

**Department of Public Works
City Engineering Division
July 28, 1999**

Honorable City Council:

Re: Petition No. 1178, MGM Grand Detroit, LLC, requesting certain changes in the public rights-of-way, to include, encroachments of 13 tree-wells, installation of non-standard commercial driveway approaches, pedestrian easements, encroachment of site lighting fixtures, and encroachment of Pedestrian Bridges, all of the area of the MGM Grand temporary casino site, Lodge Freeway Service Drive, Abbott, Third and Michigan Avenue(s).

Petition No. 1178 of MGM Grand Detroit, LLC, requests for certain changes in the public rights-of-way in the area of the Lodge Freeway Service Drive, Abbott Street, 60 feet wide, Third Avenue, 142 feet wide, and the Michigan Avenue, 120 feet wide, in order to facilitate the construction of the MGM Grand temporary casino.

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

The proposed tree(s) in decorative grates (ADA approved) are to include eight (8) along the east line of the John C. Lodge Freeway Service Drive and four (4) along the north side of Abbott Street.

The proposed non-standard commercial driveway approaches 71.5 feet and 36.0 feet wide are along the east line of the John C. Lodge Freeway Service Drive north of Abbott Street.

In order to provide the clearances requested by the Traffic Engineering Division — DPW, the petitioner intends to provide a 3 feet easement on private property along the Service Drive to be intended as a pedestrian walk.

On the north side of Abbott Street the petitioner proposes two (2) twenty-foot high light poles to illuminate the south side of the temporary casino.

The petitioner proposes to construct two (2) pedestrian bridges over the Abbott Street right-of-way between the new parking structure and the casino. The bridges are directly over one another with a minimum elevation of 18 feet. One bridge will be used by employees of the casino only, and the other will be used for guests using the parking structure.

The City of Detroit Recreation Department reports no objections to the change while the petitioner occupies said property. When petitioner vacates said property, all tree grates are to be removed and the Recreation Department Forestry Division notified in order to determine suitable replacement surfacing on walks.

The Detroit Water and Sewerage Department (DWSD) reports no objections to the proposed encroachments provided that the lower bridge elevation above the street is no less than the 18'-0" indicated in the proposed petition. Also, there is a 24" water main in Abbott between the Fourth Street easement and the Lodge Freeway, on the north side, that must be maintained.

The Traffic Engineering Division — DPW reports no objections to the requested aerial easement (encroachment) for the 16 feet wide pedestrian bridge(s) over Abbott Street located between Fourth Avenue (easement) and John C. Lodge (122.64 feet east of Lodge Freeway) an elevation of 18 feet above street level is maintained for the bottom of the bridge and no supporting structure encroaches into Abbott Street right-of-way at grade. Also, Traffic Engineering reports the following objections:

1) First and second curb cuts along John C. Lodge Freeway Service Drive north of Abbott Street 71.5 feet and 36 feet wide respectively are not acceptable. Additionally, the radii should be 10 feet instead of 20 feet.

2) Pedestrian walk along John C. Lodge Freeway Service Drive between the two curb cuts should be a minimum of 6 feet with "Handicapped" ramp on both sides of the driveway. (Or indicate alternate pedestrian route).

3) An absolute minimum 6 foot clearance shall be maintained for walkways along Abbott, free from all obstructions including, but not limited to, tree well grates, utility poles, property line offset.

In order to resolve the above objections, the petitioner is seeking a variance of the standards set by Traffic Engineering by filing with the Finance Department a indemnity and maintenance agreement approved in form by the City of Detroit Law Department.

MGM Grand Detroit, LLC seeks a variance from the City of Detroit, as required for curb cuts exceeding 30 feet in width. The following conclusions are made with respect to the proposed configuration of the temporary casino entry driveway from the Lodge Service Drive:

— The proposed configuration of the entry driveway is required to ensure that the adequate on-site area is provided for vehicle queuing in conjunction with the temporary casino's valet parking operation;

— The proposed configuration of the entry driveway allows for motorists to enter the temporary casino site safely and efficiently, reducing the potential for vehicle queues onto the public street system; and

— Pedestrian safety will not be adversely impacted by the proposed configuration of the entry driveway due to the absence of pedestrian activity in this area of the Lodge Service Drive both in the existing condition, as well as, following occupancy of the temporary casino.

