

**Department of Public Works
City Engineering Division**

November 8, 2018

Honorable City Council:

Re: Petition No. 1821 Giffels Webster, request to vacate a series of public alleys and street rights-of-way within and adjacent to Woodward, Monroe, Randolph, Farmer, Bates and Cadillac Square in the City of Detroit, Michigan.

Background:

Petition 1821 requests changes to public rights-of-way to prepare for the redevelopment of the Monroe Block site (bounded by Cadillac Square, Woodward Avenue, Monroe Avenue, Farmer Street and Bates Street), also to prepare for redevelopment the Bates Block site (bounded by Randolph Street, Monroe Avenue, Farmer Street and Bates Street). The Downtown Detroit Development Authority (DDA) and Rosko Development Company LLC ("Bedrock") have or are entering into a Development Agreement to facilitate this important major new development. Certain changes to the rights-of-way are necessary to finalize the preparation of the Monroe and Bates Blocks for the development and allow for clear title to the land to be transferred for the project.

The City of Detroit owns all public rights-of-way in the unique area of Detroit platted in the "Governor and Judges". Therefore, the City will deed the title to the vacated rights-of-way to the DDA to then be transferred to the developer. Certain easements will be required and these easements shall also be transferred in the same manner. The easements aim to protect certain public and utility interests while also minimizing the impact on the ability to develop the land. The developer along with their project engineers have been meeting with all potentially involved agencies and utility companies to assure that satisfactory arrangements have been made regarding utility placement, abandonment or relocation.

City Engineering Division — DPW notes there have been previous resolutions in the area including: 1) The vacation of Library Street in a resolution recorded December 14, 1953 in Liber 11949, Page 276; also 2) The vacation of alleys in the "Monroe Block" recorded February 20, 2002 in Liber 35633, Page 65. The intention with the current resolution is to replace and supersede the previously granted resolutions.

Petition No. 1821

Giffels Webster on behalf of Bedrock request for the following vacations and granting of easements:

A) Vacation of rights-of-way: (as more particularly described in the following resolution)

- 1) Library Street, 60 feet wide, from

Monroe Avenue, 120 feet wide, to Randolph Street, 86 feet wide.

- 2) Farmer Street, 60 feet wide, from Monroe Avenue, 120 feet wide, to Bates Street, 60 feet wide.

- 3) Easterly 10 feet of Monroe Avenue, 120 feet wide, from Cadillac Square, 200 feet wide to Randolph Street, 86 feet wide.

- 4) Westerly 10 feet of Bates Street, 60 feet wide, from the north line of the east-west public alley, 20 feet wide, first north of Cadillac Square to Randolph Street, 86 feet wide.

- 5) Northerly 10 feet of Cadillac Square, 200 feet wide from 10 feet west of the east line of Monroe Avenue, 120 feet wide to 101.3 feet west of the east line of Bates Street, 60 feet wide.

- 6) 10' portion of Woodward Avenue, from Cadillac Square, 200 feet wide, to Monroe Avenue, 120 feet wide.

- 7) All of the public alleys in the block of Farmer Street, 60 feet wide, Randolph Street, 86 feet wide Bates Street, 60 feet wide, and Monroe Avenue, 120 feet wide, aka the Bates Block.

- 8) All of the public alleys in the block of Cadillac Square, 200 feet wide, Farmer Street, 60 feet wide, Bates Street, 60 feet wide, Monroe Avenue, 120 feet wide, and Woodward Avenue, variable width, excepting the easterly 101.3 feet of the east-west alley first north of Cadillac Square in the rear of the Cadillac Tower at 65 Cadillac Square, aka the Monroe Block.

B) Easements: (as more particularly described in the following resolution)

- 1) A pedestrian and emergency vehicle access easement in favor of the City 20 feet in width and 13.5 feet in height above grade in Farmer Street, 60 feet wide, from Monroe Avenue, 120 feet wide to Bates Street, 60 feet wide.

- 2) A Detroit Water and Sewerage Department (DWSD) easement 30 feet in width in Farmer Street, 60 feet wide, from Monroe Avenue, 120 feet wide to Bates Street, 60 feet wide, to accommodate an existing sewer.

- 3) A construction easement in favor of Bedrock for earth retention tie-backs in Monroe Avenue, Cadillac Square, Bates Street and Woodward Avenue.

- 4) A pedestrian access easement in favor of the City, 10 feet wide, in the vacated portion of the project perimeter streets being Monroe Avenue, Cadillac Square, Woodward Avenue, and Bates Street. The easement shall be continuous, except where the building support columns are located.

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

Traffic Engineering Division — DPW (TED) reports being involved with no

objection to the changes to the public rights-of-way provided certain conditions are met regarding pedestrian access and the relocation of traffic signal poles and the relocation of controller cabinets. The TED conditions are provided for as a part of the attached resolution.

