

City Engineering Department

April 5, 1993

Honorable City Council:

Re: Petition No. 3102, City Engineering Department, Tiger Stadium Renovation Project, Street to Easement and Encroachments, Kaline Drive between Trumbull and Cochrane; also encroachments associated with the new Tiger Plaza into Trumbull and Michigan.

Petition No. 3102 of the "City Engineering Department" requests the conversion of Kaline Drive, 50 feet wide, between Cochrane and Trumbull Avenues into an easement for public utilities. The City of Detroit is the owner of Tiger Stadium. Plans to develop the new "Tiger Plaza" will require the consolidation of city properties (south of the Fisher Freeway Service Drive, including Kaline Drive) to replace parking spaces taken for the "plaza". Also, the new "Tiger Plaza" will encroach about 8.50 feet into the west side of Trumbull Avenue (100 feet wide), and about 5.00 feet into the north side of Michigan Avenue (120 feet wide).

Plans have been submitted for review and permits to the Buildings and Safety Engineering Department and the City Engineering Department. The matter of (1993) Tiger Stadium renovations has been thrice brought before your Honorable Body (January 29, 1993; February 5, 1993; and March 11, 1993). Further, together with a letter from the City Engineering Department (dated March 22, 1993) plans and contract documents were transmitted to City Council in response to your written request.

The City Engineering Department has consulted with the Michigan Department of Transportation (M-DOT) for the encroachments into Michigan Avenue, a State trunkline. Generally, the City has received verbal approval, and the permit applications have been submitted to M-DOT.

The public street closing and encroachments have been approved by the Department of Public Works — Traffic Engineering Division. Also, the City Engineering Department has obtained clearances from all involved city departments and privately-owned utility companies. Provisions protecting utility installations are part of the resolution.

Four underground fed street lamps will be maintained within Kaline Drive by the Public Lighting Department (PLD) under the terms and conditions of a service agreement (for monthly payment) between PLD and the "Tiger" owners.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS,
Director

By Council Member Hood:

Whereas, The City of Detroit is the owner of Tiger Stadium. The matter of (1993) Tiger Stadium renovations has been thrice brought before the Detroit City Council (January 29, 1993; February 5, 1993; and March 11, 1993). Also plans have been submitted for review and permits to the Buildings and Safety Engineering Department and the City Engineering Department; and

Whereas, Plans to develop the new "Tiger Plaza" will require the consolidation of city properties (south of the Fisher Freeway Service Drive, including Kaline Drive between Cochrane and Trumbull Avenues) to replace parking spaces taken for the "plaza". Also, the new "Tiger Plaza" will encroach about 8.50 feet into the west side of Trumbull Avenue (100 feet wide), and about 5.00 feet into the north side of Michigan Avenue (120 feet wide); and

Whereas, The project completion is scheduled for the 1993 "Tiger Baseball Club Home Opening Day", April 13th; therefore be it

Resolved, That City Engineering Department is hereby authorized and directed to issue permits (for and on behalf of the City of Detroit, a Michigan municipal corporation) to "Turner Construction Company and/or their approved sub-contractors" to extend part of the new "Tiger Plaza" about 8.50 feet (width) by 180.00 feet (length) into the west side of Trumbull Avenue, 100 feet wide; abutting property described as follows:

Land in the City of Detroit, Wayne County, Michigan being all that part of the "Woodbridge Farm, Private Claim 22", bounded on the north by previously vacated Cherry Street (50 feet wide, between Trumbull and National Avenues; having been previously vacated by City Council on October 12, 1937 — J.C.C. pg. 2166), on the east by Trumbull Avenue (100 feet wide), on the south by Michigan Avenue (120 feet wide), and on the west by the west line of said farm; (said land parcel commonly known as part of "Tiger Stadium")

Encroachments to consist of parts of a new ticket booth (including footings and foundations), and parts of five open counter concession structures (with footings, foundations, and canopies) as shown on architectural plans prepared by T. Rogvov Associates, Inc., Architects, 6735 Telegraph Road, Suite 300, Bloomfield Hills, MI 48301; Title: "Detroit Tiger Stadium Renovation — Tiger Plaza, Michigan Avenue & Trumbull Avenue, Detroit, MI". Said encroachments extending partially into the west side of Trumbull Avenue (100 feet wide), abutting the above described property;

Provided, That the City Engineering Department (for and on behalf of the City of Detroit) shall apply to the Michigan Department of Transportation (M-DOT) for any permits necessary to construct, occupy, and maintain encroachments (including fences, gates, posts, columns, footings, foundations, and any other appurtenance or structures shown on plans secured by "T. Rogvov Associates, Inc.", mentioned above) that extend into the north side of Michigan Avenue (120 feet wide, a State trunkline) about 5.00 feet (width) by 390.00 feet length), abutting the above described property. Also, (if necessary as part of a permit application to the State) the City Engineering Department shall prepare (or cause to be prepared) a suitable legal description of that part of Michigan Avenue required to construct and/or maintain said encroachments; and further

Provided, That the necessary permits shall be obtained from the City Engineering Department and the Buildings and Safety Engineering Department, and the encroaching structures shall be constructed and maintained under their rules and regulations; also in accordance with plans submitted to and approved by these departments, including the Public Lighting Department (if necessary), the Water and Sewerage Department (if necessary), and the Department of Public Works — Traffic Engineering Division (if necessary); and further

