



February 19, 1999

Honorable City Council:

**RE: Petition NO. 1092, Detroit, Entertainment, LLC,
requesting approvals in connection with the
construction of the Grand River temporary casino:
vacation of alleys and streets, easements for pedestrian
walkway and construction of signage in public rights of way
in the area of Butternut St., Trumbull Ave., Brooklyn St.,
Elm St., Temple Ave. and W. Grand River Ave.**

Petition No. 1092 of Detroit Entertainment, LLC requests the following right-of-way changes as it relates to the construction of the temporary Grand River Casino:

A. Vacation (outright):

1. Butternut Street, 50 feet wide between Trumbull Ave. and Brooklyn St.
2. The north-south public alley, 20 feet wide, first west of Brooklyn St. between Temple Ave. and Butternut St.
3. The north-south public alley, 20 feet wide, first west of Brooklyn St. between Butternut St. and Elm St.
4. The east-west public alley(s) in the area bounded by Elm St., Temple Ave., Trumbull Ave. and Brooklyn St.

B. Vacation (converted to Easement)

1. The north-south public alley, 18 feet wide, between Temple Ave. and Butternut St., first east of Trumbull Ave.
2. The north-south public alley, 18 feet wide, first east of Trumbull Ave., between Butternut St., and the south line of the east-west public alley, 18 feet wide.
3. A 20 ft. x 50 ft. portion of Butternut St., 125 ft. east of Trumbull Ave.
4. A portion of the public alley (variable width) abutting lots 15, 16, 17 and the north part of 18 in the block bounded by Brooklyn Ave., Temple Ave. and W. Grand River.

C. Public Access Easement(s):

1. Pedestrian access easement 4 feet wide along the north edge of the Temple St. right-of-way between Trumbull Ave. and Brooklyn St. for the purposes of constructing a sidewalk.

2. Pedestrian access easement 7 feet 5 inches wide along the south edge of Elm St. between Trumbull Ave. and Brooklyn St. for the purposes of constructing a sidewalk.
3. Pedestrian access easement 2 feet 6 inches wide along the west edge of the Brooklyn St. right-of-way between Elm St. and Temple St. for the purposes of constructing a sidewalk.
4. Public access easement, 18 feet wide, in lot 47 of the block bounded by Elm St., Trumbull Ave., Butternut St. and Brooklyn St.. This dedication will match the width and alignment of the existing east//west alley to be located between Trumbull Ave. and the existing north/south alley.
5. Public Access Easement, 17 feet wide in lot 15 of the block bounded by Grand River Ave., Brooklyn St., and Temple St. Dedication will extend from the existing alley to Grand River Ave.
6. Pedestrian walkway above Brooklyn St. between the proposed Valet Parking Building and the proposed Grand River Casino. Bottom of walkway to be 16 ft. minimum above roadway. Width or easement: 27 ft.

D. Signage:

1. Building mounted directional signage and facility identification signage on the existing bridge/walkway structure over Temple St. near Brooklyn St.
2. Building mounted directional signage and facility identification signage on new pedestrian access walkway above Brooklyn St. between the proposed Valet Parking Building and the proposed Grand River Casino.

[NOTE: From a January 25, 1999 Memorandum "Detroit Entertainment, LLC," states additional signage for Traffic and Facility identification will be required. This signage is not fully defined, but is expected to be installed primarily on private property outside the existing and proposed rights-of-way]

E. Encroachments:

1. Two new building columns and footings for the purpose of supporting an overhead walkway above Brooklyn St. between the proposed Valet Parking Building and the proposed Grand River Casino. Columns will be located in the public right-of-way immediately adjacent to the Grand River Casino building, approximately 100 feet and 121 feet north of Temple Street along the east edge of the Brooklyn Street right-of-way.
2. Up to 8 landscaping trees in treewell grates in the public sidewalk along the westerly edge of Grand River Avenue adjacent to the proposed Grand River Casino north of Temple St. Trees will be located nominally 30" away from the pavement at approximately 40 foot intervals.