Detroit Water and Sewerage Department (DWSD) has water mains and sewers located within the areas requested for outright vacations and conversion to easement. The following conditions must be met: (a) upon Bedrock acquiring title to vacated Farmer Street, Bedrock will grant DWSD a 30 feet wide easement mutually acceptable to DWSD and Bedrock that allows the maintenance and repair of DWSD's remaining facilities within Farmer Street, if any; and (b) Bedrock shall provide confirmation to DWSD that loads from the National Theatre Arch foundations encroaching into such easement will not bear structural influence on the existing 9.9 ft. deep 1'9" (wide) and 2'6" (tall) combined flow sewer. The DWSD conditions are provided for as a part of the attached resolution.

Comcast reports involvement with fiber optics and coax cables in the area. They are in agreement to relocate their existing facilities at the petitioner's expense. A provision for Comcast relocation is made a part of the resolution.

DTE Energy — Electric (DTE-E) reports being involved with no objections to the property change provided that (a) a 5' horizontal and 18" vertical clearance is maintained between the tiebacks installed by Bedrock and existing DTE-E infrastructure; and (b) an easement the full width of Farmer Street is reserved in favor of DTE-E (the "Reservation"). The Reservation shall immediately and automatically terminate and be of no further force and effect, without the necessity of any further action, upon Bedrock or its affiliates' acquisition of title to Farmer Street and the recording of a private easement between Bedrock and DTE-E. DTE-E reports that they have received payment from the petitioner for the outright vacation of facilities in the referenced public alleys. The DTE-E conditions are provided for as a part of the attached resolution.

DTE Energy — Gas Division (DTE-G) reports being involved with no objections to the property change provided the proposed use does not hinder or impede the installation, operation, maintenance or replacement of DTE Gas Company facilities. A provision for the petitioner to remove and relocate the DTE-G facilities at the petitioner's expense is a part of the resolution.

Detroit Thermal has facilities in the subject area and a provision for the petitioner to pay for the removal of the Detroit Thermal facilities is a part of the resolution.

Public Lighting Authority (PLA) has

facilities in the subject area consisting of street lights, conduit and cable. The existing circuit will need to be removed and relocated. Public Lighting Department (PLD) reports involvement in the subject area. A provision for the petitioner to remove and relocate the PLA facilities and remove the PLD facilities at the petitioner's expense is a part of the resolution.

All other involved City departments and privately owned utility companies have reported no objections to the vacations easements and encroachments. Provisions protecting the rights of the utilities and the City are a part of this resolution.

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,
RICHARD DOHERTY, P.E.

City Engineer

City Engineering Division — DPW
By Council Member Benson:

Resolved, The following areas are hereby vacated as public rights-of-way, and title thereto is vested in the City of Detroit:

1) Library Street, 60 feet wide, from Monroe Avenue, 120 feet wide, to Randolph Street, 86 feet wide.

2) Farmer Street, 60 feet wide, from Monroe Avenue, 120 feet wide, to Bates Street, 60 feet wide.

3) 10 feet of the project perimeter streets being Monroe Avenue, Cadillac Square, Woodward Avenue, and Bates Street, which areas are legally described as follows:

PARCEL A

A 10 FOOT WIDE STRIP OF MONROE AVENUE (120' WIDE), CADILLAC SQUARE (200' WIDE), AND WOODWARD AVENUE (VARIABLE WIDTH), CITY OF DETROIT, WAYNE COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID CADILLAC SQUARE WITH THE EAST LINE OF SAID WOODWARD AVENUE, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 2 OF THE PLAT OF LOTS 45 & 46, SECTION 6 OF GOVERNOR & JUDGES PLAN AS RECORDED IN LIBER 1 OF PLATS, PAGE 68, WAYNE COUNTY RECORDS;

THENCE ALONG NORTH LINE OF SAID CADILLAC SQUARE, N89°48'29"E, 266.02 FEET; THENCE S00°06'36"E, 10.00 FEET; THENCE S89°48'29"W, 276.01 FEET; THENCE N00°11'31"W, 92.35 FEET; THENCE N29°44'23"E, 326.56 FEET; THENCE N29°38'56"E, 60.01 FEET; THENCE N29°46'59"E, 347.54 FEET TO THE SOUTHWEST LINE OF RANDOLPH STREET AS WIDENED; THENCE ALONG SAID

SOUTHWEST LINE, S26°14'35"E, 12.06 FEET TO THE EAST LINE OF SAID MONROE AVENUE; THENCE ALONG SAID EAST LINE, THE FOLLOWING 3 COURSES: 1. S29°46'59"W, 340.79 FEET; 2. S29°38'56"W, 60.00 FEET; 3. S29°44'23"W, 323.89 FEET TO THE EAST LINE OF SAID WOODWARD AVENUE; THENCE ALONG SAID EAST LINE, S00°11'31"E, 79.68 FEET TO THE POINT OF BEGINNING.