Also, MGM Grand Detroit, LLC seeks City Council approval of a deviation from city specifications for road and street design, as required for sidewalks that are less than 10 feet in width.

The temporary casino plans provide for a 7 foot wide unobstructed walk along Abbott, separated from the curb line by a line of decorative trees and an additional 2-1/2 feet sidewalk. Therefore, the total sidewalk width will be 9-1/2 feet, 6 inches narrower than city specifications. MGM Grand believes that the City Council's approval of this deviation from the 10 foot requirement along Abbott would not

impair the safety of any pedestrians who may decide to not use the Third Street entrance.

To the extent that the proposed sidewalks extend beyond the public right-of-way and encroach upon the private property of the temporary casino, MGM Grand will grant an easement to the city for pedestrian access.

All other City Departments and privately owned utility companies have reported no objections, or that satisfactory arrangements have been made, to the proposal provided they have right to ingress and egress at all times to their facilities.

Provisions protecting utility installations are part of the resolution.

An appropriate resolution containing the necessary conditions is attached for consideration by your Honorable Body.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW
By Council Member K. Cockrel, Jr.:

Whereas, MGM Grand Detroit, LLC, seeks a variance from the City of Detroit, as required for curb cuts exceeding 30 feet in width; and

Whereas, MGM Grand Detroit, LLC, seeks City Council approval of a deviation from city specifications for road and street design, as required for sidewalks that are less than 10 feet in width; and further

Resolved, That the City Engineering Division — DPW is hereby authorized and directed to issue a permit to MGM Grand

Detroit, LLC, for permission to encroach along the north side of Abbott Street and the east side of the John C. Lodge Service Drive, (MGM Grand Temporary Casino Site) for the installation of thirteen (13) cast bronze tree grates, diamond shaped; 5'-9" (along street line) x 3'-4"; set 2' from back of curb, anchored by 1" x 1" x 1/4" steel frame with 6" rebar (two on each side) into poured concrete slab; abutting property described as: Land in the City of Detroit, being part of lot 4 of "Detroit Urban Renewal Plat No. 1" as recorded in Liber 90, Page 85 and 86, Wayne County Records;

Provided, 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 departments; and further

Provided, That permittee at the time of obtaining said permit file with the Finance Department an indemnity agreement, in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages, or expenses that may arise by reason of the issuance of said permits and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages, or expenses that may arise out of the maintenance of said encroachment(s); and further

Provided, That no rights in the public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the

permittee at any time when so directed by the City Council, and that the public property so affected shall be restored to a condition satisfactory to said department by said permittee at its expense; and further

Provided, That when permittee vacates said property, all tree grates are to be removed and the City of Detroit Recreation Department — Forestry Division is notified in order to determine suitable replacement surfacing on walks; and further

Provided, An absolute minimum 6 foot clearance shall be maintained for walkways along Abbott, free from all obstructions including, but not limited to, tree well grates, utility poles, property line offset; be it further

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "MGM Grand Detroit, LLC", to encroach within the following public sidewalk space [meaning the space between the lot line of the property and street curb line]: The eastern berm area (about 13.00 feet wide) of the John C. Lodge Freeway Service Drive, between Abbott and Michigan Avenue to maintain a non-standard commercial driveway [Two (2) curb cut openings 71.5 feet and 36.00 feet in length, plus 20 feet turning radii]; said part of public street right-of-way lying westerly of and abutting the west line of lot 4 of the "Detroit Urban Renewal Plat No. 1" of part of P.C.'s 23, 247, 55 and Military Reserve, City of Detroit, Wayne County, Michigan, as recorded in Liber 90, Page 85 and 86, Plats, Wayne County Records; also