3. Up to 8 non-conforming street lighting fixtures in the public sidewalk along the easterly edge of Brooklyn St. adjacent to the proposed Grand River Casino. Fixtures will be located nominally 30" away from the pavement at approximately 29, 59, 52.5 foot intervals. Fixtures are spaced at the Brooklyn St. pedestrian entrance to alleviate sidewalk congestion.
4. Up to 10 non-conforming street lighting fixtures in the public sidewalk along the westerly edge of Grand River Avenue adjacent to the proposed Grand River Casino north of Temple St. Fixtures will be located nominally 30" away from the pavement at approximately 40 foot intervals.
5. Up to 6 non-conforming street lighting fixtures in the public sidewalk along the northerly edge of Temple St. between Brooklyn St. and Grand River Ave. Fixtures will be located nominally 30" away from the pavement at approximately 40 to 80 foot intervals.

All in the area bounded by Trumbull Ave., 100 feet wide, West Grand River Ave., 100 feet wide, Temple Ave., 50 feet wide and Elm St., 50 feet wide. The petition was referred to the City Engineering Division-DPW for investigation (utility clearances) and report. This is our report.

Detroit Entertainment, LLC has made satisfactory arrangements with Michigan Consolidated Gas Company (MICHCON) by way of entering into a contract. The work to be completed includes, but is not limited to, abandoning the following MICHCON facilities: the 3" gas main in Butternut St. from Trumbull Ave. to Brooklyn St. and the 4" gas main in the alley west of Grand River.

The Detroit Water and Sewerage Department (DWSD) reports with respect to Petition No. 1092 that their records indicate that DWSD have the following water mains and sewers in the project area:

- 8-inch water main in Elm St. between Trumbull Ave. and Brooklyn St. and an 18" x 24" sewer in Elm St. between Trumbull Ave and the alley east of Trumbull Ave.
- 8-inch water main in Butternut between the alley east of Trumbull Ave. and Brooklyn St.
- 24-inch and 8-inch water mains in Temple St. between Trumbull Ave. Grand River Ave. and an 18 inch sewer in Temple St. between Trumbull Ave. and Brooklyn St. and an 18" x 24" sewer in Temple St. between Trumbull Ave. and the alley east of Trumbull Ave.
- 8-inch water main and 3'6" x 4'8" sewer in Brooklyn St. between Elm St. and Temple St.
- 8-inch water main and 3'0" and 9'6" sewers in Grand River Ave. between Elm St. and Temple St.
- 15" x 20" sewers in all the alleys bounded by Elm St., Brooklyn St., Butternut St. and Trumbull Ave.
- 15" x 20" sewers in all the alleys bounded by Butternut St., Brooklyn St., Temple St. and Trumbull Ave.

- 6-inch water main in the alley east of Trumbull between Elm St. and Temple St.
- 15" x 20" sewer in the alley bounded by the proposed Grand River Casino adjacent to Lots 2, 6, 7, 8, 15, 16, 17 and 18.

The Detroit Water and Sewerage Department (DWSD) has no objections to the outright vacations requested subject to the following conditions:

1. The street drainage from Elm St. will have to be relocated at the petitioner's expense and in accordance with the attached provision in order to vacate the sewers.
2. The existing water mains and sewers in the proposed vacated streets and alleys are to be cut and capped and abandoned at the petitioner's expense. All the work is to be done under DWSD's permit and inspection in accordance with plans approved by DWSD.

DWSD has no objection to the requested easements, air rights, signage and encroachment subject to the following:

1. The bottom of the proposed walkway between the Valet Parking Building and the Casino shall be a minimum of 16'0" above the roadway.