PARCEL B

A 10 FOOT WIDE STRIP OF BATES STREET (56.50' & 60' WIDE), CITY OF DETROIT, WAYNE COUNTY MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF CADILLAC SQUARE (200 FEET WIDE) WITH THE EAST LINE OF WOODWARD AVENUE (VARIABLE WIDTH), SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 2 OF THE PLAT OF LOTS 45 & 46, SECTION 6 OF GOVERNOR & JUDGES PLAN AS RECORDED IN LIBER 1 OF PLATS, PAGE 68, WAYNE COUNTY RECORDS; THENCE ALONG NORTH LINE OF CADILLAC SQUARE (200' WIDE), N89°48'29"E, 266.02 FEET; THENCE N00°06'36"W, 120.00 FEET; THENCE N89°48'29"E, 101.16 FEET TO THE WEST LINE OF SAID BATES LANE AND THE POINT OF BEGINNING; THENCE ALONG SAID WEST LINE, N00°06'36"W, 157.04 FEET; THENCE CONTINUING N29°35'13"E, 222.21 FEET TO THE SOUTHWEST LINE OF RANDOLPH STREET AS WIDENED; THENCE ALONG SAID SOUTHWEST LINE, S26°14'35"E, 12.09 FEET; THENCE S29°35'13"W, 212.77 FEET; THENCE S00°06'36"E, 154.37 FEET; THENCE S89°48'29"W, 10.00 FEET TO THE POINT OF BEGINNING.

4) All public alleys in the block of Farmer Street, 60 feet wide, Randolph Street, 86 feet wide, Bates Street, 60 feet wide, and Monroe Avenue, 120 feet wide.

5) All public alleys in the block of Cadillac Square, 200 feet wide, Farmer Street, 60 feet wide, Bates Street, 60 feet wide, Monroe Avenue, 120 feet wide, and Woodward Avenue, variable width, excepting the easterly 101.3 feet of the east-west alley first north of Cadillac Square in the rear of the Cadillac Tower at 65 Cadillac Square.

The foregoing areas (1) through (5) are collectively described as follows:

ALL PUBLIC RIGHTS-OF-WAY WITHIN THE FOLLOWING DESCRIBED LAND; COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID CADILLAC SQUARE WITH THE EAST LINE OF SAID WOODWARD AVENUE, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 2 OF THE PLAT OF LOTS 45 & 46, SEC-

TION 6 OF GOVERNOR & JUDGES PLAN; THENCE S44°48'29"W, 14.14 FEET TO THE POINT OF BEGINNING. THENCE N00°11'31"W, 92.35 FEET; THENCE N29°44'23"E, 326.56 FEET; THENCE N29°38'56"E, 60.01 FEET; THENCE N29°46'59"E, 347.54 FEET TO THE SOUTHWEST LINE OF RANDOLPH STREET AS WIDENED; THENCE ALONG SAID SOUTHWEST LINE S26°14'35"E, 288.75 FEET; THENCE S29°35'13"W, 212.77 FEET; THENCE S00°06'36"E, 154.37 FEET; THENCE S89°48'29"W, 111.16 FEET; THENCE S00°06'36"E, 130.00 FEET; THENCE S89°48'29"W, 276.01 FEET TO THE POINT OF BEGINNING.

All of the above said vacated public rights-of-way are subject to the following agreements, reservations and provisions:

Provided, That the following previously granted resolutions including: 1) The vacation of Library Street in a resolution recorded December 14, 1953 in Liber 11949, Page 276; also 2) The vacation of alleys in the "Monroe Block" recorded February 20, 2002 in Liber 35633, Page 65, are hereby replaced and superseded by this resolution, and further

Provided, That petitioner/property owner make satisfactory arrangements with the Detroit Water and Sewerage Department, DTE Electric Company, Detroit Thermal, the Public Lighting Authority, the Public Lighting Department, Comcast, AT&T Telecommunication, the Great Lakes Water Authority, and DTE Gas Company for cost and arrangements for the removing and/or relocating of such utility companies and city departments services or granting of private easements for such utility companies, if necessary, and further

Provided, That the Downtown Development Agency, Rosko Development Company LLC (together with its successors and assigns, "Bedrock"), and the City of Detroit enter into easement agreements to further describe, and delineate the terms of the following easements:

1) A permanent pedestrian and emergency vehicle access easement 20 feet in width and 13.5 feet in height above grade in Farmer Street, 60 feet wide, from Monroe Avenue, 120 feet wide to Bates Street, 60 feet wide.

2) A permanent Detroit Water and Sewerage Department (DWSD) easement 30 feet in width in Farmer Street, 60 feet wide, from Monroe Avenue, 120 feet wide to Bates Street, 60 feet wide, to accommodate an existing sewer.

