1. **Zone S.** Land in the City of Detroit, County of Wayne, Michigan, being a part of Farmer Street (60' wide), as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit," as recorded in Liber 34, Page 544 of Deeds, and Liber 1, Page 199, Plats and "Subdivision of Lot 80 Sec. 7 Gov. and Judges Plan of the City of Detroit," as recorded in Liber 1, Page 271 of Plats, Wayne County Records, being more particularly described as follows:

Beginning at a point distant N.00°08'03"W. 11.55' from the northernmost corner of lot 5 of the said "subdivision of Lot 80 "Sec. 7 Gov. and Judges Plan of the City of Detroit," said point also being at the intersection of the proposed southerly line of Gratiot Ave. (width varies) with the proposed southerly line of Farmer St.; thence N.29°46'55"E. 50.00' parallel with the easterly line of Gratiot Ave. (width varies); thence S.60°13'05"E. 17.09'; thence S.29°46'55"W. 50.00' to a point on the said proposed southerly line of Farmer St.; thence N.60°06'57"W. 17.09' along the said proposed southerly line to the point of beginning; also

2. **Zone N.** Land in the City of Detroit, County of Wayne, Michigan, being a part of Monroe Avenue (120' wide), as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit," as recorded in Liber 34, Page 544 of Deeds and Liber 1, Page 199 Plats, Wayne County Records, being more particularly described as follows:

Commencing at the southeasterly corner of lot 50 of "Section No. 7 Governor and Judges Plan of the City of Detroit;" thence S.60°14'03"E. 10.00' to a point on the proposed westerly line of Monroe Ave. (existing 120' wide) proposed 110' wide, said point being the point of beginning; thence S.60°14'03"E. 60.00'; thence

S.29°45'57"W. 338.22'; thence N.60°14'03"W. 60.00' to a point on the said proposed westerly line; thence N.29°45'57"E. 338.22' to the point of beginning; also

3. **Zone P.** Land in the City of Detroit, County of Wayne, Michigan, being a part of Woodward Avenue (120' wide), as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit," as recorded in Liber 34, Page 544 of Deeds and Liber 1, Page 199 Plats, Wayne County Records, being more particularly described as follows:

Beginning at a point distant N.75°10'18"W. 14.15' from the northwesterly corner of lot 40 of the said "Section No. 7 Governor and Judges Plan of the City of Detroit," said point also being at the intersection of the proposed easterly line of Woodward Ave. (width varies) and the proposed southerly line of Gratiot Ave. (width varies); thence S.30°11'27"E. 289.61' along the said proposed easterly line; thence S.59°48'33"W. 60.00'; thence N.30°11'27"W. 289.61'; thence N.59°48'33"E. 60.00' to the point of beginning; also

4. **Zone T.** Land in the City of Detroit, County of Wayne, Michigan, being part of lots 3 and 4 and part of the 20' wide alley adjacent to lots 2, 3, and 4, as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit," as recorded in Liber 34, page 544 of Deeds, Wayne County Records, being more particularly described as follows:

Commencing at the northwesterly corner of lot 56 of said "Section No. 7 Governor and Judges Plan of the City of Detroit"; thence S.60°06'10"E. 22.46' along the northerly line of said lot 56 to the point of beginning; thence N.29°53'50"E. 60.00'; thence S.60°06'10"E. 76.60'; thence S.29°53'50"W. 20.00' to a point on the extension of the southerly line of said lot 3; thence S.60°06'10"E. 41.31' along said southerly line and the southerly line of lot 2 of said "Section No. 7 Governor and Judges Plan of the City of Detroit;" thence S.29°46'31"W. 40.00'; thence N.60°06'10"W. 118.00' to the point of beginning; also

5. **Zone AC,** being a 5' wide strip of land in the City of Detroit, County of Wayne, Michigan, being a part of an alley, as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit," as recorded in Liber 34, page 544 of Deeds, Wayne County Records, being more particularly described as follows:

Commencing at the northwesterly corner of lot 56 of the said "Section No. 7 Governor and Judges Plan of the City of Detroit;" thence S.60°06'10"E. 22.46' along the southerly line of said alley to the point of beginning; thence N.29°53'50"E. 5.00'; thence S.60°06'10"E. 117.99'; thence S.29°46'31"W. 5.00'; thence N.60°06'10"W. 118.00' to the point of

beginning; subject to the terms and conditions of the easement agreement and this resolution.