The Traffic Engineering Division-DPW reports having no objection to requested change in property for the area bounded by Elm St., Trumbull Ave, Temple St. and Grand River Ave, provided that:

1. 100% signatures of all abutting property owners are secured for proposed public access easements, alley vacation and dedications and no dead-end is created at anytime.
2. A minimum 6 foot clearance of walkway shall be maintained between the curb and the face of the column supporting the aerial walkway on Brooklyn St.
3. For treewells/planter encroachment on Grand River right-of-way, it should be ensured the level of the grate shall be flush with the sidewalk. A minimum of 10 feet clearance should be maintained between the face of the tree and the curb. This may need MDOT approval.
4. Dedication for pedestrian access easement of Temple St. is subject to availability of 3 lane traffic on Temple St. and 10 foot sidewalks on each side.

Comcast Cablevision of Detroit is satisfied with it's agreement with Detroit Entertainment, LLC for the relocation and/or modification of utilities in conjunction with Petition No. 1092.

The Public Lighting Department (PLD) has overhead high voltage primary and street lighting cables in the projected site. The street lighting circuits are running north/south in the alleys and east/west in the streets to be vacated (outright). The primary cables are in the north/south alley to be vacated, also going east/west in to be vacated Butternut St. In order to vacate the area, PLD will have to relocate and re-route the overhead circuits. Removal and relocation of PLD facilities must be done at petitioners expense.

Detroit Entertainment, LLC has reached satisfactory agreements with the Ameritech Company (MBT) to vacate except where service must be maintained. Detroit Entertainment, LLC will pay cost to relocate facilities to underground. Cost of re-routing in remaining easements are to be identified jointly between MBT and petitioner.

The Detroit Edison Company has satisfactory agreement with Detroit Entertainment, LLC.

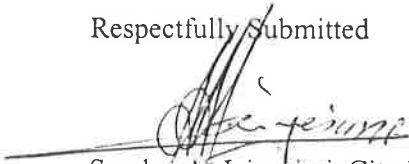
Necessary permits will have to be obtained for any public street or alley opening(s), backfill, surface restoration, barricade, or occupancy of City rights-of-way before construction.

All other involved City Departments and privately owned utility companies, have reported no objections to the proposed changes in right-of-way. Should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages.

The City Engineering Division-DPW recommends that this request be granted provided the petitioner files with the Finance Director an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims which may arise.

An appropriate resolution, granting the petition, is attached for consideration by your Honorable Body.