3) A construction easement for earth retention tie-backs in the following legally described portions of Monroe Avenue, Cadillac Square, Bates Street and Woodward Avenue:

TIE-BACK EASEMENT I

A 55 FOOT WIDE STRIP OF MONROE

AVENUE (120 FEET WIDE), CADILLAC SQUARE (200 FEET WIDE) AND WOODWARD AVENUE (120 FEET WIDE), CITY OF DETROIT, WAYNE COUNTY, MICHIGAN AND LYING WITHIN THE BOUNDS OF THE FOLLOWING MORE PARTICULARLY DESCRIBED LAND;

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID CADILLAC SQUARE WITH THE EAST LINE OF WOODWARD AVENUE, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 2 OF THE PLAT OF LOTS 45 & 46, SECTION 6 OF GOVERNOR & JUDGES PLAN; THENCE S44°48'29"W, 14.14 FEET TO THE POINT OF BEGINNING; THENCE N89°48'29"E, 276.01 FEET; THENCE S00°06'36"E, 55.00 FEET; THENCE S89°48'29"W, 330.93 FEET; THENCE N00°11'31"W, 162.05 FEET; THENCE N29°44'23"E, 341.22 FEET; THENCE N29°38'56"E, 60.03 FEET; THENCE N29°46'59"E, 364.06 FEET; THENCE S43°33'54"E, 57.41 FEET; THENCE S29°46'59"W, 347.54 FEET; THENCE S29°38'56"W, 60.03 FEET; THENCE S29°44'23"W, 326.56 FEET; THENCE S00°11'31"E, 92.35 FEET TO THE POINT OF BEGINNING, AND CONTAINING 1.490 ACRES.

TIE-BACK EASEMENT 2

A VARIABLE WIDTH STRIP OF BATES STREET (56.50 FEET & 60 FEET WIDE), CITY OF DETROIT, WAYNE COUNTY, MICHIGAN AND LYING WITHIN THE BOUNDS OF THE FOLLOWING MORE PARTICULARLY DESCRIBED LAND:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF CADILLAC SQUARE (200 FEET WIDE) WITH THE EAST LINE OF WOODWARD AVENUE (VARIABLE WIDTH), SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 2 OF THE PLAT OF LOTS 45 & 46, SECTION 6 OF GOVERNOR & JUDGES PLAN AS RECORDED IN LIBER 1 OF PLATS, PAGE 68, WAYNE COUNTY RECORDS; THENCE ALONG NORTH LINE OF SAID CADILLAC SQUARE, N89°48'29"E, 266.02 FEET; THENCE N00°06'36"W, 120.00 FEET; THENCE N89°48'29"E, 111.16 FEET TO THE POINT OF BEGINNING; THENCE N00°06'36"W, 154.37 FEET; THENCE CONTINUING N29°35'13"E, 212.77 FEET TO THE SOUTHWEST LINE OF RANDOLPH STREET AS WIDENED; THENCE ALONG SAID SOUTHWEST LINE, S26°14'35"E, 56.20 FEET; THENCE S29°35'13"W, 161.81 FEET; THENCE S00°06'36"E, 148.11 FEET; THENCE S89°47'30"W, 50.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.374 ACRES.

4) A permanent pedestrian access easement, 10 feet wide, commencing at

grade and extending 10 feet above grade, in the vacated portion of the project perimeter streets being Monroe Avenue, Cadillac Square, Bates Street, and Woodward Ave, as legally described above as "Parcel A" and "Parcel B". The easement shall be continuous, except where the building support columns are located.

And further,

Provided, That an easement the full width of Farmer Street is reserved in favor of DTE (the "Reservation"). The Reservation shall immediately and automatically terminate and be of no further force and effect, without the necessity of any further action, upon Bedrock or its affiliates' acquisition of title to Farmer Street and the recording of a private easement between Bedrock and DTE, and further

Provided, That a 5' horizontal and 18" vertical clearance is maintained between the tiebacks installed by Bedrock and existing DTE infrastructure; and further

Provided, That the petitioner remove and relocate DTE Energy — Gas Company (DTE-G) facilities at the petitioner's expense; also that the project does not hinder or impede the installation, operation, maintenance or replacement of DTE Gas Company facilities, and further

Provided, That the petitioner contact Comcast regarding their facilities in the subject area. The petitioner shall provide plans and payment for the relocation of Comcast facilities, and further

Provided, That the petitioner contact Detroit Thermal regarding their facilities in the subject area. The petitioner shall make the necessary arrangements and be responsible for all costs for the abandonment of Detroit Thermal facilities, and further

Provided, That the petitioner provide for a minimum 10 feet clear, unobstructed sidewalk on all affected streets, and further

Provided, That the petitioner get approval of DPW — Traffic Engineering Division for relocation of traffic signal controller cabinet and any associated traffic signal equipment. The petitioner is responsible to provide 3 feet of clearance from curb to outside face of any signal pole or traffic cabinet that will be relocated for this project. All cost for design, permit, and construction of any such relocations shall be borne by the petitioner, and further

Provided, That the petitioner shall design and construct proposed sewers and or water mains and to make the connections to the existing public sewers and or water mains as required by Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed sewers and or water mains, and further

Provided, That the petitioner shall design and construct the removal and relocation, as applicable, of Public Lighting Authority and Public Lighting Department

facilities with all cost to be borne by the petitioner or their assigns, and further

