

City of Detroit  
OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

March 15, 2006

To: The Department or Commission Listed Below

From: Janice M. Winfrey  
Detroit City Clerk

The following petition is herewith referred to you for report and recommendation to the City Council

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

/CITY PLANNING COMMISSION/PUBLIC WORK -  
CITY ENGINEERING & TRAFFIC ENGINEERING DIVISIONS/  
PLANNING AND DEVELOPMENT/

0232 SDG Architects & Planners, for permanent vacations and encroachments in connection with the proposed permanent Greektown Casino project, in area of Macomb, St. Antoine, I-375 Service Drive, and Monroe.

RECEIVED  
CITY ENGINEERING DIV.-DPW

MAR 22 2006

By \_\_\_\_\_

CEB  
TEB  
KNOLL

0032

8 March 2006

Detroit City Council  
1340 Coleman A. Young Municipal Center  
Two Woodward Avenue,  
Detroit, MI 48226

25 : 6 00 00  
-CITY CLERK-

Re: **Greektown Permanent Casino  
Petition for Street Vacations and Encroachments**

Dear Honorable Body:

At the instructions of Greektown Casino, we are hereby submitting this petition for street vacations and encroachments.

Greektown Casino, LLC (GTC) hereby requests the following street vacations and encroachments in connection with the proposed permanent Greektown Casino project. The requested vacations and encroachments are graphically illustrated on enclosed plans (Attachments 'A' and 'B').

**MACOMB STREET, ST. ANTOINE STREET & MONROE STREET**

GTC hereby requests encroachment into the right-of-way on the south side of Macomb Street between St. Antoine and the I-375 Service Drive, on the east side of St. Antoine Street between Macomb Street and Monroe Street, and on the north side of Monroe Street between St. Antoine and the I-375 Service Drive for parking structure foundations. All encroachments will be below the existing finished surface of the right-of-way. Pedestrian and vehicular movement within the right-of-way will be unaffected.

Foundations will be caissons drilled to a depth of approximately 100 feet below grade. Grade beams will be located above the caissons but below the existing finished surface of the right-of-way. The encroachment into the right-of-way will be no greater than 6'-0" from the property line.

GTC hereby commits to pay the reasonable costs for all necessary utility relocations resulting from these encroachments.

645 Griswold  
Penobscot Bldg  
Suite 244  
Detroit, Michigan 48226  
(313) 961-9000  
Fax: (313) 964-3233

**EAST LAFAYETTE**

GTC hereby requests vacation of East Lafayette between St. Antoine and Beaubien Streets. This vacation is requested with easements for retaining the vehicular and pedestrian access as currently enjoyed, and for retention of and access to all existing utilities, unless found necessary to be relocated, which will be done at GTC's expense.

GTC propose to construct an expansion of the existing casino building across westbound East Lafayette with supports being located in the existing median. Clearance under the structure will be a minimum of 16'-0" above the existing street surface except along the sidewalk adjacent to the existing casino building where the clearance will be 12'-0" where shown on the attached plan 'B'.

Columns and foundations will encroach into the former right-of-way within the existing median and on the sidewalk adjacent to the existing casino building. Columns on the sidewalk will be located opposite existing building columns and will be close to the existing building. A minimum 10'-0" sidewalk width will be maintained at all column locations.

Sincerely,



**GEOFFREY HARRISON, RIBA**  
President

ENCROACHMENT #2

MACOMB STREET (50' WD.)

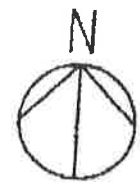
1375 SERVICE DRIVE

MONROE ST.

ENCROACHMENT #3

ENCROACHMENT #4

-6'



VACATION #1

GREEKTOWN CASINO LLC  
STREET VACATION & ENCROACHMENTS PETITION (1)  
ATTACHMENT 'A'

STREET VACATIONS

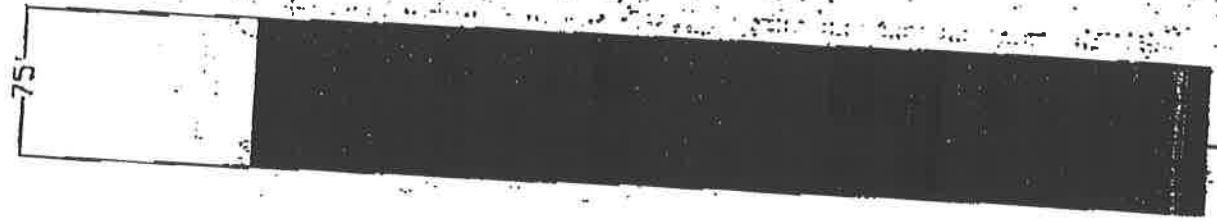
- #1 VACATION OF NORTH SIDE EAST OF EAST LAFAYETTE WITH EASEMENT FOR MAINTAINING STREET & UTILITIES 16'-0" CLEAR TO BE MAINTAINED UNDER STRUCTURE. COLUMNS AND FOUNDATIONS TO BE LOCATED IN EXISTING MEDIAN, AND ADJACENT TO EXISTING CASINO REDUCED TO 12'-0" AT ONE STAIR LOCATION - REFER TO ATTACHMENT 'B'

STREET ENCROACHMENT

- #2 MACOMB STREET- ENCROACHMENT FOR FOUNDATIONS BELOW EXISTING FINISHED RIGHT OF WAY SURFACE. MAXIMUM ENCROACHMENT 6'-0" FROM PROPERTY LINE.
- #3 ST. ANTOINE STREET- ENCROACHMENT FOR FOUNDATIONS BELOW EXISTING FINISHED RIGHT OF WAY SURFACE. MAXIMUM ENCROACHMENT 6'-0" FROM PROPERTY LINE.
- #4 MONROE STREET- ENCROACHMENT FOR FOUNDATIONS BELOW EXISTING FINISHED RIGHT OF WAY SURFACE. MAXIMUM ENCROACHMENT 6'-0" FROM PROPERTY LINE.