Provided, The petitioner shall file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims which may arise therefrom. Also, the petitioner shall be required by the Law Department in conjunction with the Finance Department — Risk Management Division to present proof of financial capability (bonds and insurance; the City of Detroit shall be named as co-insured therein) to pay any claims, damages or expenses that may arise as a result of the installation, maintenance or use of an existing non-standard commercial driveway within public street right-of-way. To protect the city in the event of petitioner default, a surety bond in a penal sum sufficient to pay the City of Detroit's cost to remove or alter the non-standard curb opening(s) (if such removal or alteration becomes necessary) shall be maintained by the "MGM Grand Detroit, LLC". Also, said surety bond shall be maintained in perpetuity (with no expiration date) by the "MGM Grand Detroit, LLC". The petitioner shall be unable to obtain a release from said surety bond as long as the non-standard commercial driveways exists within the public right-of-way of John C. Lodge Freeway Service Drive. The City Engineering Division — Street Design Bureau in conjunction with the Traffic Engineering Division — DPW shall be responsible for determining the amount of said surety bond, and then to transmit the information to the Finance Department; and further

Provided, That such use of public property shall be under the rules and regulations of the City Engineering Division — DPW in conjunction with the Traffic Engineering Division — DPW; and further

Provided, That the property owned or leased by the petitioner and adjoining the herein above described part of public street right-of-way shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total area of said eastern public sidewalk space; and further

Provided, All costs for the maintenance, permits and use of the existing non-standard commercial driveways within public street right-of-way shall be borne by the petitioner; and further

Provided, The construction, placement, and maintenance of the non-standard commercial driveways within public sidewalk space shall be subject to city permits and inspection. Further, the petitioner shall pay all costs to maintain the non-standard commercial driveways abutting property owned or leased by MGM Grand Detroit, LLC. The petitioner, MGM Grand Detroit, LLC, shall be liable for all claims, demands, costs, damages, expenses, and causes of action of every kind and character arising in favor of any person, or other legal entity on account of personal injuries or death or damage to property caused by or claimed or alleged to have arisen out of the installation and maintenance of a non-standard commercial driveway within public street right-of-way. The installation and maintenance of said encroachment(s) shall comply with the rules and regulations of the City Engineering Division — DPW and the Traffic Engineering Division — DPW; and further

Provided, The City of Detroit retains all rights and interests in said above described public sidewalk space or part of public street right-of-way. Further, the city and all utility companies retain their right to establish, maintain, inspect and service any utilities within or over said public sidewalk space, and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located in the public rights-of-way, by the acceptance of this permission, the encroachment owners for themselves, their heirs or assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal or alteration, if their removal or alteration becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Division — DPW at the expense of MGM Grand Detroit, LLC, the encroachment owner; and further

Provided, Said permission to use the above described public sidewalk space may be rescinded at any time by the Department of Public Works. Further, the issuance of permits does not waive the rights of the city to use the area for street widening or other purposes; be it further

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits for "MGM Grand Detroit, LLC" for permission to encroach into the north side of Abbott Street, 60

feet wide, between Third Avenue and John C. Lodge Freeway Service Drive, abutting property described as:

Land in the City of Detroit being a part of the south line of lot 4 of the "Detroit Urban Renewal Plat No. 1" of part of P.C.'s 23, 247, 55 and Military Reserve, City of Detroit, Wayne County, Michigan as recorded in Liber 90, Page 85 and 86, Plats, Wayne County Records;

Encroachment to consist of two (2) site light fixture(s): 3 in-line mounting bracket atop a 20 foot high tapered bronze pole; anchored to 18 inch diameter foundation, 4 feet in depth from finish grade; set back approximately 2 feet back of curb face, not to be in conflict with existing street lighting.

Provided, That permittee at the time of obtaining said permits file with the Finance Department an indemnity agreement in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by issuance of said permits and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and further

Provided, That no rights in public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee at any time when so directed by the City Council, and that the public property affected shall be restored to a condition satisfactory to the City Engineering Division — DPW by said permittee at its expense; and be it further

Resolved, That the City Engineering Division — DPW in conjunction with the Buildings and Safety Department are hereby authorized and directed to issue permits to MGM Grand Detroit, LLC, to construct and maintain two (2) pedestrian walk bridges linking the MGM Grand temporary casino with a proposed new parking structure on the south side of Abbott Street, 60 feet wide.