Provided, That the plans for the sewers and or water mains shall be prepared by a registered engineer; and further

Provided, That DWSD be and is hereby authorized to review the drawings for the proposed sewers and or water mains and to issue permits for the construction of the sewers; and further

Provided, That the entire work is to be performed in accordance with plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD; and further

Provided, That the entire cost of the proposed sewers and or water mains construction, including inspection, survey and engineering shall be borne by the petitioner; and further

Provided, That the petitioner shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as the department deems necessary to cover the costs of these services; and further

Provided, That the petitioner shall grant to the City a satisfactory easement for the sewers and or water mains (unless such sewers or water mains are located in the public right of way), and further

Provided, That the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City, and further

Provided, That the petitioner shall provide a one (1) year warranty for the proposed sewers and or water mains, and further

Provided, That upon satisfactory completion, the sewers and or water mains shall become City property and become part of the City system. And any existing sewers and or water mains that were abandoned shall belong to the petitioner and will no longer be the responsibility of the City; and further

Provided, That any construction in the public rights-of-way such as removal and construction of new pavement, driveways, curbs and sidewalks shall be done under city permit and inspection according to City Engineering Division — DPW specifications with all costs borne by the abutting owner(s), their heir or assigns; and further

Be It Also

Resolved, That a construction easement be granted to Bedrock or their assigns for earth retention tie-backs in Monroe Avenue, Cadillac Square, Bates Street, Woodward Avenue and Farmer Street in the following legally described areas:

TIE-BACK EASEMENT 1

A 55 FOOT WIDE STRIP OF MONROE AVENUE (120 FEET WIDE), CADILLAC SQUARE (200 FEET WIDE) AND WOODWARD AVENUE (120 FEET

WIDE), CITY OF DETROIT, WAYNE COUNTY, MICHIGAN AND LYING WITHIN THE BOUNDS OF THE FOLLOWING MORE PARTICULARLY DESCRIBED LAND:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID CADILLAC SQUARE WITH THE EAST LINE OF WOODWARD AVENUE, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 2 OF THE PLAT OF LOTS 45 & 46, SECTION 6 OF GOVERNOR & JUDGES PLAN; THENCE S44°48'29"W, 14.14 FEET TO THE POINT OF BEGINNING; THENCE N89°48'29"E, 276.01 FEET; THENCE S00°06'36"E, 55.00 FEET; THENCE S89°48'29"W, 330.93 FEET; THENCE N00°11'31"W, 162.05 FEET; THENCE N29°44'23"E, 341.22 FEET; THENCE N29°38'56"E, 60.03 FEET; THENCE N29°46'59"E, 364.06 FEET; THENCE S43°33'54"E, 57.41 FEET; THENCE S29°46'59"W, 347.54 FEET; THENCE S29°38'56"W, 60.03 FEET; THENCE S29°44'23"W, 326.56 FEET; THENCE S00°11'31"E, 92.35 FEET TO THE POINT OF BEGINNING.

TIE-BACK EASEMENT 2

A VARIABLE WIDTH STRIP OF BATES STREET (56.50 FEET & 60 FEET WIDE), CITY OF DETROIT, WAYNE COUNTY, MICHIGAN AND LYING WITHIN THE BOUNDS OF THE FOLLOWING MORE PARTICULARLY DESCRIBED LAND:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF CADILLAC SQUARE (200 FEET WIDE) WITH THE EAST LINE OF WOODWARD AVENUE (VARIABLE WIDTH), SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 2 OF THE PLAT OF LOTS 45 & 46, SECTION 6 OF GOVERNOR & JUDGES PLAN AS RECORDED IN LIBER 1 OF PLATS, PAGE 68, WAYNE COUNTY RECORDS; THENCE ALONG NORTH LINE OF SAID CADILLAC SQUARE, N89°48'29"E, 266.02 FEET; THENCE N00°06'36"W, 120.00 FEET; THENCE N89°48'29"E, 111.16 FEET TO THE POINT OF BEGINNING; THENCE N00°06'36"W, 154.37 FEET; THENCE CONTINUING N29°35'13"E, 212.77 FEET TO THE SOUTHWEST LINE OF RANDOLPH STREET AS WIDENED; THENCE ALONG SAID SOUTHWEST LINE, S26°14'35"E, 56.20 FEET; THENCE S29°35'13"W, 161.81 FEET; THENCE S00°06'36"E, 148.11 FEET; THENCE S89°47'30"W, 50.00 FEET TO THE POINT OF BEGINNING.