Respectfully Submitted



Sunday A. Jaiyesimi, City Engineer
City Engineering Division-DPW

SAJ:JDF:saw

cc: Clyde D. Dowell, Director-DPW
Felix Sharpe, Mayor's Office
File

RESOLVED, that all that part of Butternut Street, 50 feet wide, between Brooklyn Street, 50 feet wide and Trumbull Avenue, 100 feet wide, lying southerly of and abutting the south line of lots 13-17 both inclusive, and the south line of the north-south public alley, 20 feet wide, also lying northerly of and abutting the north line of lots 8-12, both inclusive, and the north line of the north-south public alley, 20 feet wide, of the "Subdivision of Outlots 13, 14, 15 & 16, Baker Farm", by the City Assessor as recorded in Liber 1, Page 285 Plats, Wayne County Records; Also, all that part of Butternut Street, 50 feet wide, between Brooklyn Street, 50 feet wide, and Trumbull Avenue, 100 feet wide, lying southerly of and abutting the south line of lots 49-55, both inclusive, and the south line of the north-south public alley, 18 feet wide, of the "Subdivision of part of Outlot No. 95, Woodbridge Farm", as recorded in Liber 1, page 206 Plats, Wayne County Records, and lying northerly of and abutting the north line of lots 56-62, both inclusive, and the north line of the north-south public alley, 18 feet wide, of the "Subdivision of the south part of Outlot No. 95, Woodbridge Farm", as recorded in Liber 1, Page 181 Plats, Wayne County Records; Also, all that part of the north-south and east-west, public alleys, 18 & 20 feet wide, in the area bounded by Trumbull Avenue, 100 feet wide, Brooklyn Street, 50 feet wide, Temple Avenue, 50 feet wide, and Elm Street, 50 feet wide, described as the east- west, public alley 18 feet wide, lying northerly of and abutting the north line of lots 1- 4, both inclusive, the north-south public alley, 20 feet wide, lying westerly of and abutting the west line of lots 5-8, both inclusive, the east-west public alley 18 feet wide, lying northerly of and abutting the north line of lots 13-16, both inclusive, and the north-south public alley, 20 feet wide, lying westerly of and abutting the west line of lots 17-19, both inclusive, of the "Subdivision of Outlots 13, 14, 15 & 16, Baker Farm", by the City Assessor, as recorded in Liber 1, Page 285 Plats, Wayne County Records; Also, all that part of the east-west, public alley, 18 feet wide, lying northerly of and abutting the north line of lots 67-72, both inclusive, of the "Subdivision of the south part of Outlot No. 95, Woodbridge Farm", as recorded in Liber 1, Page 181 Plats, Wayne County Records; that part of the east-west public alley, 18 feet wide, lying northerly of and abutting the north line of lots 50-55, both inclusive, of the "Subdivision of part of Outlot No. 95, Woodbridge Farm", as recorded in Liber 1, Page 206 Plats, Wayne County Records; Also, all that part of the public alley in the block bounded by, Brooklyn Street, 50 feet wide, W. Grand River Avenue, 100 feet wide, and Temple Avenue, 50 feet wide, described as a public alley (variable width) bounded on the north by a line measured 18.00 feet south along the westerly lot line from the northwest corner of lot 15 and extended southwest parallel to the northerly of lot 15 to a point of intersection with the easterly line of lot 8 and on the east by the westerly line of lot 15-17, both inclusive, and a part of lot 18 to a point of intersection with the northerly line of lot 2 and the northerly edges of the two(2) vacated public alleys (D & V book 12, Page 21 dated April 1, 1913 and D & V book 12, Page 96 dated October 21, 1913) and on the south by the northerly line of Lot 2 and the northerly edges of the two(2) vacated alleys, as described, and on the west by the easterly line by a line connecting the northeast corner of Lot 5 to the point of deflection on the east line of Lot 7 and from said point of deflection to the northwest to a point of intersection of the easterly line of Lot 8 with the northerly line of said vacation, all part of "Prouty's Subdivision of blocks 17 and 21, Labrosse and Baker Farm, south of Grand River Road," as recorded in Liber1, Page 260 Plats, Wayne County Records;

Be and the same hereby vacated (out right) as a public street and alley(s) to become part and parcel of the abutting property, subject to the following provisions:

PROVIDED, that before any construction shall be permitted within the vacated (out right) public rights of way, mentioned above, the petitioner shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the petitioner shall submit said building plans to the Detroit Water and Sewerage Department (DWSD) for review and approval; and further

PROVIDED, that the petitioner shall relocate and construct the proposed street drainage sewers and make the connections to the existing public sewers as required by the Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed structures; and further

PROVIDED, that the plans for the sewers 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 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 the DWSD and constructed under the inspection and approval of the DWSD; and further

PROVIDED, that the entire cost of the sewer construction including inspection, survey and engineering shall be borne by the Petitioner; and further

PROVIDED, that the Petitioner shall deposit with the DWSD, in advance of engineering, inspection and survey, such amounts as that department deems necessary to cover the cost of these services; and further

PROVIDED, 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; and further

PROVIDED, that is it becomes necessary to remove the paved street return at the entrances (into Trumbull Ave, Brooklyn St., Temple Ave., and Elm St.), such removal and construction 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 petitioner, their heirs or assigns; and be it further