BEAUBIEN STREET





Hnedak Bobo Group  
Architects Interiors

1000 Twenty Century St., Birmingham, TN 37619  
Phone: 615.391.1111 Fax: 615.391.1111

ROSSETTI

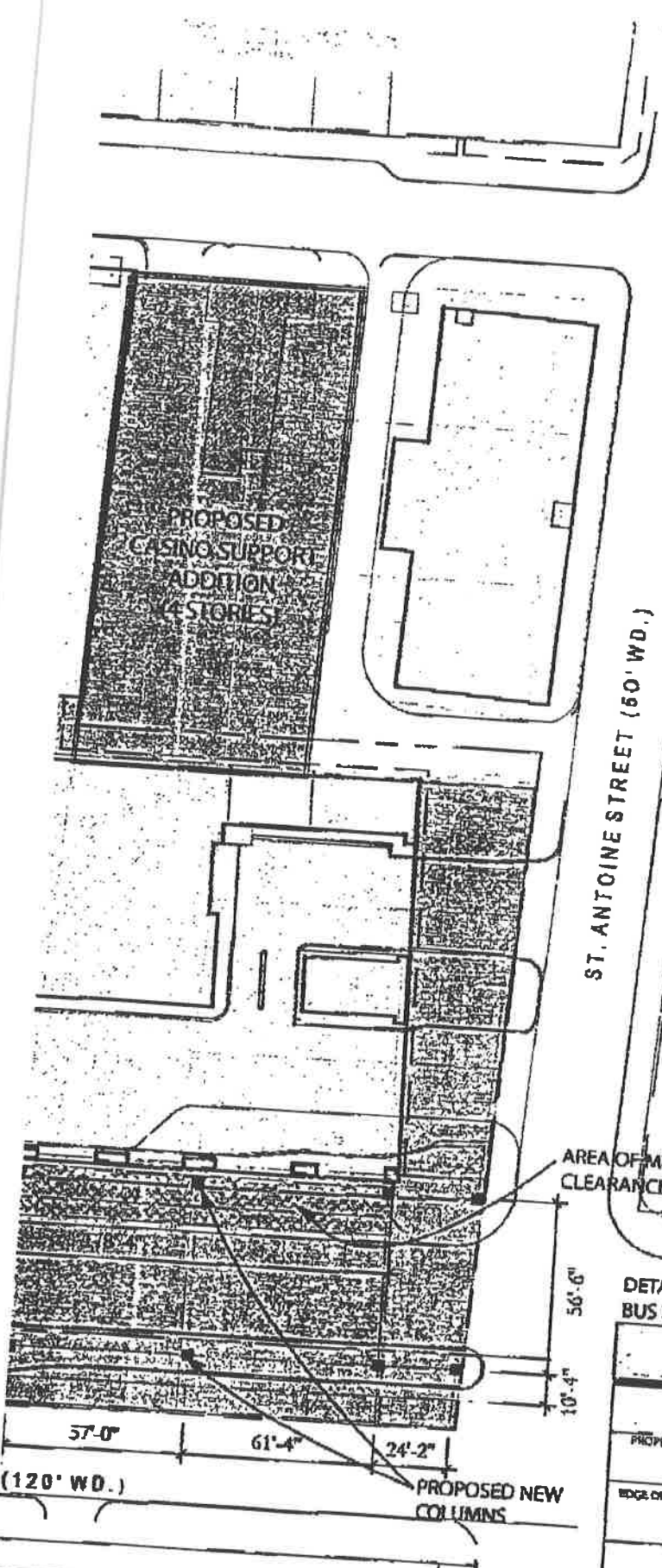


ROSA MARIANO ARCHITECTS  
1000 Twenty Century St., Birmingham, TN 37619  
Phone: 615.391.1111 Fax: 615.391.1111

THE HBG - ROSSETTI  
DESIGN ALLIANCE

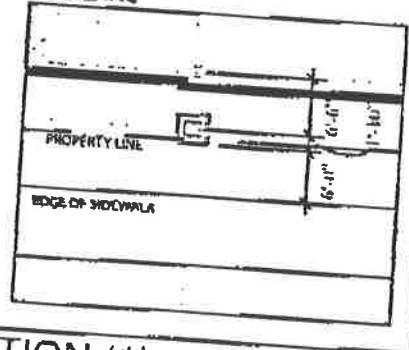


DATE: 11/11/11



AREA OF MIN. 12'-0" CLEARANCE OVER SIDEWALK

DETAIL OF SIDEWALK AT BUS LANE



ATION AND ENCROACHMENTS PETITION (1)

ATTACHMENT 'B'

MONROE AVE. (50' WD.)

BEAUBIEN STREET (80' WD.)

PROPOSED NEW  
BUS DROP-OFF LANE

PROPOSED CASINO ADDITION ABOVE  
MIN. 16'-0" CLEAR (2 STORIES)

75'-0"

50'-0"

5'-0"

52'-10"

57'-0"

57'-0"

57'-0"

57'-0"

ORIGINAL LAFAYETTE AVE. R.O.W.

LAFAYETTE

GREEKTOWN CASINO LLC. STREET

March 22, 2006

Honorable Detroit City Council  
City of Detroit  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

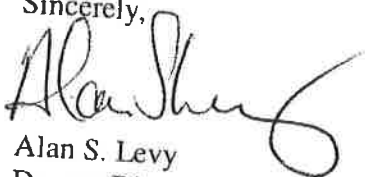
Dear Honorable City Council:

Greektown Casino, LLC ("Greektown") has requested City Council's approval of a petition to vacate the north 72 feet of the existing 120 foot wide Lafayette Street right-of-way between St. Antoine and Beaubien Streets to permit expansion of its existing casino over Lafayette Street. Granting the vacation petition, subject to reservation of utility easements and vehicular and pedestrian access rights, would transfer title to the north 25 feet of the vacated right-of-way to Greektown, as adjacent property owner to the north, and confer title to the remaining 47 feet of vacated right-of-way (the "Property") to the City, as adjacent property owner to the south. Greektown has also requested that once the vacation is complete, the 47 foot wide strip of vacated right-of-way that would then be owned in fee by the City be conveyed to Greektown and that the entire 72 foot wide strip, including both that portion acquired by vacation and that portion acquired by conveyance, be rezoned SD-5 to permit expansion of gaming operations onto the entire site.

We support the requested vacation of a portion of the existing Lafayette Street right-of-way, subject to a reservation of easement rights. We also support, request and recommend that Council authorize conveyance to Greektown of title to the 47-foot remainder of the right-of-way that would revert to City ownership as a result of the vacation. We further support and recommend rezoning the Property to SD-5, provided that if for any reason the proposed vacation and conveyance does not occur, the Property shall revert back to its former zoning classification.

A resolution that would authorize conveyance of the aforesaid 47 foot wide portion of the vacated right-of-way is attached hereto and presented to Council for its consideration, review and approval.

Sincerely,



Alan S. Levy  
Deputy Director  
Planning and Development Department



March 29, 2006

Honorable City Council  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

**Re: Disposition of the Greektown Parking Structure**

Dear Honorable City Council:

The Municipal Parking Department ("MPD") requests this Honorable Body to approve the attached Resolution for the sale of the Greektown Parking Garage to Greektown Casino, L.L.C. ("Greektown"), which is located on the east side of St. Antoine Street between Macomb and Monroe Streets, for a total sale price of \$32,000,000.00. Greektown proposes to replace the existing parking structure located at the site with a larger facility that complies with Greektown's obligations under the Revised Development Agreement dated August 2, 2002 regarding construction and operation of a permanent casino complex in the City of Detroit. The sale is contingent upon Council's approval of Greektown's separately filed Petition for Street Vacations and Encroachments over, onto and under portions of Lafayette, St. Antoine, Macomb and Monroe Streets in conjunction with Greektown's expansion of its existing casino facility.

In accordance with the MPD Auto Parking System's Contract of Lease, MPD retained an independent consulting expert, Rich and Associates ("Rich"), to confirm that the garage can be removed from the system for the agreed upon sale price without harm to the system and without causing the City to be in default of its obligations and covenants under the bond financing instruments by which the parking system is financed.

The Detroit Building Authority, which holds title to the Greektown Garage, has approved the sale, subject to compliance with the requirements of the Contract of Lease and City Council approval.

Your immediate attention to this request would be appreciated.

Respectfully submitted,

  
Ronald Ruffin

Director

Attachment

xc: Deputy Mayor Anthony Adams  
Kandia Milton, Mayor's Office  
Shawny DeBerry, Deputy Director, MPD  
Ayana Benson, Director, DBA

KWAME M. KILPATRICK, MAYOR

KWAME M. KILPATRICK, MAYOR  
CITY OF DETROIT  
EXECUTIVE OFFICE

COLEMAN A. YOUNG MUNICIPAL CENTER  
2 WOODWARD AVE., SUITE 1126  
DETROIT, MICHIGAN 48226  
PHONE 313•224•3400  
Fax 313•224•4128  
WWW.CI.DETROIT.MI.US

March 20, 2006

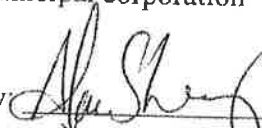
**Re: Consent of Property Owner to Rezoning**

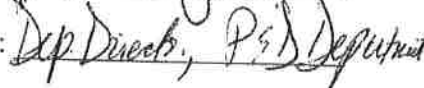
Ladies/Gentlemen:

The undersigned is the owner of real property in the City of Detroit, Wayne County, Michigan, described as a +/- 47 foot wide east-west strip within the right-of-way of Lafayette Avenue between St. Antoine Street and Beaubien Street (the "Property"). We have agreed to vacate the Property and convey same to Greektown Casino, LLC. The undersigned hereby consents to the rezoning of the Property to SD-5 provided that if the Property is not vacated and conveyed to Greektown Casino, LLC, the Property shall revert back to its former zoning classification.

Very Truly Yours,

CITY OF DETROIT, a Michigan  
municipal corporation

By 

Its: 

May 10, 2006

Honorable City Council:

RE: Petition No. 232 – SDG Architects and Planners, for permanent vacations and encroachments in connection with the permanent Greektown Casino project, in the area of Macomb, St. Antoine, I-375 Service Drive, and Monroe.