Provided, That all costs for the construction, maintenance, permits and use of the encroaching structures shall be governed by the terms, requirements, rights and duties of the parties to the 1977 Purchase Agreement, 1978 Sublease Contract as amended and other related agreements for the use of the stadium; and further

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public (rights-of-way) property affected shall be restored to a condition satisfactory to the City Engineering Department; and further

Provided, This (encroachment portion of the) resolution is revocable at the will, whim or caprice of the City Council (and shall not be assigned or transferred without the written approval of the City Council); also permits issued by city departments to others (including contractors, sub-contractors, and affiliates of stadium leaseholders) do not imply the acquisition of additional privileges, rights, or duties by the parties to the 1977 Purchase Agreement, 1978 Sublease Contract as amended and other related agreements for the use of the stadium; and be it further

Resolved, All that part of Kaline Drive, 50 feet wide, lying between and abutting the westerly line of Trumbull Avenue (100 feet wide) and the easterly line of Cochrane Avenue (65 feet wide); being more particularly described as follows: Land in the City of Detroit, Wayne County, Michigan being the north 20.00 feet of Lot 113, the south 9.00 feet of Lot 115, and all of Lot 114 of "Plat of Private Claim 27, Jones Farm or Lognon Farm" as recorded in Liber 2, Page 5, Plats, Wayne County Records; also being the north 16.00 feet of Lot 59, the south 34.00 feet of Lot 58, and the north 32.00 feet of Lots 61 thru 69 of the "Plat of Julianna T. Abbott's Subdivision of Out Lot 89 and that part of the Woodbridge Grove between Cherry and Pine Streets, of the Woodbridge Farm" as recorded in Liber 5, Page 36, Plats, Wayne County Records; also

Being part of the east-west public alley, 18 feet wide, lying southerly of and abutting the south line of Lots 47 thru 55; and lying northerly of and abutting the north line of Lots 61 thru 69 of the "Plat of Julianna T. Abbott's Subdivision of Out Lot 89 and that part of the Woodbridge Grove between Cherry and Pine Streets, of the Woodbridge Farm" as recorded in Liber 5, Page 36, Plats, Wayne County Records; also

Being part of the north-south public alley, 18 feet wide, lying westerly of and abutting the west line of the north 16.00 feet of Lot 59, the south 1.46 feet of Lot 57, and all of Lot 58; and lying easterly of and abutting the east line of the north 32.00 feet of Lot 61; and lying easterly of and abutting the east line of the east-west public alley (18 feet wide); and lying easterly of and abutting the east line of the south 17.53 feet of Lot 55 of the "Plat of Julianna T. Abbott's Subdivision of Out Lot 89 and that part of the Woodbridge Grove between Cherry and Pine Streets, of the Woodbridge Farm" as recorded in Liber 5, Page 36, Plats, Wayne County Records; also

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Being part of the north-south public alley, 18 feet wide, lying westerly of and abutting the west line of the north 32.00 feet of Lot 69; and lying westerly of and abutting the west line of the east-west public alley (18 feet wide); and lying westerly of and abutting the west line of the south 18.50 feet of Lot 47 of the "Plat of Julianna T. Abbott's Subdivision of Out Lot 89 and that part of the Woodbridge Grove between Cherry and Pine Streets, of the Woodbridge Farm" as recorded in Liber 5, Page 36, Plats, Wayne County Records; also lying easterly of and abutting the north 20.00 feet of Lot 113, the south 6.50 feet of Lot 116, and all of Lots 114 and 115 of "Plat of Private Claim 27, Jones Farm or Lognon Farm" as recorded in Liber 2, Page 5, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and alleys, and are hereby converted into a public easement of the full width of the street and alleys, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall

be observed by the owners of the lots abutting on said street and alleys and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public easement or right-of-way over said vacated public street and alleys herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public street or alley in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth.

Second, said utility easement or right-of-way in and over said vacated street and alleys herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition.

Third, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, (except necessary line fence and the approved parking lot appurtenances shown on said "Tiger Stadium Renovation" plans) shall be built or placed upon said easement, without prior approval of the City Engineering Department,

Fourth, that if the owners of any lots abutting on said vacated street and alleys shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of

excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and further

Provided, That the owners of the "Tiger Baseball Club" shall execute a "service agreement" with the Public Lighting Department (PLD) to maintain four underground fed street lamps within said (Kaline Drive) utility easement; and further

Provided, That the removal of the public street return entrances (into Cochrane and Trumbull Avenues; including public sidewalks, curbs, commercial driveways, and any necessary drainage alterations) shall be subject to the specifications, inspection, and permits of the City Engineering Department; and further

Provided, That the City Engineering Department (for and on behalf of the City of Detroit) shall apply to the Michigan Department of Transportation (M-DOT) for any permits necessary to construct additional public sidewalk within the limited access rights-of-way of the Fisher Freeway Service Drive (to replace sidewalks that will be removed by reason of the vacation and conversion into an easement for public utilities of said Kaline Drive); 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.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz and President Mahaffey — 9.

Nays — None.

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