The street right-of-way (Abbott) involved is as platted in "Detroit Urban Renewal Plat No. 1" of part of P.C.'s 23, 247, 55 and Military Reserve, City of Detroit, Wayne County, Michigan as recorded in Liber 90, Page 85 and 86, Plats, Wayne County Records, the aerial easement for the bridge encroachment over Abbott Street, 60 feet wide, to be approximately 18.00 feet in width with a minimum under-clearance of 18.00 feet above the finished pavement grade. Said easements describing two (2) pedestrian bridges both of which lie 9.00 feet on either side of the following described centerline:

Commencing at the northwest corner of lot 3 of the "Detroit Urban Renewal Plat No. 1", as recorded in Liber 90, Pages 85 and 86, of Plats, Wayne County Records; thence N.60°00'45"E., along the southerly right-of-way, line of Abbott Street, 60 feet wide, 122.64 feet to the point of beginning of the centerline of the aerial easement(s); thence N.39°23'07"W.,

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60.82 feet to the point of ending of the centerline of the aerial easement(s).

The connecting floors along the length of the centerline of the lower easement shall be from the nominal bottom elevation of 143.44 feet based on Detroit City Datum benchmark 28-353 (project datum elevation 116.00 feet) to the nominal top elevation of 168.44 feet (project datum elevation 141.00 feet). Actual bridge floor elevation varies to match elevations at connected buildings. Minimum clearance from street to bottom floor elevation varies to match elevations at connected buildings. Minimum clearance from street to bottom floor elevation is 18.00 feet. The connecting floors along the length of the centerline of the upper easement shall be from the nominal bottom elevation of 174.44 feet based on Detroit City Datum benchmark 28-353 (project datum elevation 147.00 feet) to the nominal top elevation of 200.44 feet (project datum elevation 173.00 feet). Actual bridge floor elevation varies to match elevations at connected buildings; said easement(s) each occupying 1,080.00 square feet in the horizontal plane, and

Provided, That the necessary permits be obtained from the City Engineering Division — DPW and the Buildings and Safety Engineering Department and that same shall be constructed and maintained under their rules and regulations and in accordance with plans submitted to and approved by those departments as to materials, colors and general appearance; and further

Provided, That permittee file with the Finance Department a surety bond approved by the Law Department saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permits and the faithful performance by the permittee of the terms thereof; and in addition, to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and further

Provided, That all costs for construction and the use of same shall be borne by permittee; and further

provided, That no advertising material of any type is displayed on any part of the bridge(s); and further

Provided, That the issuance of permits for said installation(s) shall not in any way waive the rights of the City to utilize the area for street widening or other purposes as may become necessary in the future; and further

Provided, That said permittee shall be subject to any tax under the provisions of the General Property Tax Act which may be levied against it pursuant to law with respect to all encroachments in this resolution; 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 all said encroachments shall be removed at the expense of the permittee at any time when so directed by City Council, and the public property affected

shall be restored to a condition satisfactory to the City Engineering Division — DPW at the sole cost and expense of "MGM Grand Detroit, LLC", and further

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

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

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

Provided, That the encroachment(s), permit(s) shall not be assigned or transferred without the written approval of the City Council; and further

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

Adopted as follows:

Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.

Nays — None.



The diagram is a site plan for the MGM Grand Casino site. It shows the site's location relative to the Lodge Freeway, Porter (Easement), Fourth (Easement), and Howard (60 FT.WD.). The site is bounded by the Lodge Freeway to the west, Porter (Easement) to the north, Fourth (Easement) to the east, and Howard (60 FT.WD.) to the south. The site is divided into two main areas: the MGM Grand Casino Site and the Proposed Parking Structure. The Proposed Parking Structure is located south of the MGM Grand Casino Site and is bounded by the Fourth (Easement) to the east and Howard (60 FT.WD.) to the south. The site plan includes various dimensions and labels for the proposed pedestrian bridges and parking structure. The proposed pedestrian bridges are shown as hatched areas crossing the Lodge Freeway and the Fourth (Easement). The proposed parking structure is shown as a large rectangular area. The site plan also includes labels for the Lodge Freeway, Porter (Easement), Fourth (Easement), and Howard (60 FT.WD.).

* SEE ATTACHMENTS*

- REQUESTED AREA OF PROPOSED PEDESTRIAN BRIDGES



(FOR OFFICE USE ONLY)

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REVISIONS					
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