Provided, That Bedrock or their assigns, and the City of Detroit enter into an easement agreement to further describe, and delineate the terms of the easement for the tie back encroachments, and further

Provided, That if there is any cost for

the removing and/or rerouting of any utility facilities, it shall be done at the expense of the petitioner and/or property owner; and be it further

Provided, That by approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the right-of-way, and at all times, DWSD, its agents or employees, shall have the right to enter upon the right-of-way to maintain, repair, alter, service, inspect, or install its facilities. All costs incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection caused by the encroachment shall be borne by the petitioner. All costs associated with gaining access to DWSD's facilities, which could normally be expected had the petitioner not encroached into the right-of-way, shall be borne by DWSD; and be it further

Provided, That the petitioner maintain the DWSD required clearance of 18 feet above grade for maintenance access and repair, and be it further

Provided, That all construction performed under this petition shall not be commenced until after (5) days written notice to DWSD. Seventy-two (72) hours' notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one call system; and be it further

Provided, That construction under this petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the discretion of DWSD, be borne by the petitioner; and be it further

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

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

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

Provided, That the necessary permits shall be obtained from the City Engineering Division - DPW and the Buildings and Safety Engineering Department. The tie-back encroachments shall be constructed and maintained under their rules and regulations. The tie-back locations shall be documented by as-built drawings and provided to DPW-City Engineering; and further

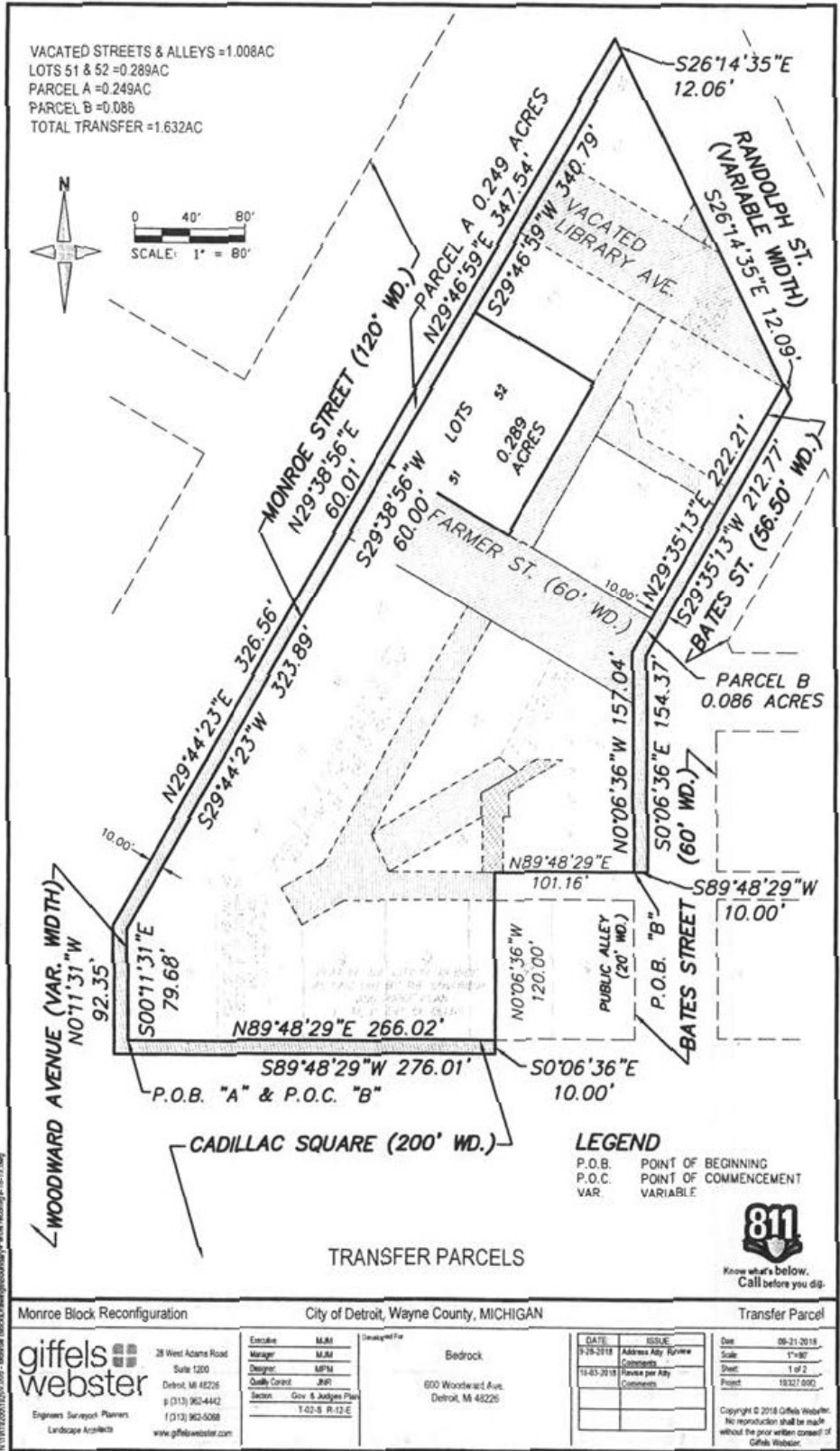
Provided, That all cost for the construction, maintenance, permits and use of the tie-back encroachments shall be borne by Bedrock or their assigns, and further