RESOLVED, all that part of the north-south public alley, 18 feet wide, first east of Trumbull Avenue, north of Butternut Street, described as lying westerly of and abutting the west line of lot 50 and lying easterly of and abutting the east line of lots 49, 48 and the south 16.00 feet of lot 47 of the "Subdivision of part Outlot No. 95, Woodbridge Farm" as recorded in Liber 1, Page 206 Plats, Wayne county Records; Also, all of the north-south, public alley, 18 feet wide, first east of Trumbull Avenue, south of Butternut Street, described as, lying easterly of and abutting the east line of Lots 62-66, both inclusive, and lying westerly of and abutting the west line of lots 61 & 67, of the "Subdivision of the south part of Outlot No. 95, Woodbridge Farm", as recorded in Liber 1, Page

181 Plats, Wayne County Records; Also, that part of Butternut Street, 50 feet wide, described as beginning at the southeast corner of Lot 49, thence easterly to the southwest corner of Lot 50, of the "Subdivision of part of Outlot No. 95, Woodbridge Farm" as recorded in Liber 1, page 206 Plats, Wayne County Records; thence southerly across Butternut Street, 50 feet wide, to the northwest corner of lot 61, thence westerly to the northeast corner of lot 62, of the "Subdivision of the south part of Outlot No. 95, Woodbridge Farm, as recorded in Liber 1, page 181 Plats, Wayne County Records; thence northerly across Butternut Street, 50 feet wide, to the point of beginning;

Be and the same hereby vacated as public alley(s) and said described portion of street and is hereby converted into a private easement(s) for public utilities of the full width of the alley(s), and of the full area of street, as described above, which easement(s) 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 alley(s), and that part of Butternut Street, and by their heirs, executors, administrators and assigns, forever to wit:

FIRST, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public alley and street 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 alley or street 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 alley and street 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; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and the Buildings and Safety Department, if necessary shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division - DPW,

FOURTH, that if the owners of any lots abutting on said vacated alley 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; and further

FIFTH, that if any utility 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 if it becomes necessary to remove the paved alley return at the entrance (Temple Ave.), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to the City Engineering Division - DPW specifications with all costs borne by the abutting owner(s), their heirs or assigns; and be it further

PROVIDED, an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing and sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and further

PROVIDED, Free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment including the use of backholes, bulldozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and further

PROVIDED, the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide posts over its water mains at reasonable intervals and at points of deflection; and further

RESOLVED, All of the south 4.00 feet of Lot 66 through Lot 72 inclusive of subdivision of the south part of Outlot No. 95 of "Woodbridge Farm" (Liber 1, Page 181) also the south 4.00 feet of Lot 1 through Lot 5 inclusive of subdivision of Outlots 13, 14, 15 and 16 of "Baker Farm" (Liber 1, Page 285) also the south 4.00 feet of the north and south public alley (18 feet wide) bounded on the west by Lots 62 through Lot 66 of "Woodbridge Farm" on the south by the north right of way line of Temple Street (50 feet wide) and on the east by Lot 61 and Lot 67 of "Woodbridge Farm" and on the north by the south right of way line of Butternut Street (50 feet wide) also the south 4.00 feet of the north and south public alley (20 feet wide) bounded on the west by Lot 4 and Lot 9 of "Baker Farm" and on the south by the north right of way line of Temple Street (50 feet wide) and on the east by Lot 5 through Lot 8 inclusive of "Baker Farm" and on the north by the south right of way line of Butternut Street (50 feet wide). City of Detroit, Wayne County, Michigan; Also,

The north 7.42 feet of Lot 39 through Lot 45 inclusive of subdivision of the south part of Outlot 95 of "Woodbridge Farm" (Liber 1, Page 206) also the north 7.42 feet of Lot 19 through Lot 22 inclusive also part of Lot 23 and Lot 34 subdivision of Outlots 13, 14, 15 and 16 of "Baker Farm" (Liber 1, Page 285) also the north 7.42 feet of a north and south public alley (20 feet wide) bounded on the north by the north right of way line of Elm Street (50 feet wide) on the east by Lot 17 through Lot 19 inclusive of "Baker Farm" and on the south by the north right or way line of Butternut Street (50 feet wide) and on the west by Lot 16 and Lot 20 of "Baker Farm". City of Detroit, Wayne County, Michigan; Also,

