

December 15, 2005

Honorable City Council:

RE: Petition No. 4052 – Detroit Medical Center (DMC) proposed Gateway Arch over a portion of Mack Ave. between Beaubien and the I-75 Service Drive.

Petition No. 4052 of the Detroit Medical Center ("DMC") requests to install and maintain the encroachment of the proposed "Gateway Arch" within the northerly right-of-way of Mack Avenue (variable width) between Beaubien Avenue, 120 feet wide and the southbound I-75 Service Drive.

The requested encroachment will be installed adjacent to property owned by the Detroit Public Schools ("DPS"). However, the "DPS" understands and consents to the installation, with the understanding that the "DMC" will be responsible for all of the maintenance, provisions, and liability associated with the requested encroachment, for so long as it may exist.

The petition was referred to the City Engineering Division – DPW for investigation and report. This is our report.

The proposed "Gateway Arch" encroachment will be installed approximately 142' from the center line of Beaubien Avenue, 120 feet wide, consisting of two (2) columns 4'-8" wide and 6'-0" at its base, with support piers 4'-0" in diameter, being 25'-0" in depth below the existing grade of both the median and the northerly berm (the area between the sidewalk and curb) of Mack Avenue. The proposed "Gateway Arch" encroachment will be 16'-9 1/2" high to the base and up to 36'-2" high to the top and will span across the westbound lane of Mack Avenue approximately 41'-1 1/2", as shown on drawings supplied by the "DMC" dated November 21, 2005.

The proposed backlit sign is constructed of Ultralon IV, a durable, translucent fabric designed by "Ultraflex Systems Inc.", displaying DMC Detroit Medical Center, Wayne State University, "Campus of Breakthroughs".

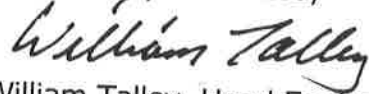
Any alterations of DWSD's facilities are to be done at the petitioner's ("DMC") expense and in accordance with plans approved by DWSD. The work is to be done in accordance with DWSD's standards and specifications and under DWSD's permit and inspection.

Finally, the City Engineering Division-DPW requires the owners ("DMC") of the proposed encroachments, to submit certified "as built" drawings, a map and survey, showing the exact location of the completed encroachments.

All other involved City departments and privately owned utility companies have reported no objections or that satisfactory arrangements have been made.

I am recommending adoption of the attached resolution.

Respectfully submitted,



William Talley, Head Engineer
City Engineering Division – DPW

JDF: jdf

cc: James A. Jackson, Director – DPW
Mayor's Office
P&DD
CPC

The City Engineering Division – DPW (CED) as a part of the investigation process of the Detroit Medical Center's ("DMC") requested encroachment petition, consulted with the Planning Development Department (P&DD), the City Planning Commission (CPC) and the Traffic Engineering Division – DPW (TED) regarding the impact the proposed "Gateway Arch" encroachment would have on the public rights-of-way. As a result of the meeting that was held between the "DMC" and the aforementioned city departments, a separate report is attached outlining issues that should be known for the record.

The final report and resolution authorizing the requested encroachment is as follows:

The Traffic Engineering Division – DPW reports no objections with the requested encroachments upon the public right-of-way within a segment of Mack Avenue between the Chrysler Freeway (I-75) and Beaubien, for the installation of the sign and supporting structure for the "DMC", as shown in the proposed drawing dated November 21, 2005, as a pilot project.

The Public Lighting Department (PLD) reports having high voltage underground distribution, street lighting and traffic signal cables in 9'-3" concrete encased conduit banks and manholes in the area proposed to be encroached. Any structure proposed to be built shall maintain a 3 ½' horizontal clearance from PLD conduit banks and manholes. No structure can be built over PLD installations. Call MISS DIG to mark the location of PLD installations. Also, PLD recommends hand digging. The contractor for the "DMC" will be liable for any loss or damage to PLD. Also, access to any PLD installations shall not be restricted because of the encroachment.

The Detroit Water and Sewerage Department (DWSD) reports having an existing DWSD 13'-6" cylindrical sewer and 12" water main in close proximity to the proposed underground and overhead encroachments in Mack Avenue, east of Beaubien. In addition there may also be catch basin lines located in said Mack Avenue in the area of the proposed encroachments.