Petition No. 232 of “SDG Architects and Planners” whose address is 615 Griswold Avenue – Suite 103, Ford Building, Detroit, Michigan 48226 for the Greektown Casino, 1. Requests the outright vacation (with easements retained for vehicular and pedestrian traffic) of the North 75.00 feet of East Lafayette Avenue, 120 feet wide, between Beaubien Avenue, 60 feet wide, and St. Antoine Avenue, 50 feet wide, (a portion deeded to the City of Detroit on July 17, 1996 – J.C.C. Pgs. 1565-71). 2. Requests to encroach 6.00 feet into the south side of Macomb Avenue, 50 feet wide, between St. Antoine Avenue, 50 feet wide and I – 375 Southbound Service Drive and the North side of Monroe Avenue 50 feet wide, between St. Antoine Avenue, 50 feet wide and I – 375 Service Drive, and 5.00 feet into St. Antoine Avenue, 50 feet wide, between Macomb Avenue, 50 feet wide, and Monroe Avenue 50 feet wide, with foundation. 3. Requests that the Honorable City Council accepts an easement over that portion of East Lafayette Avenue to be outright vacated for vehicular and pedestrian traffic as requested by the Traffic Engineering Division - DPW.

SDG Architects and Planners consultants for the Greektown Casino intends to construct a hotel and parking structure on one site, and expand the existing casino on the existing site. Part of this construction requires that portions of the new Greektown Hotel and Parking Structure encroach a maximum of five feet into St. Antoine Avenue and six feet into Macomb and Monroe Avenues. Plus the expansion of the Greektown Casino will require that portion to be outright vacated with easements retained for vehicular and pedestrian traffic as requested by the Traffic Engineering Division - DPW.

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

The Traffic Engineering Division – DPW reports no objections to the requested encroachments into Macomb, Monroe and St. Antoine for the placement of foundations and the outright vacation of the North 75.00 feet of East Lafayette Avenue, 120 feet wide, provided that the Greektown Casino follow the attached provision that are part of this resolution.

The Public Lighting Department (PLD) reports the following comments for the Overhead building on East Lafayette Avenue is to have a minimum vertical clearance of 16.00 feet above ground from the building on the north side of East Lafayette up to and including the center island of East Lafayette between St. Antoine Avenue and Beaubien Avenue. Being the proposed columns conflicts with PLD's existing conduit bank in the center island of East Lafayette Avenue, the relocation of the conduit bank and cables, including the design of the relocation have to be done at the petitioner's (Greektown Casino) project expense. Also, the existing streetlights on the north side of East Lafayette Avenue must be replaced with yet to be determined lights attached to the future casino structure. These lights will be on a PLD circuit and must be maintained by PLD. The Greektown Casino Project is responsible for all the expenses incurred in replacing the existing streetlights. Greektown Casino project will also be responsible for all legal documents allowing PLD to attach lights to their building and to maintain them. PLD has the feeder to the existing Greektown – Macomb Garage and the legal right to provide power to any future building on that site.

The Detroit Water and Sewerage Department (DWSD) reports there is a 30-inch transmission main located in the portion of E. Lafayette Avenue. However, DWSD has no objection to the proposed vacation of the North 75.00 feet of East Lafayette Avenue, 120 feet wide, provided that the conditions contain in the attached easement agreement between Greektown Casino and the City of Detroit as revised below are followed and a part of the vacating resolution. 1) Article 3 on Page 2 is to be modified to provide the Grantee with a perpetual exclusive easement for utilities. 2) Article 4 on Page 2 is to be modified to include a provision that the Grantor will be responsible, at its sole cost and expense, for repairing any damage to existing utilities caused by this construction activities. Also, the Grantee will not be liable for any damage to the Casino Expansion or any other improvements done by the Grantor in the Vacation Area caused by the failure of the Grantee's facilities and utilities. 3) Article 4 is to be modified so that any easements granted by the Grantor in the Utility Easement Area will be done after the review and approval of the Grantee.

The Detroit People Mover (DPM)/Detroit Transportation Corporation (DTC) reports the DTC's existing guideway easement is maintained and the Greektown Casino addressed the concerns and/or provision that are part of this resolution.

The Detroit Edison Company – DTE (Gas and Electric Divisions) reports that DTE has Three (3) primary switch cabinets located on the proposed site that will have to be relocated at the Petitioner's expense. Also the Six (6) feet encroachment on St. Antoine Avenue be limited to a maximum of Five (5) feet to accommodate the existing 3-inch plastic (10 psig) gas main inserted in a dead 6-inch cast iron main located Six (6) feet west of the East right-of-way line of St. Antoine Avenue, and the outright vacation of the northerly 75.00 feet of East Lafayette Avenue, 120 feet wide, DTE have to abandon the existing 3-inch gas main on the North side of E. Lafayette and reroute and install a 3-inch gas main on the South side of E. Lafayette. The cost of the rerouting and installation is estimated to be \$19,477.55 to be borne by the petitioner and/or Greektown Casino.

AT&T Telecommunication reports AT&T has facilities in Macomb Avenue that may interfere with the development. The petitioner is to contact Miss Dig to locate facilities and if AT&T needs to remove and/or reroute such services the cost will be determined at that time. All associated cost for removing and/or rerouting will be at petitioner's expense.

All other involved City departments and privately owned utility companies reported no objections or that satisfactory arrangements have been made. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,



William Talley, Head Engineer  
City Engineering Department – DPW

NRP/

Cc: Cathy Square, Director – DPW

Mayor's Office – City Council Liaison

BY COUNCIL MEMBER \_\_\_\_\_

WHEREAS, Petition No. 232 of "SDG Architects and Planners" whose address is 615 Griswold Avenue - Suite 103, Ford Building, Detroit, Michigan 48226 for the Greektown Casino, 1. Requests the outright vacation (with easements retained for vehicular and pedestrian traffic) of the North 75.00 feet of East Lafayette Avenue, 120 feet wide, between Beaubien Avenue, 120 feet wide, and St. Antoine Avenue, 50 feet wide, (a portion deeded to the City of Detroit on July 17, 1996 - J.C.C. Pgs. 1565-71). 2. Requests to encroach 6.00 feet into the south side of Macomb Avenue, 50 feet wide, between St. Antoine Avenue, 50 feet wide and I - 375 Service Drive and the North side of Monroe Avenue 50 feet wide, between St. Antoine Avenue, 50 feet wide and I - 375 Service Drive, and 5.00 feet into St. Antoine Avenue, 50 feet wide, between Macomb Avenue, 50 feet wide, and Monroe Avenue 50 feet wide, with foundation. 3. Requests that the Honorable City Council accepts an easement over that portion of East Lafayette Avenue to be outright vacated for vehicular and pedestrian traffic as requested by the Traffic Engineering Division - DPW.

RESOLVED, All that part of East Lafayette Avenue, 120 feet wide, (with a portion deeded to the City of Detroit on July 17, 1996 - J.C.C. Pgs. 1565-71) between Beaubien Avenue, 60 feet wide, and St. Antoine Avenue, 50 feet wide being the North 75.00 feet of East Lafayette Avenue, 120 feet wide, lying Southerly of and abutting the South line of Lots 123 and 124 in the "Plat of a part of the Beaubien Farm in the City of Detroit as Surveyed into town Lots for proprietors by John Mullett Surveyor recorded January 13, 1835" as recorded in Liber 6 Page 475-476, Plats, Wayne County Records, and abutting Lots A, B, and C in the "Candler's Subdivision of Lots 125 and 126 Lambert Beaubien Farm" as recorded in Liber 1 Page 148, Plats, Wayne County Records, and abutting Lots 7 through 9, both inclusive, and Lot 13 all in the "Plat of the Antoine Beaubien Farm" April 22, 1846 including Catholic and Protestant Cemeteries as recorded in Liber 27 Page 197, Deeds, Wayne County Records,

Be and the same is hereby vacated as public rights-of-way to become part and parcel of the abutting property, subject to the following provisions;

PROVIDED 1) That 100% of the signatures from the abutting property owners are secured. 2) The roadway infrastructures are not to be reduced in any shape or form for maintaining uninterrupted vehicular and pedestrian traffic at all times. 3) The superstructure support columns/structures shall be insuch that it does not compromise the sight distance and/or visibility necessary to maintain safety for vehicular and pedestrian traffic. 4) The sight distance and/or visibility of the traffic signal at Beaubien and westbound East Lafayette is not affected by the construction of the superstructure with the proposed 16 feet vertical clearance above grade to maintain safety for vehicular and pedestrian traffic, and be it further