Provided, that the public street right-of-way easements — being delimited space to install a temporary underground anchor retention system and soldier piles — each shall be terminable when the redevelopment of the Project Site no longer needs the underground areas that are subject of the easement and their use concludes. Nothing in this Resolution D shall be interpreted as a fee simple conveyance and/or vacation of public street rights-of-way.

E. Be It Further Resolved that the City of Detroit City Council hereby approves the granting of easements — being delimited space to install and maintain an overhead canopy and portions of the building facade — in the public street right-of-way described below. Each of the easements described in this Resolution E shall be exclusive easements subject to the terms, conditions and agreements of the Compware Easement Agreement and this Resolution.

1. **Zone G** being an overhead canopy encroachment into the Campus Martius right-of-way between Woodward and Monroe Avenues, commencing at a first floor elevation of 122.00 Detroit City Datum; having a bottom elevation of 322.00 Detroit City Datum and a top elevation of 377.00 Detroit City Datum, being land in the City of Detroit, County of Wayne, MI, being a part of Campus Martius as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit" as recorded in Liber 34, Page 544 of Deeds and Liber 1, Page 199, Plats, Wayne County Records, described as follows:

Commencing at the southeasterly corner of lot 46 of said "Section No. 7 Governor and Judges Plan of the City of Detroit;" thence S.29°45'57"W. 30.83' along the extension of the westerly line of Monroe Ave. to the point of beginning, also being a point on the proposed north line of Campus Martius; thence N.89°46'54"E. 11.55' along the said proposed north line; thence S.00°13'06"E. 20.00'; thence S.89°46'54"W. 198.63'; thence N.00°13'06"W. 20.00' to a point on said proposed north line; thence N.89°46'54"E. 187.08' along said proposed north line to the point of beginning; also

Provided, however, that any canopies within public rights-of-way maintain a minimum vertical clearance of 10 feet over sidewalk and 16.6 feet over roadway surface.

2. **Zone AB** being a 3-dimensional easement for building protrusion into the Campus Martius right-of-way between Woodward and Monroe Avenues, beginning at City of Detroit elevation 132.00 and ending at City of Detroit elevation 377.00, all in property described as follows:

A 1' wide strip of land in the City of Detroit, County of Wayne, Michigan, being a part of Campus Martius, as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit," as recorded in Liber 34, Page 544 of Deeds and Liber 1, Page 199 Plats, Wayne County Records, being more particularly described as follows:

Commencing at the southeasterly corner of lot 46 of the said "Section No. 7 Governor and Judges Plan of the City of Detroit," thence S.29°45'57"W. 30.83' along the extension of the westerly line of Monroe Ave. (120' wide existing, 110' wide proposed) to a point on the proposed north line of Campus Martius, said point also being the point of beginning; thence N.89°46'54"E. 11.55' along said north line to a point on the proposed westerly line of Monroe Ave.; thence S.00°13'06"E. 1.00'; thence S.89°46'54"W. 198.63'; thence N.00°13'06"W. 1.00' to a point on said northerly line; thence N.89°46'54"E. 187.08' along said north line to the point of beginning;

Provided, that nothing in this Resolution E shall be interpreted as a fee simple conveyance and/or vacation of public street rights-of-way.

F. Be It Further Resolved that the City of Detroit City Council hereby authorizes (i) the granting of approval for the installation of pavers or other special sidewalk surface treatment materials in the sidewalk areas of the Project Site, and (ii) the granting of landscape easements in the public rights-of-way described below. Each of the easements described in this Resolution F shall be non-exclusive easements subject to the terms, conditions and agreements of the Compuware Easement Agreement and this Resolution:

1. **Zone H** — Two 6.67' Wide Landscape Easements, being land in the City of Detroit, County of Wayne, Michigan, being a part of Woodward Avenue, as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit," as recorded in Liber 34, Page 544 of Deeds and Liber 1, Page 199 Plats, Wayne County Records, being more particularly described as follows:

Commencing at the northwesterly corner of lot 40 of said "Section No. 7 Governor and Judges Plan of the City of Detroit," thence N.30°09'08"W. 10.00' to the proposed southerly line of Gratiot Ave. (width varies); thence S.59°50'52"W. 10.00' along said proposed line; thence S.59°48'33"W. 5.67' to the point of beginning; thence S.30°11'27"E. 289.61'; thence S.59°48'33"W. 24.84'; thence N.30°11'27"W. 289.61'; thence N.59°48'33"E. 24.84' to the point of beginning, excepting a strip of land which is 11.50' by 289.61' centered in the above described parcel; and

2. **Zone J** — Two 6.5' Wide Landscape Easements, being land in the City of Detroit, County of Wayne, Michigan, being a part of Monroe Avenue, as platted in

"Section No. 7 Governor and Judges Plan of the City of Detroit," as recorded in Liber 34, Page 544 of Deeds and Liber 1, Page 199 Plats, Wayne County Records, being more particularly described as follows:

a. Commencing at the northeasterly corner of lot 49 of said "Section No. 7 Governor and Judges Plan of the City of Detroit," thence S.60°14'03"E. 11.00' to the point of beginning; thence S.60°14'03"E. 6.50'; thence S.29°45'57"W. 283.99' parallel to the westerly line of Monroe Ave.; thence N.60°14'03"W. 6.50'; thence N.29°45'57"E. 283.99' to the point of beginning; also

b. Commencing at the southeasterly corner of lot 50 of "Section No. 7 Governor and Judges Plan of the City of Detroit," thence S.60°14'03"E. 11.00' to the point of beginning; thence N.29°45'57"E. 372.85' parallel to the westerly line of Monroe Ave. to a point on the southerly line of Randolph St.; thence S.26°17'44"E. 7.83'; thence S.29°45'57"W. 368.48'; thence N.60°14'03"W. 6.50' to the point of beginning; and

3. **Zone L** — One 6' Wide Landscape Easement, being land in the City of Detroit, County of Wayne, Michigan, being a part of Gratiot Avenue, as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit," as recorded in Liber 34, Page 544 of Deeds, Wayne County Records, being more particularly described as follows:

a. Commencing at the southwesterly corner of lot 82 of said "Section No. 7 Governor and Judges Plan of the City of Detroit," thence N.60°13'05"W. 11.00' perpendicular to the easterly line of Gratiot Ave. (width varies) to the point of beginning; thence N.60°13'05"W. 6.00'; thence N.29°46'55"E. 58.00'; thence S.60°13'05"E. 6.00'; thence S.29°46'55"W. 58.00' parallel to the easterly line to the point of beginning.

Provided, however, that for the landscape easements granted herein there shall be maintained a minimum 2-1/2 foot clearance from curb and 10 foot minimum clear sidewalk without any obstruction whatsoever; and

Provided, further, that nothing in this Resolution F shall be interpreted as a fee simple conveyance and/or vacation of public street rights-of-way.

G. Be It Further Resolved, that the City of Detroit City Council hereby approves the granting of an easement — being delimited space to install and use a ramp to the underground parking structure in the Crowley Block — within that portion of Monroe Avenue described below. The easement described in this Resolution G shall be an exclusive easement subject to the terms, conditions and agreements of the Compuware Easement Agreement and this Resolution;

Zone M, being a 3-Dimensional Ramp Easement being land in the City of Detroit, County of Wayne, Michigan, being a part of Monroe Avenue, 120 feet wide, as platted in

"Section No. 7, Governor and Judges Plan of the City of Detroit" as recorded in Liber 34, Page 544 of Deeds, Wayne County Records, being more particularly described as follows:

a. Commencing at the northeasterly corner of Lot 49 of said "Section No. 7, Governor and Judges Plan of the City of Detroit;" thence S.60°14'03"E. 10.00'; thence N.29°45'57"E. along a line 10 feet southerly of and parallel to the northerly line of said Monroe Avenue, 120 feet wide, 69.50' to the point of beginning; thence N.29°45'57"E. continuing along said line 34.00'; thence S.60°14'03"E. 25.30'; thence 14.14', along a curve to the left, having a radius of 9.00' and a long chord of 12.73', bearing N.74°45'57"E.; thence N. 29°45'57"E. 145.00'; thence S.60°14'03"E. 30.00'; thence S.29°45'57"W. 150.00'; thence 59.69', along a curve to the right, having a radius of 38.00' and a long chord of 53.74', being S.74°45'57"W.; thence N.60°14'03"W. 26.30' to the point of beginning. The above description is a vertical enclosure with a top elevation of 120.00' and a bottom elevation of 103.00'. Elevations used in this description based on City of Detroit Datum.