DWSD has no objection to the proposed encroachment for sign installation provided minimum clearances are maintained and the petitioner agrees to relocate the water main and any catch basin lines that may interfere with the construction or are in close proximity to the construction as deemed necessary by DWSD.

BY COUNCIL MEMBER: _____

WHEREAS, the Detroit Medical Center ("DMC") requests to install and maintain the encroachment of a "Gateway Arch" sign within the northerly right-of-way of Mack Avenue (variable width) between Beaubien Avenue, 120 feet wide and the southbound I-75 Service Drive, ALSO

WHEREAS, Said "Gateway Arch" sign will only be used to display "DMC Detroit Medical Center, Wayne State University, Campus of Breakthroughs", as shown on drawings supplied by the "DMC" dated November 21, 2005, ALSO

WHEREAS, The requested encroachment will be installed adjacent to property owned by the Detroit Public Schools ("DPS"). However, the "DPS" understands and consents to the installation, with the understanding that the "DMC" will be responsible for all of the maintenance, provisions, and liability associated with the requested encroachment, for so long as it may exist, ALSO

WHEREAS, The City Engineering Division – DPW (CED) as a part of the investigation process of the Detroit Medical Center's ("DMC") requested encroachment petition, consulted with the Planning Development Department (P&DD), the City Planning Commission (CPC) and the Traffic Engineering Division – DPW (TED) regarding the impact the proposed "Gateway Arch" encroachment would have on the public rights-of-way. As a result of the meeting that was held between the "DMC" and the aforementioned city departments, a separate report is attached outlining issues that should be known for the record, THEREFORE BE IT

RESOLVED, The City Engineering Division – DPW is hereby authorized and directed to issue permits to the Detroit Medical Center ("DMC") to install and maintain the encroachment of the proposed "Gateway Arch" within the northerly right-of-way of Mack Avenue (variable width) between Beaubien Avenue, 120 feet wide and the southbound Chrysler Freeway (I-75) Service Drive, described as follows:

Land in the City of Detroit, Wayne County, Michigan, described as a part of Mack Avenue (variable width), between Beaubien Avenue, 120 feet wide and the southbound Chrysler Freeway (I-75) Service Drive, being more particularly described as: Commencing at the Southeast corner of Lot 9 of the "Medical Center Urban Renewal Plat No. 1" part of Park Lots 20 to 24 & 26 and P.C.'s 1, 2 & 5, City of Detroit, Wayne County, Michigan, as recorded in Liber 88 of Plats, Pages 74, 75 and 76, Wayne County Records; thence N.66°37'02"E., 120.14 feet to the Southwest corner of Lot 10 of said "Medical Center Urban Renewal Plat No. 1" as recorded in L. 88, Pgs. 74, 75 and 76, W.C.R.; thence N.73°16'19"E., 79.38 feet along the south line of said Lot 10, being also the North line of Mack Avenue to the Point of Beginning; thence continuing N.73°16'19"E., 8.03 feet along said north line of Mack Avenue; thence S.21°14'59"E., 62.75 feet; thence S.68°45'01"W., 8.00 feet; thence N.21°14'59"W., 63.38 feet to the Point of Beginning;

Elevation of existing asphalt pavement at record centerline = 142.83' DCD

Elevation of existing top of curb and proposed top of piers = 142.75' DCD

Elevation at bottom of proposed 25' deep piers = 117.75' DCD

Elevation at bottom of overhead sign = 159.54' DCD

Elevation at top of overhead sign = 178.92' DCD

PROVIDED, That the encroachment does not exceed the proposed 142' from the center line of Beaubien Avenue, 120 feet wide, consisting of the two (2) columns 4'-8" wide and 6'-0" at its base, with support piers 4'-0" in diameter, being 25'-0" in depth below the existing grade of both the median and the northerly berm (the area between the sidewalk and curb) of Mack Avenue, and be 16'-9 1/2 " high to the base and up to 36'-2" high to the top that will span across the westbound lane of Mack Avenue approximately 41'-1 1/2 ", as shown on drawings supplied by the "DMC" dated November 21, 2005; and further

PROVIDED, That any structure proposed to be built shall maintain a 3 1/2' horizontal clearance from Public Lighting Department (PLD) conduit banks and manholes. No structure can be built over PLD installations. Call MISS DIG to mark the location of PLD installations. Also, PLD recommends hand digging. The contractor for the "DMC" will be liable for any loss or damage to PLD. Also, access to any PLD installations shall not be restricted because of the encroachment; and further