PROVIDED, That the Overhead/Expansion of the Greektown Casino building on East Lafayette Avenue is to have a minimum vertical clearance of 16.00 feet above ground from the building on the north side of East Lafayette up to and including the center island of East Lafayette between St. Antoine Avenue and Beaubien Avenue, and be it further

PROVIDED, That the easement agreement between the Greektown Casino and the City of Detroit is part of and attached to this resolution as per the Detroit Water and Sewerage request, also a signed copy of the easement agreement is to be delivered to City Engineering Division – DPW after the approval of the Honorable City Council for future records, and be it further

PROVIDED That provided that the conditions contain in the attached easement agreement between Greektown Casino and the City of Detroit to be revised below as followed and part of the vacating resolution. 1) Article 3 on Page 2 is to be modified to provide the Grantee with a perpetual exclusive easement for utilities. 2) Article 4 on Page 2 is to be modified to include a provision that the Grantor will be responsible, at its sole cost and expense, for repairing any damage to existing utilities caused by this construction activities. Also, the Grantee will not be liable for any damage to the Casino Expansion or any other improvements done by the Grantor in the Vacation Area caused by the failure of the Grantee's facilities and utilities. 3) Article 4 is to be modified so that any easements granted by the Grantor in the Utility Easement Area will be done after the review and approval of the Grantee, and be it further

PROVIDED, That a ten (10) feet clearance between the proposed Expansion of the Greektown Casino building and the people mover Guideway is more practical and maintained; and be it further

PROVIDED, That the building façade on the west side should be designed such that the horizontal clearance is maintained for the full height of the building. It is preferred that no windows be placed on the angled portion of the building. Any windows on the west façade should be secured from falling objects. Windows or roof shades or any attachments to the façade should not be included in the design. All windows should be provided with special protection screens, and be it further

PROVIDED, That the clearance for the Casino façade cleaning or other maintenance operations should be considered, and be it further

PROVIDED, That the clearance should be sufficient enough that no debris or collapsed structure should fall on the Guideway in case of fire. Fire rating should be higher on this face, and be it further

PROVIDED, That the roof slope should be such that neither ice nor snow fall on the Guideway, and be it further

PROVIDED, That the columns and foundations should be constructed in such a manner that damaging vibrations are not transferred to the Guideway. Vibration monitoring accelerometers should be attached to the Guideway before start of the work to monitor the level of construction vibration including a warning system indicating the damage threshold is being approached. The use of piles should be only considered if they are drilled. Driving of the piles should not be allowed. The distance between DPM columns and the proposed building foundation elements and grade beams should be such that they do not impact the structural integrity of DPM columns or caisson foundations. No attachment/connection should be allowed to the DPM caissons or columns. Soil excavation that removes the supporting soil from the DPM columns/caissons should not be allowed during construction phase. Construction activities should be planned considering safe operation of the DPM trains. During construction activities the use of cranes and other hauling equipment should not be allowed over the DPM Guideway. The columns should be protected from impact by construction machinery during construction. Temporary protection should be placed around the effected columns, and be it further

PROVIDED That General. The construction work within 50' of the Guideway and exterior to the Casino should not be allowed during revenue hours. Any work required to be done within 50' of the Guideway should be planned for non- revenue hours. Construction methods should be planned in such a way that the airs space above the Guideway is not encroached upon. The tools and construction materials are to be secured to prevent their falling onto the Guideway or vehicle-operating envelope. All the activities should be undertaken from inside the building. No cables, ropes, wires, reinforcement bars, structural steel members etc should be permitted over the Guideway during construction, and be it further

PROVIDED, That the petitioner contact Miss Dig to locate facilities for removal and/or rerouting of facilities, and be it further

PROVIDED, That satisfactory arrangements have been made with all other city departments and utility companies for the removal and/or rerouting costs and/or expenses of such services, and be it further

Whereas, The City Engineering Division – DPW is hereby authorized and directed to issue permits to SDG Architects and Planners and/or The Greektown Casino whose address is 615 Griswold Avenue – Suite 103, Ford Building, Detroit, Michigan 48226, to install and maintain encroachments within the North six (6) feet of the right-of-way line of Monroe Avenue, 50 feet wide, the South six (6) feet of the right-of-way line of Macomb Avenue, 50 feet wide, and the East five (5) feet of the right-of-way line of St. Antoine Avenue, 50 feet wide. The SDG Architects and Planners and The Greektown Casino LLC intend to encroach below grade with foundations for the construction of the Greektown Hotel and Parking Structure, adjacent to the following described property:

Being St. Antoine Avenue, 50 feet wide between Macomb Avenue, 50 feet wide, and Monroe Avenue, 50 feet wide, lying Westerly of and abutting the West line of the North Lot 4 south of and adjoining Macomb Avenue and South Lot 4 North of and adjoining Monroe all in the “Plat of the Antoine Beaubien Farm” April 22, 1846 including Catholic and Protestant Cemeteries as recorded in Liber 27 Page 197, Deeds, Wayne County Records,



Also, Macomb Avenue, 50 feet wide, between St. Antoine Avenue, 50 feet wide and I – 375 Southbound Service Drive lying Northerly of and abutting the North line of Lots 1 through 4, both inclusive, in the “Plat of the Antoine Beaubien Farm” April 22, 1846 including Catholic and Protestant Cemeteries as recorded in Liber 27 Page 197, Deeds, Wayne County Records, and lying Northerly of and abutting the North line of Lots 1 through 7, both inclusive, in the “Plat of the Front of Charles Moran Farm” A.E. Hathon, Civil Engineer, 1837, Charles Moran Proprietor, August 5<sup>th</sup>, 1837, as recorded in Liber 10 Page 3 and 5, Plats, Wayne County Records,

Also, Monroe Avenue, 50 feet wide, between St. Antoine Avenue, 50 feet wide and I – 375 Southbound Service Drive lying Southerly of and abutting the South line of Lots 1 through 4, both inclusive, in the “Plat of the Antoine Beaubien Farm” April 22, 1846 including Catholic and Protestant Cemeteries as recorded in Liber 27 Page 197, Deeds, Wayne County Records, and lying Southerly of and abutting the South line of Lots 1 through 7, both inclusive, in the “Plat of the Front of Charles Moran Farm” A.E. Hathon, Civil Engineer, 1837, Charles Moran Proprietor, August 5<sup>th</sup>, 1837, as recorded in Liber 10 Page 3 and 5, Plats, Wayne County Records,

Provided, “SDG Architects and Planners and/or The Greektown Casino” 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 maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division – DPE 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), and the Traffic Engineering Division – DPW (if necessary); and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by “SDG Architects and Planners and/or The Greektown Casino” 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 “SDG Architects and Planners and/or The Greektown Casino” or its assigns. Should damages to utilities occur “SDG Architects and Planners and/or The Greektown Casino” 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, "SDG Architects and Planners and/or The Greektown Casino" (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 "SDG Architects and Planners and/or The Greektown Casino" shall file with the Finance Department and/or City Engineering Division – DPW an indemnity 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 "SDG Architects and Planners and/or The Greektown Casino" of the terms thereof. Further, "SDG Architects and Planners and/or The Greektown Casino" 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 "SDG Architects and Planners and/or The Greektown Casino" 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, if "SDG Architects and Planners and/or The Greektown Casino" acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment permits 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 and indemnity agreement with the Wayne County Register of Deeds.