b. Together with land in the City of Detroit, County of Wayne, Michigan, being a part of Monroe Avenue, 120 feet wide, as platted in "Section No. 7, Governor and Judges Plan of the City of Detroit" as recorded in Liber 34, Page 544 of Deeds, Wayne County Records, being more particularly described as follows:

Commencing at the Northeastly corner of Lot 49 of said "Section No. 7, Governor and Judges Plan of the City of Detroit;" thence S.60°14'03"E. 10.00'; thence N.29°45'57"E. along a line 10 feet southerly of and parallel to the northerly line of said Monroe Avenue, 120 feet wide, 69.50'; thence N.29°45'57"E. continuing along said line 34.00'; thence S.60°14' 03"E. 25.30'; thence 14.14', along a curve to the left, having a radius of 9.00' and a long chord of 12.73', bearing N.74°45' 57"E. to the point of beginning; thence N.29°45'57"E. 136.00'; thence S.60°14' 03"E. 30.00'; thence S.29°45'57"W. 136.00'; thence N.60°14'03"W. 30.00' to the point of beginning. The above description is a vertical enclosure with a top elevation of 134.00', and a bottom elevation of 120.00'. Elevations used in this description based on City of Detroit Datum.

Provided, that nothing in this Resolution G shall be interpreted as a fee simple conveyance and/or vacation of public street rights-of-way.

H. Be It Further Resolved, that the City of Detroit City Council hereby approves the granting of such easements and permits regarding the rights-of-way (i) as may become necessary in connection with the development of the Project to allow the Developer to tie in and connect to water

and sewer systems operated by the City, and (ii) as are customary or necessary regarding access to and development of the Project. The easements and permits described in this Resolution H shall be non-exclusive and subject to the terms, conditions and agreements of the Computware Easement and this Resolution.

Provided, that nothing in this Resolution H shall be interpreted as a fee simple conveyance and/or vacation of public street rights-of-way.

I. Be It Further Resolved, that the City of Detroit City Council hereby authorizes the City of Detroit Department of Public Works — City Engineering Division to issue permits to Computware or the Developer for the following encroachments into certain public rights-of-way as hereinafter more particularly described, which encroachments are subject to the terms, conditions and agreements of the Computware Easement Agreement and this Resolution:

1. **Zone F** being a zone for the installation of a proposed sculptural element (approval of the actual object is subject to review by all appropriate City Agencies and privately owned utility companies) within the Campus Martius right-of-way between Woodward and Monroe Avenues, being described as;

Land in the City of Detroit, County of Wayne, Michigan, being part of Campus Martius, as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit," as recorded in Liber 34, page 544 of Deeds and Liber 1, Page 199 Plats, Wayne County Records, being more particularly described as follows:

Commencing at the southwestly corner of lot 43 of said "Section No. 7 Governor and Judges Plan of the City of Detroit;" thence S.30°11'27"E. 30.82' along the extension of Woodward Ave. (width varies) to a point on the proposed north line of Campus Martius; thence N.89°46'54"E. 40.00' along said proposed line to the point of beginning; thence N.89°46'54"E. 50.00' along said north line; thence S.00°13'06"E. 18.00'; thence S.89°46'54"W. 50.00'; thence N.00°13'06"W. 18.00' to the point of beginning; also

2. **Zone X** being a zone for the installation of one or more proposed flagpoles protruding into the Campus Martius right-of-way between Woodward and Monroe Avenues, described as follows:

Land in the City of Detroit, County of Wayne, Michigan, being a part of Campus Martius, as platted in "Section No. 7 Governor and Judges Plan of the City of Detroit," as recorded in Liber 34, Page 544 of Deeds and Liber 1, Page 199 Plats, Wayne County Records, being more particularly described as follows:

Commencing at the southeasterly corner of lot 46 of the said "Section No. 7 Governor and Judges Plan of the City of Detroit," thence S.29°45'57"W. 30.83' along the

extension of the westerly line of Monroe Ave. (120' wide) to a point on the proposed northerly line of Campus Martius; thence S.89°46'54"W. 54.00' along the said proposed northerly line to the point of beginning; thence S.00°13'06"E. 10.00'; thence S.89°46'54"W. 22.00'; thence N.00°13'06"W. 10.00' to a point on the said proposed northerly line; thence N.89°46'54"E. 22.00' along the said proposed northerly line to the point of beginning.