The east 2.50 feet of Lot 17 through Lot 19 inclusive except the north 7.42 feet of Lot 19 also the east 2.50 feet of Lot 5 through Lot 8 inclusive except the south 4.00 feet of Lot 5 a subdivision of Outlots 13, 14, 15 and 16 of "Baker Farm" (Liber 1, Page 285), also the east 2.50 feet of Butternut Street (50 feet wide) bounded on the north by Lot 17 on the east by the west right of way line of Brooklyn Street (50 feet wide) on the south by Lot 8 and on the west by a line connecting the southwest corner of Lot 17 with the northwest corner of Lot 8 of the mentioned "Baker Farm", City of Detroit, Wayne County, Michigan.

Be and the same hereby granted to and accepted by the City of Detroit as easement(s) for ground-level pedestrian walkways (to maintain full width sidewalks) and certain City-owned utilities (i.e. traffic signal equipment, hydrants, Traffic control signs, and public street lights; and further

RESOLVED, the south 18.00 feet of the north 34.00 feet of Lot 47 of "Subn of part of Outlot No. 95, Woodbridge Farm, as recorded in Liber 1, Page 206 Plats, Wayne County Records; also

The northerly 17.00 feet of Lot 15 of "Prouty's Subn of Blocks 17 and 21, Labrosse and Baker Farm, south of Grand River Road", as recorded in Liber 1, Page 260 Plats, Wayne County Records;

Be and the same hereby granted to and accepted by the City of Detroit as a public access easement for public alley purposes; and

PROVIDED, that the public access easement must be made suitable for public use at petitioner's expense; also

PROVIDED, that the petitioner is hereby directed to construct a new concrete alley approach at the entrance (into Grand River Ave., and Trumbull Ave.) of said public access easement; also to stone and grade the access easement according to City specifications; and be it further

RESOLVED, the City Engineering Division - DPW is hereby authorized to issue permits to the "Detroit Entertainment, LLC" to construct and maintain a pedestrian skywalk bridge encroaching overhead (with footings and piers) across Brooklyn Street, 50 feet wide between Elm Street and Temple Avenue linking the proposed "Valet Parking building" on the west side of Brooklyn Street and the proposed "Grand River Casino" on the east side of Brooklyn Street; Also to construct and maintain 8 landscaping tree well grates in the public sidewalk along the west line of Grand River Avenue, 100 feet wide, adjacent to the proposed "Grand River Casino". The 4 ft. x 4 ft. square tree

grates will be placed 11 ft. 4in. from property line to center of grates at approximately 40 foot intervals; also up to 24 non-conforming street lighting fixtures along Brooklyn Street, Grand River Avenue and Temple Street, adjacent to the proposed Grand River Casino. Fixtures will be spaced nominally 30 inches from pavement at 40 foot intervals, fixtures are spaced at the Brooklyn Street pedestrian entrance to alleviate sidewalk congestion; Also

The encroachment of the proposed overhead pedestrian (skywalk) bridge, including footings and piers across Brooklyn Street, 50 feet wide, being more particular described as follows:

An encroachment 27.00 feet wide over part of Brooklyn Street (50 feet wide) part of "Pronty's Subdivision" of Blocks 17 and 21 Labrosse and Baker Farms south of Grand River Road (Liber 1, page 260) bounded on the east by the east right of way line of Brooklyn Street and on the south by a line parallel and 96.95 feet measured north of the north right of way line of Temple Street (50 feet wide) and on the west by the west right of way line of Brooklyn Street (50 feet wide) and on the north by a line parallel and 123.95 feet measured north of the north right of way line of Temple Road (50 feet wide). The lower vertical limits of said encroachment shall not be less than 16.00 feet above the finish grade for the roadway of Brooklyn Street; Also

