

**City of Detroit**  
OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Friday, August 26, 2011*

*To: The Department or Commission Listed Below*

*From: Janice M. Winfrey, Detroit City Clerk*

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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.

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DPW - CITY ENGINEERING DIVISION

**2009** *Comerica Bank Center, request to place a security kiosk on existing planter on west side of building located at 411 W. Lafayette.*

**NIAGARA  
MURANO**

DETROIT  
CITY CLERK

2011 AUG 17 P 1:45

2009

August 17, 2011

City of Detroit  
City Clerk  
Coleman A. Young Municipal Building  
2 Woodward Avenue, Suite 200  
Detroit, Michigan 48226

Re: Comerica Bank Center 411 W. Lafayette, Detroit, Michigan  
Placing Security Kiosk on existing planter on west side of building

**Project Request:**

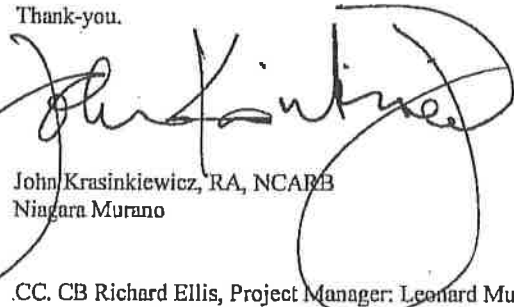
Comerica Bank is relocating its Michigan Headquarters to 411 Lafayette and bringing many Detroit Employees together in one location and wishes to install a security kiosk on one of the existing planters located on 1<sup>st</sup> Street. The security kiosk will be positioned within the boundaries of the existing west planter and will be partially located in the City of Detroit right of way.

Comerica Bank is the owner of the building located at 411 West Lafayette, Detroit, Michigan. The existing site currently has a handicap ramp, flagpoles, planters as well as other improvements at this building located in whole or in part of the City of Detroit "right of way." A new front entrance canopy was recently approved by City Council and has been successfully installed.

Comerica Bank agrees to defend, indemnify and hold harmless the City of Detroit from and against all losses, damages and claims arising out of any injury to person or property caused by the Comerica Improvements as listed in the letter dated August 9, 2011 by Comerica Bank.

We would like to thank the City of Detroit and City Council for reviewing our request and hope that we will be permitted to install our security kiosk.

Thank-you.



John Krasinkiewicz, RA, NCARB  
Niagara Murano

CC. CB Richard Ellis, Project Manager: Leonard Murz

**ARCHITECTURE**  
470 N. OLD WOODWARD AVENUE  
BIRMINGHAM, MICHIGAN 48009  
TELEPHONE: 248.646.5765  
FACSIMILE: 248.646.5813



Comerica Incorporated

MC 2220  
3501 Hamlin Rd.  
Auburn Hills, MI 48326

August 9, 2011

City of Detroit  
Department of Public Works  
City Engineering  
65 Cadillac Square, Suite 701  
Detroit, Michigan 48226  
Attn: Leslie G. Lord

Re: Comerica Bank at 411 West Lafayette, Detroit, Michigan

To Whom It May Concern:

Comerica Bank ("Comerica") is the owner of the building located at 411 West Lafayette, Detroit, Michigan. Comerica has certain planters, flagpoles, a handicap ramp, a sign canopy and other improvements at this building which are located in whole or in part in a City of Detroit right of way, as shown in detail on the attached Architectural Site Plan (Project No. 10108.0; Sheet No. A-200A) by Niagara Murano. Comerica is also going to install a security kiosk on the west side of this building which will be partially located in the City of Detroit right of way.

In consideration of the City of Detroit allowing Comerica to maintain the referenced improvements and to install the security kiosk in the right of way (collectively, the "Comerica Improvements"), Comerica agrees to defend, indemnify and hold harmless the City of Detroit from and against all losses, damages, expenses and claims arising out any injury to person or property caused by the Comerica Improvements.