Provided, that nothing in this Resolution shall be interpreted as a fee simple conveyance and/or vacation of public street rights-of-way.

J. Be It Further Resolved By The City Of Detroit City Council That, Compuware, the Developer and/or any subsequent grantee in the chain of title of any of the property described in this Resolution shall be subject to and shall comply with the following provisions and requirements with respect to the public right-of-way changes authorized by this Resolution:

1. That whenever it becomes necessary to open-cut a public street, bore, jack, occupy or barricade public rights-of-way for any construction for the Project, such work shall be according to detailed permit application drawings (to be submitted by the owners of the redevelopment, subject to city department review and stamp approvals) prior to any public right-of-way construction;

2. That the owners and/or any subsequent grantees in the chain of title shall apply to and become a participating member of the "MISS DIG" organization;

3. That as part of the vacation of Farmer Street between Monroe and Gratiot Avenues, the water mains and sewers located therein shall be abandoned and there shall be constructed a new manhole on the 1'-9" x 2'-6" sewer and the fire hydrant shall be appropriately relocated;

4. That the Detroit Water and Sewerage Department ("DWSD") be and is hereby authorized to review the drawings for the sewer and water main abandonment and relocation of the sewer and fire hydrant and manhole construction and to issue a permit for construction;

5. That the plans for the sewer and water main abandonment, relocation of the sewer and fire hydrant and manhole construction shall be prepared by a registered engineer;

6. That the plans for the sewer relocation shall be prepared maintaining the proper clearances between the sewer and other utilities including water mains;

7. That the entire work is to be performed in accordance with plans and specifications approved by DWSD and be constructed subject to the inspection and approval of DWSD;

8. That the entire cost of the sewer and water main abandonment, relocation of the sewer and fire hydrant and manhole construction including inspection, survey and

engineering shall be borne by the owner(s) of the property in accordance with the Restated Development Agreement;

9. That as a condition of the temporary underground easement for soldier piles in Zone AC, the existing 15-inch sewer shall be structurally improved by relining at no cost to DWSD;

10. That there shall be deposited with DWSD in advance of engineering, inspection and survey, such amounts, as DWSD deems necessary to cover the costs of these services;

11. Notwithstanding the foregoing and the afore-mentioned easement agreements identified in this Resolution, the owner(s) of the property shall grant the City of Detroit a satisfactory easement if required for the sewer line before start of construction;

12. That the Board of Water Commissioners shall accept and execute any such easement grant on behalf of the City of Detroit;

13. That upon satisfactory completion of the sewer line construction, the sewer line shall be City of Detroit property and become part of the City system;

14. That the existing sewers and water mains located in the streets and alleys which are being vacated as part of this Resolution are to be abandoned as City sewers and water mains to become the responsibility of the owner(s) of the property, their successors and assigns;

15. That by reason of the approval of the proposed encroachments into the streets authorized in this Resolution for the proposed anchor retention system, landscaping and sculptural element, DWSD does not waive any of its rights to its facilities located in the streets, and at all times DWSD, its agents or employees, shall have the right to enter upon the street to maintain, repair, alter, service, inspect or install its facilities;

16. That all costs incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements approved by this Resolution and all costs incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection by DWSD shall be borne by the owner(s) of the property, their successors and assigns, subject to the Farmer Street Easement Agreement and the Compuware Easement Agreement;

17. That any construction to be done in conjunction with the encroachments approved under this Resolution is subject to inspection and approval of DWSD and the cost of such inspection shall at the discretion of DWSD be borne by the owner(s) of the property, their successors and assigns;