The foundation and piers are 4'-6" x 7'-0" and 4'-3" x 8'-0" (foundations) and 3'-0" x 4'-0" (Piers) into Brooklyn Street, 50 feet wide, east right-of-way line, adjacent to existing structure approximately 100.00 feet north of the Temple Street north right of way line; and further

PROVIDED, Detroit Water and Sewerage Department forces shall have free and easy access to the water main and/or sewer facilities at all times to permit proper operation, maintenance and if required, alteration or repair of the water main and/or sewer facilities. Free and easy access shall mean that no structures or storage of materials will be allowed upon the area of encroachment to hinder the movement of maintenance equipment; and further

PROVIDED, the proposed fence must have a gate installed to permit access for DWSD forces. The gate shall remain unlocked 24 hours a day, unless a guard is stationed near the gate to allow the Detroit Water and Sewerage Department ingress and egress at any time. The minimum dimensions of the gate or gates shall provide 15-foot vertical and 13 foot horizontal clearances for freedom of D.W.S.D. equipment movement; and further

PROVIDED, should the water main and/or sewer facilities be broken or damaged as a result of any action on the part of the petitioner or assigns, then in such event the petitioner or assigns shall be liable for all costs incident to the repair of such broken or damaged water main and appurtenances, and waives all claims for damages; and further

PROVIDED, that the necessary permits shall be obtained from the City Engineering Division - DPW and the Buildings and Safety Engineering Department, and all encroachments 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 Traffic Engineering Division - DPW (if necessary); and further

PROVIDED, that the petitioner(s) shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, whenever it becomes necessary to open-cut, bore, jack, occupy or barricade any public right-of-way for construction or placement of any and all encroachments such work shall be according to detailed permit application drawings (submitted by petitioner, subject to City department review and stamp approvals) prior to any public right-of-way construction; and further

PROVIDED, that all costs for the construction, maintenance, permits and uses of any encroaching structures, shall be borne by the petitioner; and further

PROVIDED, said encroachments shall be constructed and maintained in accord with the terms and conditions of an agreement between the private utilities and the petitioner. The petitioner and/or their contractor(s) shall arrange for "pre-construction meetings" and/or independent "monitoring (inspections)" with the private utilities; and further

PROVIDED, said encroachments shall be constructed and maintained according to the specifications of the Public Lighting Department (PLD); and further

PROVIDED, that all costs incurred by privately owned utilities and/or City departments to alter, adjust, and/or relocate their existing facilities located in close proximity to the proposed encroachments (unless such charges are waived by the utility owners), shall be borne by the petitioner. Should damages of utilities occur the petitioner shall be liable for all incidental repair costs and waves all claims for damages to the encroaching structures; and further

PROVIDED, that if it becomes necessary to repair or replace the utilities located or to be located in the public rights-of-way (or the converted utility easement(s)), by acceptance of this permission, the petitioners(owners) for themselves, their heirs and assigns, (by acceptance of permits for construction near underground utility lines, conduits, or mains) waives all claims for damages to the encroaching installations and agree to pay the costs incurred in their removal (or alteration) becomes necessary; and further

PROVIDED, that the petitioner shall apply to and become a participating member of the "Miss Dig" organization (if necessary); and further

PROVIDED, the property owned by the petitioner and the encroachments shall be subject to proper zoning or regulated use; 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 conditions that said encroachment(s) shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division - DPW; and further

PROVIDED, that the petitioner at the time of obtaining said permit(s) file with the Finance Department Director 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 permit(s) 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, this resolution (as applies to encroachments) is revocable at the will, whim or caprice of the City Council, and the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further

PROVIDED, that the encroachment 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.