Very truly yours,

Amy Pillivant  
Senior Vice President  
Corporate Real Estate

cc: Glen Zatz - Legal

**City of Detroit**  
OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Wednesday, April 10, 2013*

*To: The Department or Commission Listed Below*

*From: Janice M. Winfrey, Detroit City Clerk*

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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.

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PLANNING AND DEVELOPMENT DEPARTMENT    DPW - CITY ENGINEERING DIVISION  
BUILDINGS & SAFETY ENGINEERING

**2770**    *Niagara Murano, request to install a new security kiosk on one of the existing planters located at Comerica Bank on 411 W. Lafayette St.*



Johnk@Niagara

Murano.com

March 18, 2013

City of Detroit  
City Clerk  
Coleman A. Young Municipal Building  
2 Woodward Avenue, Suite 200  
Detroit, Michigan 48226

Re: Comerica Bank Center 411 W. Lafayette, Detroit, Michigan  
New Security Kiosk at East side of building

**Project Request:**

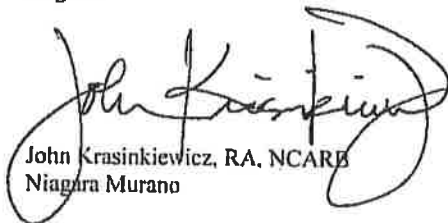
Comerica Bank wishes to install a new security kiosk on one of the existing planters located on Cass Street. A new security kiosk was recently approved by the City Building Department (2012) and has been successfully installed at the West side of the building. The new proposed Security Kiosk will be identical in design to the one installed on the West side and is proposed to be installed within the boundaries of the existing west planter and will be partially located in the City of Detroit right of way, similar to the previous.

Comerica Bank is the owner of the building located at 411 West Lafayette, Detroit, Michigan. The existing site currently has a canopy, handicap ramps, flagpoles, planters as well as other improvements around this building located in whole or in part of the City of Detroit "right of way."

Comerica Bank agrees to defend, indemnify and hold harmless the City of Detroit from and against all losses, damages and claims arising out of any injury to person or property caused by the Comerica Improvements as listed in the letter dated August 9, 2011 by Comerica Bank.

We would like to thank the City of Detroit and City Council for reviewing our request and hope that we will be permitted to install our security kiosk.

Regards.



John Krasinkiewicz, RA, NCARB  
Niagara Murano

CC: Delia Rodi-Barczys (NM)  
Amy Pillivant (Comerica Bank)  
Leonard Murz (CBRE)

APR 13 2013

CITY CLERK

ARCHITECTURE  
2215 COLE STREET  
BIRMINGHAM, MICHIGAN 48009  
TELEPHONE: 248.630.5765  
FACSIMILE: 248.630.5011



Comerica Incorporated

P.O. Box 75000  
Detroit Michigan 48275

March 20, 2013

City of Detroit

Department of Public Works

City Engineering

65 Cadillac Square, Suite 701

Detroit, MI 48226

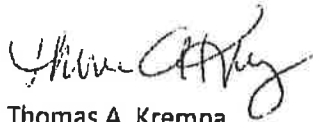
RE: Comerica Bank at 411 W. LaFayette, Detroit, Michigan

To Whom It May Concern:

Comerica Bank ("Comerica") is the owner of the building located at 411 West Lafayette, Detroit, Michigan. Comerica has certain planters, flagpoles, a handicap ramp, a sign canopy and other improvements at this building which are located in whole or in part in a City of Detroit right of way, as shown in detail on the attached Architectural Site Plan (Project No. 13108.D, Sheet No. A-100A) by Niagara Murano. Comerica is also going to install a security kiosk on the east side of this building which will be partially located in the City of Detroit right of way.

In consideration of the City of Detroit allowing Comerica to maintain the referenced improvements and to install the security kiosk in the right of way (collectively, the 'Comerica Improvement'), Comerica agrees to defend, indemnify and hold harmless the City of Detroit from and against all losses, damages, expenses and claims arising out of any injury to person or property caused by the Comerica Improvements.