18. That if DWSD's facilities located within the streets shall break or be damaged as the result of any action, including construction, on the part of the owner(s),

their successors and assigns, will be liable for all costs incident to the repair, replacement or relocation of such broken or damaged DWSD facilities, subject to the Farmer Street Agreement and the Compuware Easement Agreement;

19. That in accordance with the Compuware Easement Agreement, the owner(s), their successors and assigns, will hold DWSD harmless and defend it against all compensation claims resulting from the damage to DWSD's facilities;

20. That in accordance with the Compuware Easement Agreement, the owner(s) of the property, their successors and assigns, shall hold DWSD harmless for any damage to the encroaching devices constructed or installed under this Resolution which may be caused by the failure of DWSD's facilities located in or adjacent to the area described for the proposed encroachment;

21. That at any time in the future the owner(s), their successors and assigns, shall request the removal and/or location of DWSD's facilities located in the streets being encroached upon, the owner(s), their successors and assigns, agree to pay all costs for such removal and/or relocation;

22. That the anchor retention system shall be installed beneath DWSD's facilities and a minimum clearance of 18-inches is to be maintained between the bottom of DWSD's facilities and the top of the anchor retention system;

23. That any damage done in PLD facilities during construction will be repaired at the expense of the owner(s) of the property, their successors and assigns;

24. That in accordance with the Compuware Easement Agreement, the provisions regarding restriction, reservation, and reverter set forth in the deed for the Kern and Crowley blocks, and this Resolution, the Traffic Engineering Division — DPW reserves the right to restrict the width of the easement for the Monroe Street ramp to maintain proper street width;

25. That the necessary permits be obtained from the City Engineering Division — DPW and that the same shall be constructed and maintained under its rules and regulations, and in accordance with plans submitted to and approved by said department;

26. That the owner(s) of the property for the Project, their successor and assigns, accept the terms and conditions of the Restated Development Agreement, the Compuware Easement Agreement, the Farmer Street Easement Agreement, the provisions regarding restrictions, reservations and reverter set forth in the deed for the Kern and Crowley blocks and this Resolution; and

27. That when it becomes necessary to remove the paved alley and street returns at their entrances, such removal and con-

struction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Division — DPW specifications, with all costs borne by the owner(s) of the property, their successors and assigns;

28. That lighting on the "new" Farmer Street must conform to PLD and Illuminating Engineering Society Guidelines. If these guidelines are not met, then PLD will provide additional lighting at project cost in accordance with the Farmer Street Easement Agreement.

29. That the easements to be granted as set forth in this Resolution shall not affect and shall be subject to (i) that certain easement granted to the Detroit Transportation Corporation for People Mover Station and Guideway, a memorandum of which is recorded in Liber 22786, Page 204, Wayne County Records, as amended by the Amended and Restated Grant of Easement between the City and the DTC authorized by City Council on this date, (ii) the grants of easements to install an underground "Anchor System" as authorized by City Council on August 4, 1999, J.C.C. p. 2418, as recorded November 17, 1999 in Liber 30692, Page 8, Register Number 99101684, Wayne County Records, and (iii) the rights, if any, of the State of Michigan and the County of Wayne in the rights-of-way.

K. Be It Further Resolved that the City Clerk is directed to provide to the Corporation Counsel a certified copy of this resolution as soon as it shall have been approved by the Mayor; and

L. Be It Further Resolved that the Director of the Planning & Development Department is authorized to execute the Compuware Easement Agreement, the Farmer Street Easement Agreement, and the Amendment to the DTC Easement Agreement; and

M. Be It Further Resolved that the Compuware Easement Agreement, the Farmer Street Easement Agreement, and the Amendment to the DTC Easement Agreement shall be considered confirmed when executed by the Director of the Planning & Development Department and approved by the Corporation Counsel as to form; and

N. Be It Finally Resolved that upon receipt of executed counterparts of the Compuware Easement Agreement, the Farmer Street Easement Agreement, and the Amendment to the DTC Easement Agreement, the Corporation Counsel shall record such Agreements and a certified copy of this resolution with the Wayne County Register of Deeds, and shall provide notice to the City Clerk and to the Department of Public Works — City Engineering Division of the date the documents were submitted for recording.

A Waiver of Reconsideration is requested.