RESOLVED, That your Honorable Body authorize the acceptance of the following described vehicular and pedestrian traffic easement that is requested by the Traffic Engineering Division – DPW, and is subject to the approval of the Traffic Engineering Division – DPW and any other public or privately owned utility company, if necessary;

Land in the City of Detroit, Wayne County, Michigan, All that part of East Lafayette Avenue, 120 feet wide, (with a portion deeded to the City of Detroit on July 17, 1996 – J.C.C. Pgs. 1565-71) between Beaubien Avenue, 60 feet wide, and St. Antoine Avenue, 50 feet wide being the North 75.00 feet of East Lafayette Avenue, 120 feet wide, lying Southerly of and abutting the South line of Lots 123 and 124 in the “Plat of a part of the Beaubien Farm in the City of Detroit as Surveyed into town Lots for proprietors by John Mullett Surveyor recorded January 13, 1835” as recorded in Liber 6 Page 475-476, Plats, Wayne County Records, and abutting Lots A, B, and C in the “Candler’s Subdivision of Lots 125 and 126 Lambert Beaubien Farm” as recorded in Liber 1 Page 148, Plats, Wayne County Records, and abutting Lots 7 through 9, both inclusive, and Lot 13 all in the “Plat of the Antoine Beaubien Farm” April 22, 1846 including Catholic and Protestant Cemeteries as recorded in Liber 27 Page 197, Deeds, Wayne County Records, except that portion to be use for columns and foundations for the Expansion of the Greektown Casino building on East Lafayette Avenue;

RESOLVED, The Planning and Development Department Director is hereby authorized to issue quit-claim deeds to transfer the following vacated public right-of-ways for the fair market value and/or other valuable consideration:

Land in the City of Detroit, County of Wayne, State of Michigan; All that part of the Southerly 25.00 feet of the Northerly 75.00 feet of East Lafayette Avenue, 120 feet wide between Beaubien Avenue, 120 feet wide, and St. Antoine Avenue, 50 feet wide as previously said;

# CITY OF DETROIT

## INDEMNITY AGREEMENT

THIS AGREEMENT is entered into as of the \_\_\_\_ day of May 2006, by and between the City of Detroit, a Municipal Corporation of the State of Michigan, acting by and through its Finance Department ("City") and Greektown Casino, LLC, a Michigan Limited Liability Company, ("Greektown") the owner and operator of a temporary casino building located at 555 East LaFayette, Detroit, Michigan, 48226.

### WITNESSETH:

1) WHEREAS, Greektown owns and operates a temporary casino building located at 555 East LaFayette, Detroit, Michigan, 48226 and desires to expand the existing casino building and construct a new parking structure/hotel in connection with the proposed permanent Greektown Casino project.

2) WHEREAS, the improvement will include the installation of parking structure/hotel foundations that will encroach upon the public right-of-way on the south side of Macomb Street between St. Antoine and the I-375 Services Drive, on the east side of St. Antoine Street between Macomb Street and Monroe Street, and on the north side of Monroe Street between St. Antoine and the I-375 Service Drive; and all such encroachments will be below the existing finished surface right-of-way, will not affect pedestrian or vehicular movement within the right-of-way, and will be no greater than six (6') feet from the property line.

3) WHEREAS, pursuant to Greektown's petition #0232, hereto attached as Exhibit A, Greektown has requested the vacation of East Lafayette between St. Antoine and Beaubien Streets, with easements for the benefit of the City for retaining vehicular and pedestrian access and for retention of and access to utilities.

4) WHEREAS, the columns and foundations for proposed expansion of the existing Casino building across westbound East Lafayette will encroach into the former right-of-way within the existing median and on the sidewalk adjacent to the existing casino building; provided that a minimum ten (10') foot sidewalk width will be maintained at all column locations.

5) WHEREAS, the City Council will approve Greektown's petition #0232, hereto attached as exhibit A, and issue a permit provided that Greektown obtain and execute an indemnification and maintenance agreement satisfactory to the City's law department.

NOW THEREFORE, intending to be legally bound and as an inducement to the City to grant the requested permit, Greektown hereby enters into the following agreement:

### 1. DEFINITIONS

1.01 The following words shall wherever they appear in this contract be construed as follows:

"City" shall mean the City of Detroit, a municipal corporation, acting through its Finance Department or any other department.

"Permit" means the document that will be issued pursuant to a resolution of the Detroit City Council approving petition #0232.

## 2. INDEMNITY

Greektown hereby accepts the terms and conditions of petition #0232 to be approved by the City Council, which authorizes the encroachment into the public right-of-way on the south side of Macomb Street between St. Antoine and the I-375 Services Drive, on the east side of St. Antoine Street between Macomb Street and Monroe Street, and on the north side of Monroe Street between St. Antoine and the I-375 Service Drive for parking structure/hotel foundations; the vacation of East Lafayette between St. Antoine and Beaubien Streets with easements for the benefit of the City for retaining vehicular and pedestrian access and retention of and access to all existing utilities unless relocated; and the encroachment into the former right-of-way within such easements within the existing median and on the sidewalk for columns and foundations for the casino building expansion. Greektown does hereby agree to save harmless the City from any third-party claims and assume all liabilities which may be imposed upon, incurred by or asserted against the City by reason of the issuance of the Permit or the performance or non-performance by Greektown of the terms of the Permit.

## 3. INSURANCE

3.01 Greektown shall maintain, at minimum and at its expense, during the term of the Permit the following insurance:

<u>TYPE</u>	<u>AMOUNT NOT LESS THAN</u>
(a) Commercial/General Liability Insurance (Broad Form Comprehensive)	\$1,000,000 each occurrence \$1,000,000 aggregate

3.02 (b) The commercial liability insurance policy shall name the City as an additional insured and shall state that Greektown's insurance is primary and not excess over any insurance already carried by the City of Detroit.

(c) If the commercial liability policy does not contain the standard ISO (Insurance Services Office), wording of "definition of insured" which reads essentially as follows: "The insurance afforded applies separately to each insured... except with respect to limits..." then, in the alternative, the liability insurance policy shall contain the following cross liability endorsement:

"It is agreed that the inclusion of more than one (1) insured under this policy shall not affect the rights of any insured as respects any claim, suit or judgment made or brought by or for any other insured. This policy shall protect each insured in the same manner as though a separate policy had been issued to each, except nothing herein shall operate to increase the insurer's liability beyond the amount or amounts for which the insurer would have been liable had only one (1) been named.

3.03

If during the term of the Permit changed conditions or other pertinent factors should, in the reasonable judgment of the City, render inadequate the insurance limits, Greektown will furnish on demand such additional coverage or types of coverage as may reasonably be required under the circumstances. All such insurance shall be effected at Greektown's expense, under valid and enforceable policies, issued by insurers of recognized responsibility which are well-rated by national rating organizations and are acceptable in the City.

3.04

All insurance policies shall name Greektown as the insured and provide a commitment from the insurer that such policies shall not be canceled or reduced without at least thirty (30) days prior written notice to the City. A certificate of insurance evidencing such coverage shall be in a form acceptable to the City. The certificate of insurance shall be submitted to the appropriate office in the City's Finance Department, City-County Building, prior to the commencement of performance under the Permit and at least fifteen (15) days prior to the expiration dates of expiring policies.

3.06

Greektown shall be responsible for payment of all deductibles contained in the insurance required hereunder. The provisions requiring Greektown to carry the insurance required under this Article shall not be construed in any manner as waiving or restricting the liability of Greektown under this Agreement.

**4. MAINTENANCE**

4.01

Greektown shall be responsible for all maintenance of the parking structure/hotel foundations and casino building expansion foundations and columns that encroach the right-of-way. All such maintenance must be performed in compliance with City ordinances.

GREEKTOWN CASINO, LLC

By: Gregory J. Collins 5/2/06  
Gregory J. Collins, Vice President of  
Development for Greektown Casino Date

Subscribed and sworn to before me  
this 2nd day of May  
2006

Marianne Pollock  
Notary Public

Wayne County, State of Michigan  
My Commission Expires: 4/13/08

**MARIANNE K. POLLOCK**  
Notary Public, Wayne County, MI  
My Commission Expires 04-13-2008

APPROVED BY LAW DEPARTMENT

\_\_\_\_\_  
Corporation Counsel Date

November 1, 2006

Honorable City Council:

RE: Petition No. 232 – SDG Architects and Planners requesting approvals in connection with the construction of the permanent Greektown Casino Project, Corrections of the Cover Letter, Provisions and Deeds.

Petition No. 232 of “SDG Architects and Planners” (vacation of a portion of East Lafayette Avenue, 120 feet wide, encroachments into Macomb Avenue, 50 feet wide, Monroe Avenue, 50 feet wide, and St. Antoine Avenue, 50 feet wide) was granted by your Honorable Body on May 17, 2006 (J.C.C. Pgs. 1254-66).