Very truly yours,



Thomas A. Krempa

Vice President

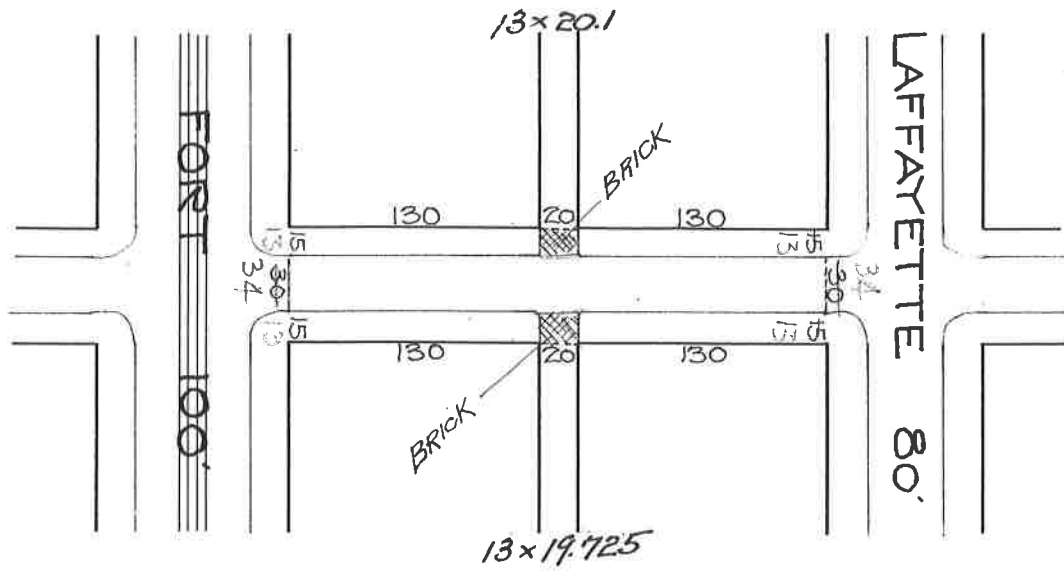
Real Estate

APR 15 2013

RECEIVED

# CASS AVE

LENGTH-N.L. FORT TO S.L. LAFAYETTE 249.50 FT.  
 RESURFACING, CREO BLK. - 30' WIDE.  
 WIDENED TO 34 FT

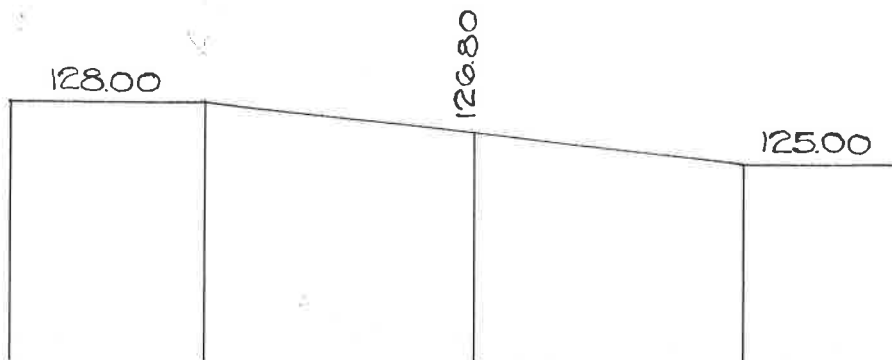
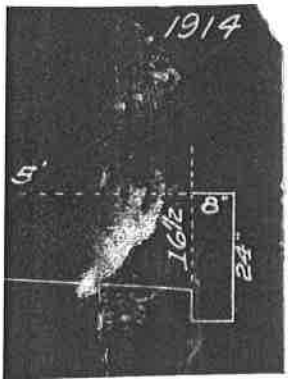