PROVIDED, 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 street, and at all time, DWSD, its agents or employees, shall have the right to enter upon the street 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 by DWSD 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 street, shall be borne by DWSD; and further

PROVIDED, All construction performed under this petition shall not be commenced until after five (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 further

PROVIDED, Construction under this petition is subject to inspection and approval by DWSD forces. The costs of such inspection shall, at the discretion of DWSD, be borne by the petitioner; and further

PROVIDED, If DWSD facilities within the street 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 further

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

PROVIDED, If at any time in the future the petitioner shall request removal and/or relocation of DWSD's facilities in the street being encroached upon the petitioner agrees to pay all costs for such removal and/or relocation; and further

PROVIDED, That the petitioner (Petition No. 4052) shall design and construct proposed alterations of water mains and sewers as required by the Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed encroachment; and further

PROVIDED, That the plans for the proposed alterations shall be prepared by a registered engineer; and further

PROVIDED, That DWSD be and is hereby authorized to review the drawings for the proposed alterations and to issue permits for the construction of the alterations; 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 alterations, including construction, 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 provide DWSD with as-built drawings of the alterations; and further

PROVIDED, That the petitioner shall provide a one (1) year warranty for the alterations; and further

PROVIDED, That upon satisfactory completion, the alterations shall become City property and become part of the City system.

PROVIDED, "Detroit Medical Center" or its 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 installation and maintenance of encroachments such work shall be according to detailed 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 encroachments shall be constructed and maintained under their rules and regulations; also in accord 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 all costs for the construction, maintenance, permits and use of the encroachments shall be borne by "Detroit Medical Center" or its 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 encroachments, shall be borne by "Detroit Medical Center" or its assigns. Should damages to utilities occur "Detroit Medical Center" or its assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

PROVIDED, If it becomes necessary to repair or replace the utilities located or to be located within the public rights-of-way, by acceptance of this permission, "Detroit Medical Center" (owners) for themselves, or their 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 all costs incurred in their removal (or alteration), if removal (or alteration) becomes necessary; and further

PROVIDED, That "Detroit Medical Center" shall file with the Finance Department 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 by "Detroit Medical Center" of the terms thereof. Further, "Detroit Medical Center" shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

PROVIDED, The property owned by "Detroit Medical Center" and the encroachment shall be subject to proper zoning or regulated use (Board of Zoning Appeals Grant); and further

PROVIDED, That no other rights in the public streets, alleys or other public place 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 property affected shall be restored to a condition satisfactory to the City Engineering Division-DPW; and further

PROVIDED, This resolution is revocable at the will, whim or caprice of the City Council, and "Detroit Medical Center" acquires no implied or other privileges hereunder not expressly stated herein; and further