However, the cover letter, provisions and deed language have been revised which will require corrections (**all correction in bold print**).

An appropriate resolution, correcting the provisions and deed language, is attached for consideration by your Honorable Body.

Respectfully submitted,



Nadim Haidar, Acting Head Engineer  
City Engineering Department – DPW

NRP/

Cc: Cathy Square, Director – DPW  
Mayor’s Office – City Council Liaison  
Douglass J. Diggs, Director – PDD

“Cover Letter Language”

Petition No. 232 of “SDG Architects and Planners” whose address is 615 Griswold Avenue – Suite 103, Ford Building, Detroit, Michigan 48226 for the Greektown Casino, 1. Requests the outright vacation (with easements retained for vehicular and pedestrian traffic) of the North 75.00 feet of East Lafayette Avenue, 120 feet wide, between Beaubien Avenue, 60 feet wide, and St. Antoine Avenue, 50 feet wide, (a portion deeded to the City of Detroit on July 17, 1996 – J.C.C. Pgs. 1565-71) **but has been subsequently amended to except therefrom a triangular portion at the southwest corner of said vacation parcel located underneath and adjacent to the Detroit People Mover Guideway System.** 2. Requests to encroach 6.00 feet into the south side of Macomb Avenue, 50 feet wide, between St. Antoine Avenue, 50 feet wide and I – 375 Southbound Service Drive and the North side of Monroe Avenue 50 feet wide, between St. Antoine Avenue, 50 feet wide and I – 375 Service Drive, and 5.00 feet into St. Antoine Avenue, 50 feet wide, between Macomb Avenue, 50 feet wide, and Monroe Avenue 50 feet wide, with foundation. 3. Requests that the Honorable City Council accepts an easement over that portion of East Lafayette Avenue to be outright vacated for vehicular and pedestrian traffic as requested by the Traffic Engineering Division - DPW.

SDG Architects and Planners consultants for the Greektown Casino intends to construct a hotel and parking structure on one site, and expand the existing casino on the existing site. Part of this construction requires that portions of the new Greektown Hotel and Parking Structure encroach a maximum of five feet into St. Antoine Avenue and six feet into Macomb and Monroe Avenues. Plus the expansion of the Greektown Casino will require **the above described vacation parcel** to be outright vacated **and conveyed to Greektown Casino, LLC** with easements retained for vehicular and pedestrian traffic as requested by the Traffic Engineering Division - DPW.

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

The Traffic Engineering Division – DPW reports no objections to the requested encroachments into Macomb, Monroe and St. Antoine for the placement of foundations and the outright vacation of the North 75.00 feet of East Lafayette Avenue, 120 feet wide, provided that the Greektown Casino follow the attached provision that are part of this resolution.

The Public Lighting Department (PLD) reports the following comments for the Overhead building on East Lafayette Avenue is to have a minimum vertical clearance of 16.00 feet above ground from the building on the north side of East Lafayette up to and including the center island of East Lafayette between St. Antoine Avenue and Beaubien Avenue. Being the proposed columns conflicts with PLD’s existing conduit bank in the center island of East Lafayette Avenue, the relocation of the conduit bank and cables, including the design of the relocation have to be done at the petitioner’s (Greektown Casino) project expense. Also, the existing streetlights on the north side of East Lafayette Avenue must be replaced with yet to be determined lights attached to the future casino structure. These lights will be on a PLD circuit and must be maintained by PLD. The Greektown Casino Project is responsible for all the expenses incurred in replacing the existing streetlights. Greektown Casino project will also be



responsible for all legal documents allowing PLD to attach lights to their building and to maintain them. PLD has the feeder to the existing Greektown – Macomb Garage and the legal right to provide power to any future building on that site.

The Detroit Water and Sewerage Department (DWSD) reports there is a 30-inch transmission main located in the portion of E. Lafayette Avenue. However, DWSD has no objection to the proposed vacation of the North 75.00 feet of East Lafayette Avenue, 120 feet wide, provided that the conditions contain in the attached easement agreement between Greektown Casino and the City of Detroit as revised below are followed and a part of the vacating resolution. **1) Article 3 of the Easement Agreement shall be amended to additionally state that: With respect to Water and Sewerage Department (DWSD) installations in the Utility Easement Area (whether currently existing, relocated to or newly located therein) Grantor and DWSD shall establish an “exclusive area” adjacent to such installation of width equivalent to that which DWSD customarily requires for its installation so as to avoid other underground utility installations from disturbing, disrupting or interfering with such DWSD utility installations. 2) Article 4 of the Easement Agreement shall be amended to additionally state that: Except to the extent permitted by law, Grantee and any and all utility providers with utility installations located within the Utility Easement Area shall have no liability to Grantor for damage caused to Casino Improvements located within the Vacation Area as a result of the failure of utility lines and related facilities located in the Utility Easement Area, and Grantor agrees that it will be responsible for repairing any existing utility lines or installations located under or directly adjacent to the improvements to be constructed on the Casino Property in the Vacation Area damaged by Greektown’s construction activities.**

The Detroit People Mover (DPM)/Detroit Transportation Corporation (DTC) reports the DTC’s existing guideway easement is maintained and the Greektown Casino addressed the concerns and/or provision that are part of this resolution.

The Detroit Edison Company – DTE (Gas and Electric Divisions) reports that DTE has Three (3) primary switch cabinets located on the proposed site that will have to be relocated at the Petitioner’s expense. Also the Six (6) feet encroachment on St. Antoine Avenue be limited to a maximum of Five (5) feet to accommodate the existing 3-inch plastic (10 psig) gas main inserted in a dead 6-inch cast iron main located Six (6) feet west of the East right-of-way line of St. Antoine Avenue, and the outright vacation of the northerly 75.00 feet of East Lafayette Avenue, 120 feet wide, DTE have to abandon the existing 3-inch gas main on the North side of E. Lafayette and reroute and install a 3-inch gas main on the South side of E. Lafayette. The cost of the rerouting and installation is estimated to be \$19,477.55 to be borne by the petitioner and/or Greektown Casino.

AT&T Telecommunication reports AT&T has facilities in Macomb Avenue that may interfere with the development. The petitioner is to contact Miss Dig to locate facilities and if AT&T needs to remove and/or reroute such services the cost will be determined at that time. All associated cost for removing and/or rerouting will be at petitioner’s expense.

All other involved City departments and privately owned utility companies reported no objections or that satisfactory arrangements have been made. Provisions protecting utility installations are part of the resolution.

I am recommending the adoption of the attached resolution.

Respectfully submitted,

William Talley, Head Engineer  
City Engineering Division - DPW

NRP/

Cc: Cathy Square, Director – DPW  
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER: \_\_\_\_\_

RESOLVED, That for the purpose of "correction", the following provisions and deed language (part of the resolution adopted on May 17, 2006 - J.C.C. Pgs. 1254-66 granting Petition No. 232 - SDG Architects and Planners) is hereby replaced (**corrections in bold print**):

WHEREAS, Petition No. 232 of "SDG Architects and Planners" whose address is 615 Griswold Avenue - Suite 103, Ford Building, Detroit, Michigan 48226 for the Greektown Casino, 1. Requests the outright vacation (with easements retained for vehicular and pedestrian traffic) of the North 75.00 feet of East Lafayette Avenue, 120 feet wide, between Beaubien Avenue, 120 feet wide, and St. Antoine Avenue, 50 feet wide, (a portion deeded to the City of Detroit on July 17, 1996 - J.C.C. Pgs. 1565-71) **excepting therefrom a triangular portion at the southwest corner of said vacation parcel.** 2. Requests to encroach 6.00 feet into the south side of Macomb Avenue, 50 feet wide, between St. Antoine Avenue, 50 feet wide and I - 375 Service Drive and the North side of Monroe Avenue 50 feet wide, between St. Antoine Avenue, 50 feet wide and I - 375 Service Drive, and 5.00 feet into St. Antoine Avenue, 50 feet wide, between Macomb Avenue, 50 feet wide, and Monroe Avenue 50 feet wide, with foundation. 3. Requests that the Honorable City Council accepts an easement over that portion of East Lafayette Avenue to be outright vacated for vehicular and pedestrian traffic as requested by the Traffic Engineering Division - DPW.