Final B 238 P 28 July 18-1916

CREO. BLK = 1055.89 SQ YDS

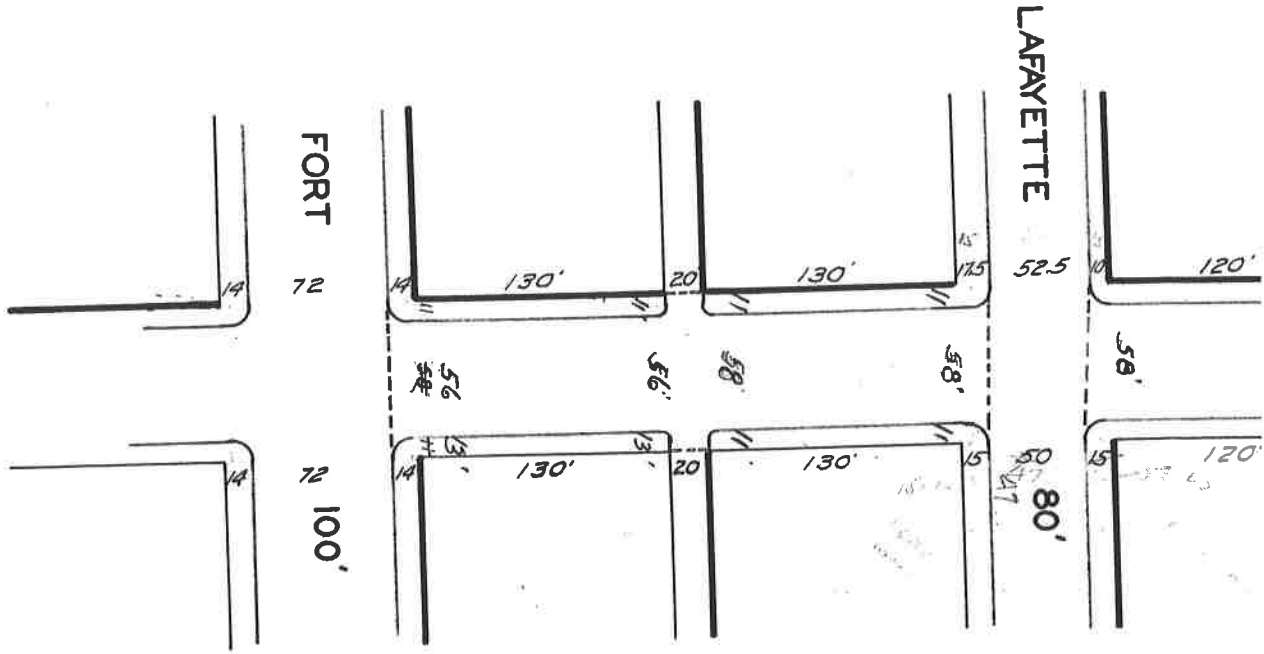
Final B 236 P 47 July 19-1916

Brick Returns = 57.91 SQ. YDS.



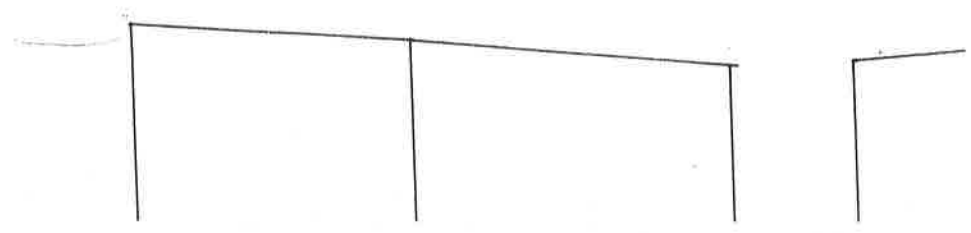
# CASS AVE

FROM FORT TO MICHIGA  
RE-SURFACING SH. ASPH.



12-21-66 636  
883.00  
38 11. MICHIGA  
SH. ASPHALT 5

00921  
08921  
00521  
00521







May 13, 2013

Honorable City Council:

RE: Petition No. 2009 & 2770– Comerica Bank Center request to place security kiosk on existing planters on the west and east side of the building located at 411 W. Lafayette.