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

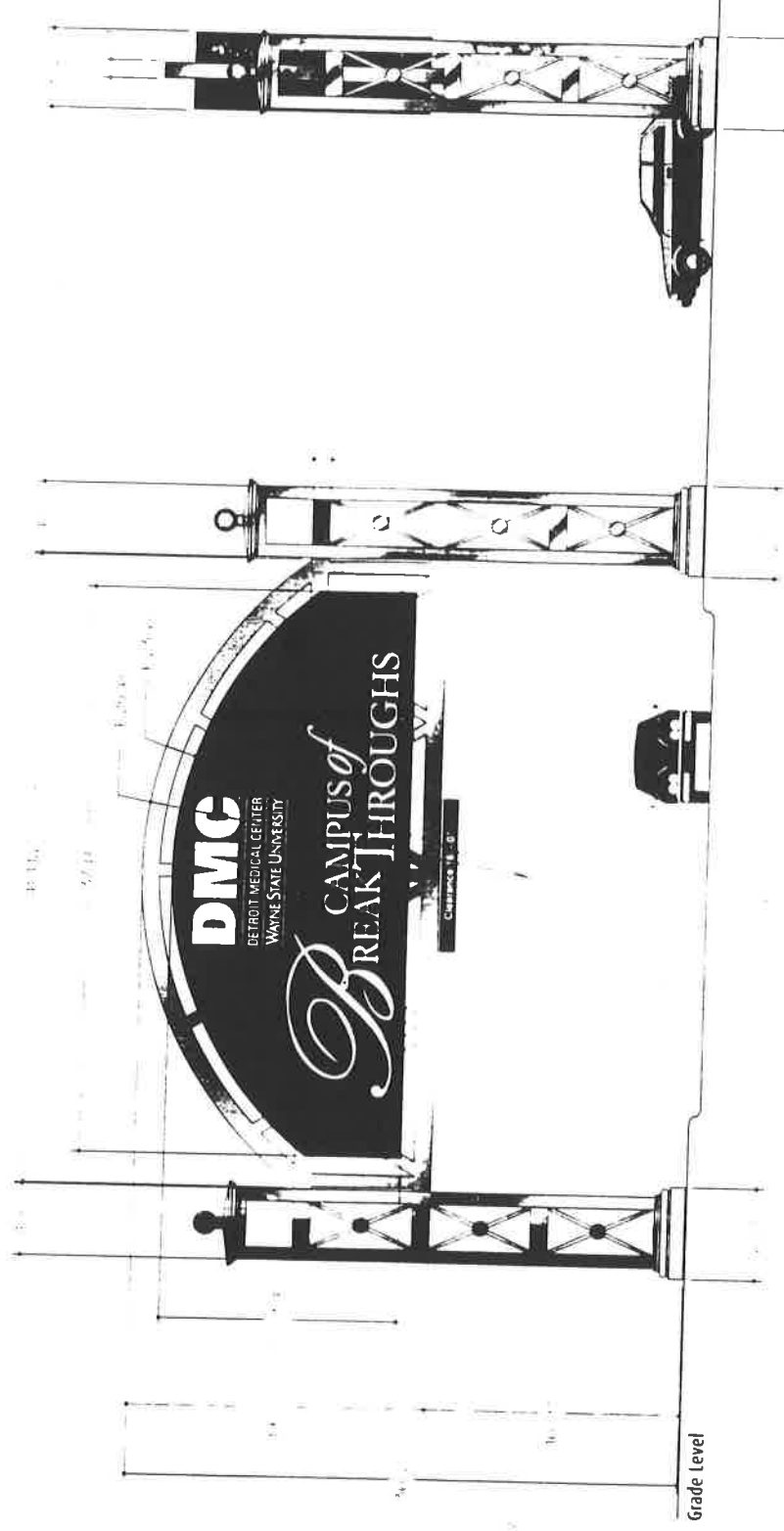
PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Specifications

Campus of Breakthroughs

Drawing For Municipal Review

Scale: 1/8" = 1'



Side View

Front/Rear View

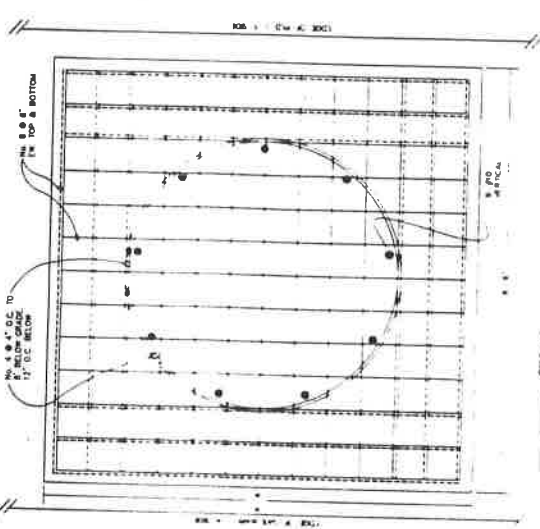
Option: B
Description: Mack Ave. Campus ID
Project: Detroit Medical Center
Client: Daryl Breese
Date: November 21, 2005