RESOLVED, All that part of East Lafayette Avenue, 120 feet wide, (with a portion deeded to the City of Detroit on July 17, 1996 - J.C.C. Pgs. 1565-71) between Beaubien Avenue, 60 feet wide, and St. Antoine Avenue, 50 feet wide being the North 75.00 feet of East Lafayette Avenue, 120 feet wide, lying Southerly of and abutting the South line of Lots 123 and 124 in the "Plat of a part of the Beaubien Farm in the City of Detroit as Surveyed into town Lots for proprietors by John Mullett Surveyor recorded January 13, 1835" as recorded in Liber 6 Page 475-476, Plats, Wayne County Records, and abutting Lots A, B, and C in the "Candler's Subdivision of Lots 125 and 126 Lambert Beaubien Farm" as recorded in Liber 1 Page 148, Plats, Wayne County Records, and abutting Lots 7 through 9, both inclusive, and Lot 13 all in the "Plat of the Antoine Beaubien Farm" April 22, 1846 including Catholic and Protestant Cemeteries as recorded in Liber 27 Page 197, Deeds, Wayne County Records, **excepting therefrom a triangular portion, described below with specificity, at the southwest corner of said 75 feet wide parcel,**

Be and the same is hereby vacated as public rights-of-way to become part and parcel of the abutting property, subject to the following provisions;

PROVIDED, 1) That 100% of the signatures from the abutting property owners are secured. 2) The roadway infrastructures are not to be reduced in any shape or form for maintaining uninterrupted vehicular and pedestrian traffic at all times. 3) The superstructure support columns/structures shall be in as much that it does not compromise the sight distance and/or visibility necessary to maintain safety for vehicular and pedestrian traffic. 4) The sight distance

and/or visibility of the traffic signal at Beaubien and westbound East Lafayette is not affected by the construction of the superstructure with the proposed 16 feet vertical clearance above grade to maintain safety for vehicular and pedestrian traffic, and be it further

PROVIDED, That the Overhead/Expansion of the Greektown Casino building on East Lafayette Avenue is to have a minimum vertical clearance of 16.00 feet above ground from the building on the north side of East Lafayette up to and including the center island of East Lafayette between St. Antoine Avenue and Beaubien Avenue, and be it further

PROVIDED, That the easement agreement between the Greektown Casino and the City of Detroit is part of and attached to this resolution as per the Detroit Water and Sewerage request, also a signed copy of the easement agreement is to be delivered to City Engineering Division – DPW after the approval of the Honorable City Council for future records, and be it further

PROVIDED, That the conditions **contained** in the attached easement agreement between Greektown Casino and the City of Detroit **are revised as follows** as part of the vacating resolution. **1) Article 3 of the Easement Agreement shall be amended to additionally state that: With respect to Water and Sewerage Department (DWSD) in the Utility Easement Area (whether currently existing, relocated to or newly located therein) Grantor and DWSD shall establish an “exclusive area” adjacent to such installation of width equivalent to that which DWSD customarily requires for its installation so as to avoid other underground utility installations from disturbing, disrupting or interfering with such DWSD utility installations. 2) Article 4 of the Easement Agreement shall be amended to additionally state that: Except to the extent permitted by law, Grantee and any and all utility providers with utility installations located within the Utility Easement Area shall have no liability to Grantor for damage caused to Casino Improvements located within the Vacation Area as a result of the failure of utility lines and related facilities located in the Utility Easement Area, and Grantor agrees that it will be responsible for repairing any existing utility lines or installations located under or directly adjacent to the improvements to be constructed on the Casino Property in the Vacation Area damaged by Greektown’s construction activities.**

PROVIDED, That a ten (10) feet clearance between the proposed Expansion of the Greektown Casino building and the people mover Guideway is more practical and maintained; and be it further

PROVIDED, That the building facade on the west side should be designed such that the horizontal clearance is maintained for the full height of the building. It is preferred that no windows be placed on the angled portion of the building. Any windows on the west facade should be secured from falling objects. Windows or roof shades or any attachments to the facade should not be included in the design. All windows should be provided with special protection screens, and be it further

PROVIDED, That the clearance for the Casino façade cleaning or other maintenance operations should be considered, and be it further

PROVIDED, That the clearance should be sufficient enough that no debris or collapsed structure should fall on the Guideway in case of fire. Fire rating should be higher on this face, and be it further

PROVIDED, That the roof slope should be such that neither ice nor snow fall on the Guideway, and be it further

PROVIDED, That the columns and foundations should be constructed in such a manner that damaging vibrations are not transferred to the Guideway. Vibration monitoring accelerometers should be attached to the Guideway before start of the work to monitor the level of construction vibration including a warning system indicating the damage threshold is being approached. The use of piles should be only considered if they are drilled. Driving of the piles should not be allowed. The distance between DPM columns and the proposed building foundation elements and grade beams should be such that they do not impact the structural integrity of DPM columns or caisson foundations. No attachment/connection should be allowed to the DPM caissons or columns. Soil excavation that removes the supporting soil from the DPM columns/caissons should not be allowed during construction phase. Construction activities should be planned considering safe operation of the DPM trains. During construction activities the use of cranes and other hauling equipment should not be allowed over the DPM Guideway. The columns should be protected from impact by construction machinery during construction. Temporary protection should be placed around the effected columns, and be it further

PROVIDED That General. The construction work within 50' of the Guideway and exterior to the Casino should not be allowed during revenue hours. Any work required to be done within 50' of the Guideway should be planned for non- revenue hours. Construction methods should be planned in such a way that the air space above the Guideway is not encroached upon. The tools and construction materials are to be secured to prevent their falling onto the Guideway or vehicle-operating envelope. All the activities should be undertaken from inside the building. No cables, ropes, wires, reinforcement bars, structural steel members etc should be permitted over the Guideway during construction, and be it further

PROVIDED, That the petitioner contact Miss Dig to locate facilities for removal and/or rerouting of facilities, and be it further

PROVIDED, That satisfactory arrangements have been made with all other city departments and utility companies for the removal and/or rerouting costs and/or expenses of such services, and be it further

Whereas, The City Engineering Division – DPW is hereby authorized and directed to issue permits to SDG Architects and Planners and/or The Greektown Casino whose address is 615 Griswold Avenue – Suite 103, Ford Building, Detroit, Michigan 48226, to install and maintain encroachments within the North six (6) feet of the right-of-way line of Monroe Avenue, 50 feet wide, the South six (6) feet of the right-of-way line of Macomb Avenue, 50 feet wide, and the East five (5) feet of the right-of-way line of St. Antoine Avenue, 50 feet wide. The SDG Architects and Planners and The Greektown Casino, LLC intend to encroach below grade with foundations for the construction of the Greektown Hotel and Parking Structure, adjacent to the

following described property:

Being St. Antoine Avenue, 50 feet wide between Macomb Avenue, 50 feet wide, and Monroe Avenue, 50 feet wide, lying Westerly of and abutting the West line of the North Lot 4 south of and adjoining Macomb Avenue and South Lot 4 North of and adjoining Monroe all in the "Plat of the Antoine Beaubien Farm" April 22, 1846 including Catholic and Protestant Cemeteries as recorded in Liber 27 Page 197, Deeds, Wayne County Records,

Also, Macomb Avenue, 50 feet wide, between St. Antoine Avenue, 50 feet wide and I - 375 Southbound Service Drive lying Northerly of and abutting the North line of Lots 1 through 4, both inclusive, in the "Plat of the Antoine Beaubien Farm" April 22, 1846 including Catholic and Protestant Cemeteries as recorded in Liber 27 Page 197, Deeds, Wayne County Records, and lying Northerly of and abutting the North line of Lots 1 through 7, both inclusive, in the "Plat of the Front of Charles Moran Farm" A.E. Hathon, Civil Engineer, 1837, Charles Moran Proprietor, August 5<sup>th</sup>, 1837, as recorded in Liber 10 Page 3 and 5, Plats, Wayne County Records,