Petition No. 2009 and 2770 of “Comerica Bank Center” whose main address is 3501 Hamlin Road, Auburn Hills, Michigan 48326 request permission to encroach and maintain flagpoles, sign canopy, planters, and security kiosks within West Lafayette Boulevard, 80 feet wide, between First Street, 60 feet wide, and Cass Avenue, 80 feet wide; within First Street, 60 feet wide, between West Lafayette Boulevard, 80 feet wide, and the east – west open public alley, 20 feet wide; and within Cass Avenue, 80 feet wide, between West Lafayette Boulevard, 80 feet wide, and the east – west open public alley, 20 feet wide.

This request is to formally legalize the existing and proposed encroachments for the Comerica Bank Center site. With the relocation and addition of staffing to the 411 West Lafayette site, has prompted Comerica to provide better and secure entrance into the building’s underground parking facility. Comerica proposed to construct security kiosks on existing planters on First Street and Cass Avenue.

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

With the construction of a security kiosk near a people mover column and/or within the people mover’s easement a permit from the People Mover/DTC will be required before or at the time of obtaining any right-of-way permits.

Traffic Engineering Division – DPW reports no objection to the requested area of encroachments with flagpoles, sign canopy, planters, and security kiosks within the rights-of-way, but must maintain a pedestrian sidewalk path that is at least 6.00 feet wide.



The Public Lighting Department (PLD) reports having street lighting and high voltage underground duct run in the area of the requested encroachment area. No structure or barricades can be built over PLD installations or on existing utility easement areas. As per PLD requirements, any structure proposed to build shall maintain 10 feet horizontal clearance from the overhead PLD lines and installations also any structure proposed to be built shall maintain a minimum of 3-feet horizontal clearance and 12-inch vertical clearance from the PLD conduit bank and manholes. The contractor should take necessary precautions not to damage PLD facilities, if the contractor plans to use heavy earth moving equipments. The contractor will be liable for any damages to any PLD underground facilities. PLD needs unrestricted easement rights with 24 hours heavy vehicles access to the area requested for encroachment.

Detroit Water and Sewerage Department reports have no objections to the encroachments provided that the attached provisions for encroachments are followed and part of this resolution.

All other involved City departments and privately owned utility companies request the petitioner(s) make use of "Miss Dig" facilities before any construction take place.

There is an appropriate resolution, granting the encroachment petition, attached for consideration by your Honorable Body.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Doherty".

Richard Doherty, City Engineer  
City Engineering Division – DPW

NRP/

Cc: Ron Brundidge, Director, DPW  
Mayor's Office – City Council Liaison

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

Whereas, The City Engineering Division – DPW is hereby authorized and directed to issue permits to Comerica Bank and/or his/her assign, to install and maintain encroachments with flagpoles, sign canopy, planters, and security kiosks within West Lafayette Boulevard, 80 feet wide, between First Street, 60 feet wide, and Cass Avenue, 80 feet wide; within First Street, 60 feet wide, between West Lafayette Boulevard, 80 feet wide, and the east – west, 20 feet wide, open public alley; and within Cass Avenue, 80 feet wide, between West Lafayette Boulevard, 80 feet wide, and the east – west, 20 feet wide, open public alley;

Whereas, said encroachments of flagpoles, sign canopy, planters, and security kiosks are either existing or will be constructed:

Within 2.70 feet and 7.00 feet on the southerly portion of West Lafayette Boulevard, 80 feet wide, between First Street, 60 feet wide, and Cass Avenue, 80 feet wide;

And within 2.70 feet on the easterly side of First Street, 60 feet wide, between West Lafayette Boulevard, 80 feet wide, and the east – west, 20 feet wide, open public alley;

And within 2.70 feet on the westerly side of Cass Avenue, 80 feet wide, between West Lafayette Boulevard, 80 feet wide, and the east – west, 20 feet wide, open public alley;