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

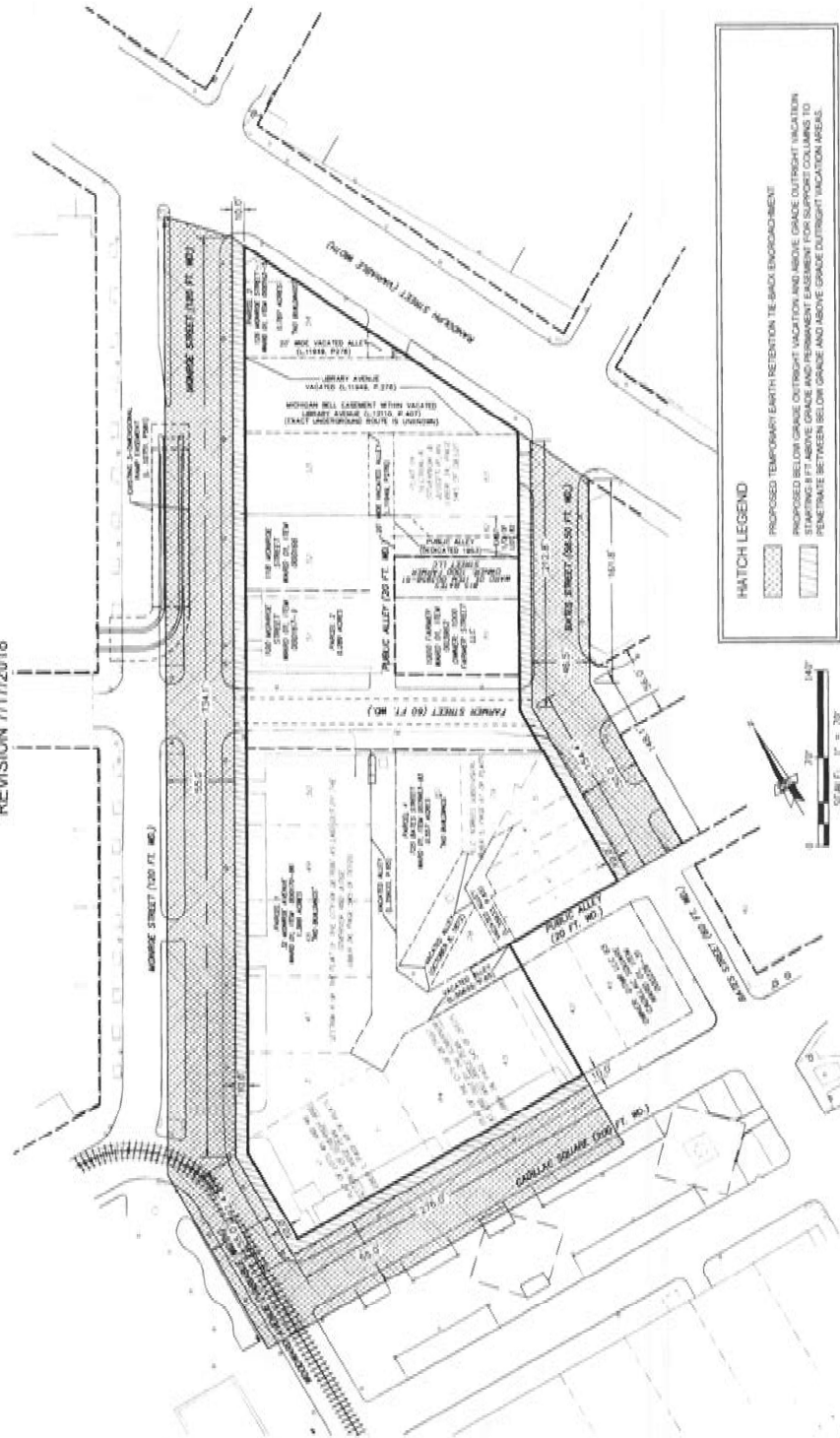
Provided, That Bedrock or their assigns shall file with the Department of Public Works — City Engineering Division an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance of Bedrock or their assigns of the terms thereof. Further, Bedrock or their assigns shall agree to pay all claims, damages or expenses that may arise out of the use, repair and maintenance of the proposed tie-back encroachments; and further

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

A Waiver of Reconsideration is requested.