Also, Monroe Avenue, 50 feet wide, between St. Antoine Avenue, 50 feet wide and I - 375 Southbound Service Drive lying Southerly of and abutting the South line of Lots 1 through 4, both inclusive, in the "Plat of the Antoine Beaubien Farm" April 22, 1846 including Catholic and Protestant Cemeteries as recorded in Liber 27 Page 197, Deeds, Wayne County Records, and lying Southerly of and abutting the South line of Lots 1 through 7, both inclusive, in the "Plat of the Front of Charles Moran Farm" A.E. Hathon, Civil Engineer, 1837, Charles Moran Proprietor, August 5<sup>th</sup>, 1837, as recorded in Liber 10 Page 3 and 5, Plats, Wayne County Records,

Provided, "SDG Architects and Planners and/or The Greektown Casino" 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 maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division - DPW prior to any public right-of-way construction; and further

Provided, That the necessary permits shall be obtained from the City Engineering Division - DPW and the Buildings and Safety Engineering Department. The 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), and the Traffic Engineering Division - DPW (if necessary); and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by "SDG Architects and Planners and/or The Greektown Casino" 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 "SDG Architects and Planners and/or The Greektown Casino" or its assigns. Should damages to utilities occur "SDG Architects and Planners and/or The Greektown Casino" 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, "SDG Architects and Planners and/or The Greektown Casino" (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 "SDG Architects and Planners and/or The Greektown Casino" shall file with the Finance Department and/or City Engineering Division – DPW an indemnity 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 "SDG Architects and Planners and/or The Greektown Casino" of the terms thereof. Further, "SDG Architects and Planners and/or The Greektown Casino" 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 "SDG Architects and Planners and/or The Greektown Casino" 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, if "SDG Architects and Planners and/or The Greektown Casino" acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment permits 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 and indemnity agreement with the Wayne County Register of Deeds.

RESOLVED, That your Honorable Body authorize the acceptance of the following described vehicular and pedestrian traffic easement that is requested by the Traffic Engineering Division – DPW, and is subject to the approval of the Traffic Engineering Division – DPW and any other public or privately owned utility company, if necessary;

Land in the City of Detroit, Wayne County, Michigan, All that part of East Lafayette Avenue, 120 feet wide, (with a portion deeded to the City of Detroit on July 17, 1996 – J.C.C. Pgs. 1565-71) between Beaubien Avenue, 60 feet wide, and St. Antoine Avenue, 50 feet wide being the North 75.00 feet of East Lafayette Avenue, 120 feet wide, **excepting therefrom the triangular portion, described below with specificity, at the southwest corner of said 75 feet wide vacation parcel**, lying Southerly of and abutting the South line of Lots 123 and 124 in the “Plat of a part of the Beaubien Farm in the City of Detroit as Surveyed into town Lots for proprietors by John Mullett Surveyor recorded January 13, 1835” as recorded in Liber 6 Page 475-476, Plats, Wayne County Records, and abutting Lots A, B, and C in the “Candler’s Subdivision of Lots 125 and 126 Lambert Beaubien Farm” as recorded in Liber 1 Page 148, Plats, Wayne County Records, and abutting Lots 7 through 9, both inclusive, and Lot 13 all in the “Plat of the Antoine Beaubien Farm” April 22, 1846 including Catholic and Protestant Cemeteries as recorded in Liber 27 Page 197, Deeds, Wayne County Records, except that portion to be use for columns and foundations for the Expansion of the Greektown Casino building on East Lafayette Avenue;

RESOLVED, The Planning and Development Department Director is hereby authorized to **confirm the transfer to Greektown Casino, LLC, of title to the north 25 feet of the vacation parcel, being the Northerly 25.00 feet of Lafayette Street (as platted, 50 feet wide) lying Southerly of and abutting the South line of Lots 123 and 124 in the “Plant of a part of the Beaubien Farm in the City of Detroit as Surveyed into town Lots for proprietors by John Mullet Surveyor recorded January 13, 1835” as recorded in Liber 6, Pages 475-478, City Records, Wayne County Records; and abutting Lots A, B, and C in the “Candler’s Subdivision of Lots 125 and 126 Lambert Beaubien Farm” as recorded in Liber 1, Page 148, Plats, Wayne County Records; and abutting Lots 7 through 9, both inclusive, and Lot 13 (North of Lafayette Street) in the “Plat of the Antoine Beaubien Farm,” April 22, 1846 including Catholic and Protestant Cemeteries as recorded in Liber 27, Page 197, Deeds, Wayne County Records, by quit claim deed or other appropriate, recordable instrument.**

RESOLVED, The Planning and Development Department Director is also hereby authorized to issue quit-claim deeds to transfer the following **remainder portion of the vacation parcel** for the fair market value and/or other valuable consideration:

**Land in the City of Detroit, Wayne County, Michigan being part of East Lafayette Avenue, 120 feet wide, (as established in the City Council resolution adopted on July 17, 1996— J.C.C. Pgs. 1561-71) between Beaubien Street and St. Antoine Street; the North 75.00 feet of said East Lafayette Avenue, having been vacated in the City Council resolution adopted on May 17, 2006 - (J.C.C. Pgs. 1254-66), excepting therefrom a triangular portion, described below with specificity, located at the southwest corner of said 75 foot parcel; being described in two parts as follows:**



(1) The reversionary interests in the Southerly 25.00 feet of Lafayette Street (as platted, 50 feet wide) lying Northerly of and abutting the North line of Lots 111 through 114 in the "Plat of a part of the Beaubien Farm in the City of Detroit as Surveyed into town Lots for proprietors by John Mullett Surveyor recorded January 13, 1835" as recorded in Liber 6, Pages 475-478, City Records, Wayne County Records; and abutting Lots 7, 8, 9, and 12 (South of Lafayette Street) in the "Plat of the Antoine Beaubien Farm" April 22, 1846 including Catholic and Protestant Cemeteries as recorded in Liber 27, Page 197, Deeds, Wayne County Records; and

(2) The North 25.00 feet of Lots 111 through 114 in the "Plat of a part of the Beaubien Farm in the City of Detroit as Surveyed into town Lots for proprietors by John Mullett Surveyor recorded January 13, 1835" as recorded in Liber 6, Pages 475-478, City Records, Wayne County Records; and the North 25.00 feet of Lots 7, 8, 9, and 12 (South of Lafayette Street) in the "Plat of the Antoine Beaubien Farm," April 22, 1846 including Catholic and Protestant Cemeteries as recorded in Liber 27, Page 197, Deeds, Wayne County Records;

Excepting therefrom a triangular-shape (part of Lot 114 of said "Plat of a part of the Beaubien Farm in the City of Detroit as Surveyed into town Lots for proprietors by John Mullett Surveyor recorded January 13, 1835" and public street) to maintain operation space for the Detroit people mover Guideway system; described as follows:

Commencing at the southwesterly corner of Lot 123 of said "Plat of a part of the Beaubien Farm in the City of Detroit as Surveyed into town Lots for proprietors by John Mullett Surveyor recorded January 13, 1835, also being the intersection of the easterly line of said Beaubien Street and the northerly line of the said vacated North 75.00 feet of East Lafayette Avenue (120 feet wide); Thence S26°06'22"E along the southerly extension of Beaubien Street (60 feet wide) 39.97 feet, to the Point of Beginning;

Thence continuing S26°06'22"E along said southerly extension of Beaubien Street (60 feet wide) 35.20 feet to a point being 25 feet south, measured at right angle, of the southerly line of Lafayette Street (as platted, 50 feet wide), also being a point on the westerly line of Lot 114 of said "Plat of a part of the Beaubien Farm in the City of Detroit as Surveyed into town Lots for proprietors by John Mullett Surveyor recorded January 13, 1835;

Thence N60°04'57"E along a line being 25 feet south, measured at right angle, of the southerly line of Lafayette Street (as platted, 50 feet wide) 21.76 feet to a point being 5 feet, measured at right angle, from the easterly line of the 12 feet wide people mover vehicle envelope;

Thence N58°51'31"W along said line being 5 feet, measured at right angle, from the easterly line of the 12 feet wide people mover vehicle envelope 40.13 feet to a point on the southerly extension of Beaubien Street (60 feet wide), also being the Point of Beginning;

Subject to easement rights in favor of the City of Detroit for roadway (vehicles), sidewalk (pedestrians), and public utilities.