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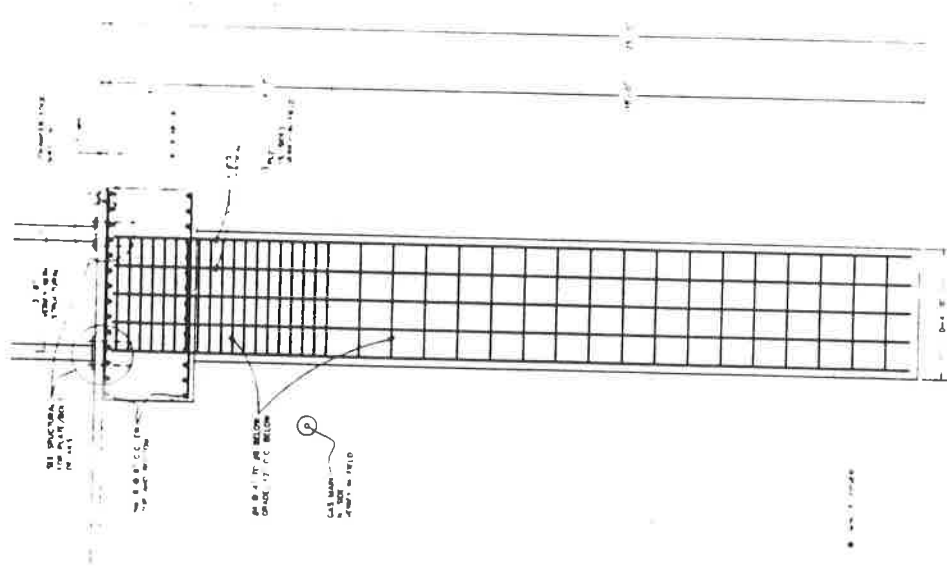
soil and materials engineers, inc.
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 CHICAGO, ILLINOIS 60606
 TEL: 312.467.1000
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DRAFT