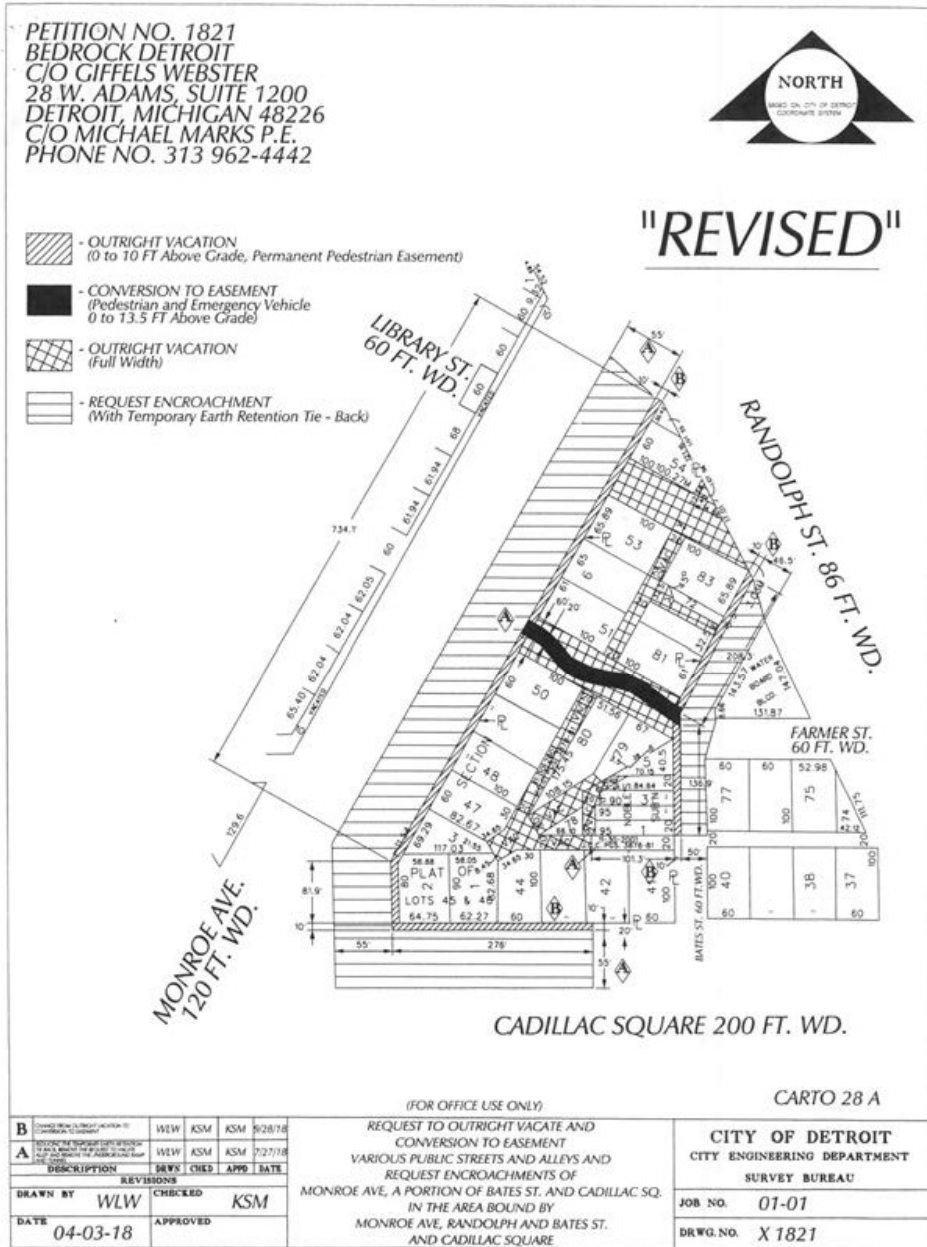
PETITION 1821
 MONROE BLOCK TEMPORARY EARTH
 RETENTION TIE-BACK ENROACHMENTS
 REVISION 7/17/2018



HATCH LEGEND

- [Hatched Box] PROPOSED TEMPORARY EARTH RETENTION TIE-BACK ENCROACHMENT
- [Hatched Box] PROPOSED BELOW GRADE OUTRIGHT VACATION AND ABOVE GRADE OUTRIGHT VACATION STARTING 8 FT ABOVE GRADE AND PERMANENT EASEMENT FOR SUPPORT COLUMNS TO PENETRATE BETWEEN BELOW GRADE AND ABOVE GRADE OUTRIGHT VACATION AREAS.





Adopted as follows:
 Yeas — Council Members Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 8.
 Nays — None.

Department of Public Works
City Engineering Division

November 9, 2018

Honorable City Council:
 Re: Petition No. 147 Intersection Consulting Group, request the vacation of the north-south alley between Hendricks and the east-west alley west of Chene and dedication of property for 23' wide alley for continuation of existing east-west alley.
 Petition No. 147 of Intersection Consulting Group on behalf of Ciena Healthcare

and the Eastwood Skilled Nursing Home Replacement project, request for the vacation of the south 1/2 of the north-south public alley, 18 feet wide, in the block bounded by Hendricks Avenue, 50 feet wide, Hunt Street, 50 feet wide, Dubois Avenue, 50 feet wide and Chene Street, 60 feet wide; also for dedication of an alley outlet onto Chene Street in the same block.

The request is being made to consolidate parcels of land and to accommodate a new development consisting of a 100,000 square foot skilled nurse facility and associated campus.

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

Detroit Water and Sewerage Depart-