Adopted as follows:

Yeas — Council Members S. Cockrel, Everett, Hood, Mahaffey, and President Hill — 5.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 7) per Motions before Adjournment.

RESOLUTION

By COUNCIL MEMBER TINSLEY-TALABI:
WHEREAS, The French-American Chamber of Commerce wishes to donate to the City of Detroit a sculpture of Antoine de Lamothe Cadillac as a part of the official Detroit 300 celebration; Now Therefore Be It

RESOLVED, That the Detroit City Council be and is hereby authorized to accept the gift on behalf of the City of Detroit; And Be It Further

RESOLVED, That the Finance Director be and is hereby authorized to process all documents initiated by the City Council to include this taggable item as City property in accordance with the foregoing letter, this resolution and standard City procedures; And Be It Further

RESOLVED, That a communication of appreciation be forwarded to the French-American Chamber of Commerce by the City Council.

Adopted as follows:

Yeas — Council Members S. Cockrel, Everett, Hood, Mahaffey, and President Hill — 5.

Nays — None.

RESOLUTION

By COUNCIL MEMBER S. COCKREL:

WHEREAS, The Michigan Metropolitan Councils Act, Public Act 292 of 1989, being MCL 124.651 through 124.685; MSA 5.4086(51) through MSA 5.4086(85), was amended by Public Act 375 of 1998, being MCL 124.693 through 124.729; MSA 5.4086(93) through MSA 5.4086(129), (the Act), to authorize the creation of a metropolitan region council which shall consist of one (1) or more qualified city and of two (2) or more qualified counties; and

WHEREAS, Section 43(g) of the Act, being MCL 124.693(g); MSA 5.4086(93)(g), defines "qualified city" as a city with a population of not less than 700,000 which is located within a participating qualified county and which owns two (2) or more regional cultural institutions; and

WHEREAS, Section 43(h) of the Act, being MCL 124.693(h); MSA 5.4086(93)(h), defines "qualified county" as a county with a population of not less than 780,000 which contains a qualified city within its geographic boundaries or is contiguous to a county with a qualified city within its geographic boundaries; and

WHEREAS, Section 43(i) of the Act, being MCL 124.693(i); MSA 5.4086(93)(i), defines a "regional cultural institution" as a structure, fixture, or activity provided by a tax exempt entity that has been in existence for at least eighteen (18) consecutive months and which may include a zoological institute; a science center, whether or not it is affiliated with a private educational institution; a public broadcast station, whether or not the public broadcast station is affiliated with an institution of higher education; a museum, whether or not it is affiliated with a private educational institution; a historical center; a performing arts center; a visual or performance art instruction center affiliated with an independent institution of higher education in the arts; an orchestra; a chorus; a chorale; or an opera theater; and

WHEREAS, Section 45(1) of the Act, being MCL 124.695(1); MSA 5.4086(95)(1), provides that two or more qualified counties in combination with one another and with one or more qualified cities may form a metropolitan region council where each qualified city and qualified county which seeks to participate: 1) adopts a resolution declaring an intent to participate in the formation of the council; and 2) adopts articles of incorporation in accordance with sections 47 and 49 of the Act, being, respectively, MCL 124.697; MSA 5.4086(97) and MCL 124.699; MSA 5.4086(99); and

WHEREAS, The City of Detroit is a qualified city within the meaning of the Act; and

WHEREAS, The Detroit City Council deems that it is in the best interests of the City of Detroit to participate in the formation of a metropolitan region council;

NOW THEREFORE BE IT RESOLVED That, pursuant to Section 45(1)(a) of Act, being MCL 124.695(1)(a); MSA 5.4086(95)(1)(a) the City of Detroit declares its intent to participate in the formation of the Metropolitan Region Council;

BE IT FURTHER RESOLVED That, pursuant to Section 49(3) of the Act, being MCL 124.699(3); MSA 5.4086(99)(3), the Detroit City Clerk is directed to publish the proposed Articles of Incorporation for the Metropolitan Region Council once in a newspaper generally circulated within the City of Detroit.

Adopted as follows:

Yeas — Council Members S. Cockrel, Everett, Hood, Mahaffey, and President Hill — 5.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 8) per Motions before Adjournment.