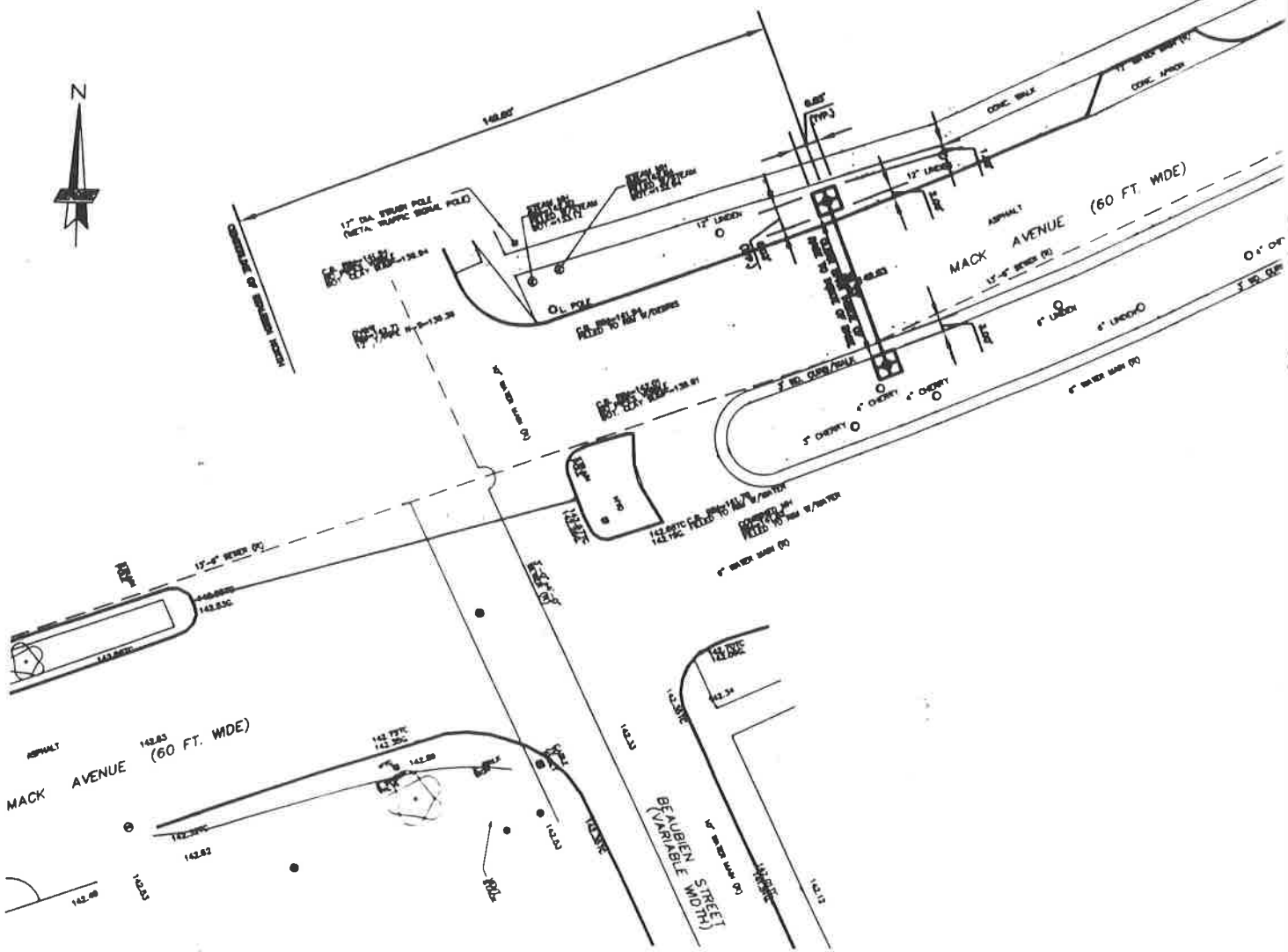


FOUNDATION AND PILE CAP - PLAN VIEW
1/2\"/>

- General Notes:**
- The foundation design is based on the information and data of the project. The contractor shall verify the information and data of the project.
 - Reinforcement shall be installed in accordance with the specifications and drawings. The contractor shall be responsible for the proper placement and compaction of the concrete.
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CROSS SECTION - DRILLED PILE AND PILE CAP
1/2\"/>



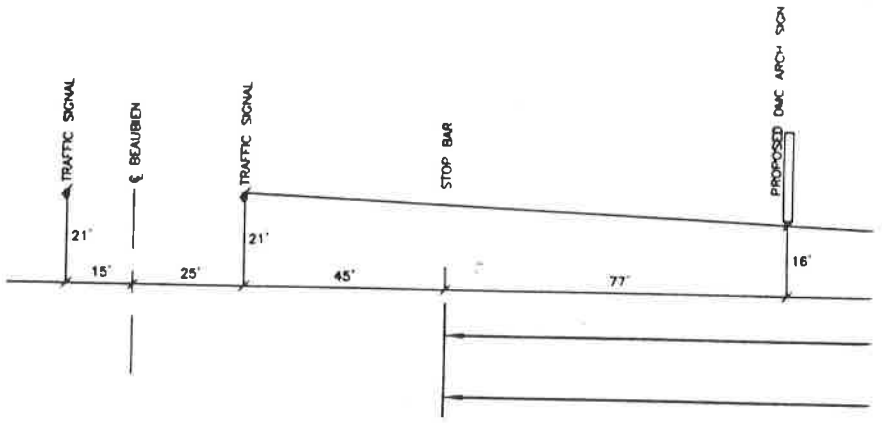
EXISTING	LEGEND	PROPOSED
---	STORM SEWER	
---	WATER MAIN	
---	SANITARY SEWER	
---	GAS MAIN	
---	OVERHEAD WIRES	
---	FENCE LINE	
⊠	FIRE HYDRANT	
⊗	GATE VALVE	
⊠	CATCH BASIN	
⊕	STORM MANHOLE	
⊕	SANITARY MANHOLE	
○	LIGHT POLE	
⊗	UTILITY POLE	
+ 000.00	SPOT ELEVATION	

UTILITY STATEMENT

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

(R) = UTILITY SHOWN FROM RECORDS OR PLANS, & FIELD LOCATED WHERE POSSIBLE.

PRIOR TO THE PLANNED BUILDING IMPROVEMENTS AND/OR CONSTRUCTION, THE RESPECTIVE UTILITY COMPANIES MUST BE NOTIFIED TO STAKE THE PRECISE LOCATION OF THEIR UTILITIES.



MMUTCD, TABLE 4-1, MINIMUM VISIBILITY DISTANCE, MINIMUM OF TWO SIGNAL FACES SHALL BE VISIBLE WITHIN ABOVE DESIGN WILL ACCOMMODATE A TRUCK TRAVELING AT 30 MPH+, AND A CAR TRAVELING 35 MPH+.

AASHTO, TABLE III-1, STOPPING SIGHT DISTANCE (WET PAVEMENTS), 60 KM/H = 37 MPH DESIGN SPEED, STOP ABOVE DESIGN WILL ACCOMMODATE BOTH A TRUCK AND A CAR TRAVELING IN EXCESS OF 35 MPH.