Being more particular described as:

Lying within West Lafayette Boulevard, 80 feet wide, being adjacent to and adjoining Lot 1 in “A Map of the tract of land granted by act of congress (approved May 20<sup>th</sup> 1826) to the City of Detroit as the same have been divided into Lots and numbered by order of the common Council of said City by J. Mullett Surveyor June 1831 reduced from said Mullett Plat by John Farmer to a scale of 200 feet to an inch December 1831 note the donated tracts are represented as enclosed by dotted lines as recorded in Liber 5, Page 218, City Records, Wayne County Records; and Lots 2 through 7, both inclusive, all in the “Subdivision of the Cass Farm” lying between Chicago Road and Fort Street recorded October 1836 as recorded in Liber 12, Page 324, City Records, Wayne County Records;

And, lying within First Street, 60 feet wide, adjacent to and adjoining Lot 7 in the “Subdivision of the Cass Farm” lying between Chicago Road and Fort Street recorded October 1836 as recorded in Liber 12, Page 324, City Records, Wayne County Records;

And, lying within Cass Avenue, 80 feet wide, adjacent to and adjoining Lot 1 in the "A Map of the tract of land granted by act of congress (approved May 20<sup>th</sup> 1826) to the City of Detroit as the same have been divided into Lots and numbered by order of the common Council of said City by J. Mullett Surveyor June 1831 reduced from said Mullett Plat by John Farmer to a scale of 200 feet to an inch December 1831 note the donated tracts are represented as enclosed by dotted lines as recorded in Liber 5, Page 218, City Records, Wayne County Records;

Provided, that approval of this petition/request 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 agent or employees, shall have the right to enter upon the street to maintain, repair, alter, service, inspect, or install its facilities. All cost 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 cost 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, that all construction performed under this petition shall not be commence until after (5) days written notice to DWSD. Seventy-two 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, that construction under this petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the discretion of DWSD, be borne by the petitioner; and further

Provided, that if DWSD facilities located 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 cost incident to the repair, replacement, or relocation of such broken or damage DWSD facilities; and further

Provided, the petition 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, that 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 cost for such removal and/or relocation; and further

Provided, that the encroachments with flagpoles, sign canopy, planters, and security kiosks within the rights-of-way, but must maintained a pedestrian sidewalk path that is at least 6.00 feet wide; and further

Provided that the construction of any security kiosks near a people mover column and/or within the people mover's easement requires a permit or written consent from the People Mover/DTC before or at the time of obtaining any right-of-way permits from City Engineering Division – Permit Bureau; and further

Provided, that any structure proposed to build shall maintain 10 feet horizontal clearance from the overhead PLD lines and installations also any structure proposed to be built shall maintain a minimum of 3-feet horizontal clearance and 12-inch vertical clearance from the PLD conduit bank and manholes. The contractor should take necessary precautions not to damage PLD facilities, if the contractor plans to use heavy earth moving equipments. The contractor will be liable for any damages to any PLD underground facilities. PLD needs unrestricted easement rights with 24 hours heavy vehicles access to the area requested for encroachment; and further

Provided, “the Detroit International Bridge Company” 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 the Detroit People Mover/DTC (if necessary); and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by “Comerica Bank” 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 “Comerica Bank” or its assigns. Should damages to any utilities occur “Comerica Bank” 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, “Comerica Bank” (owners) for themselves, or their assigns, (by acceptance of permits for construction near underground utility lines, conduits, people mover facilities 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 "Comerica Bank" 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 "Comerica Bank" of the terms thereof. Further, "Comerica Bank" 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 "Comerica Bank" 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 "Comerica Bank" 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 this encroachment will be/shall be assigned under the Detroit International Bridge Company; 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.

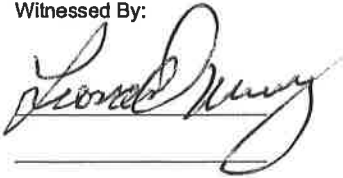
WRITTEN ACCEPTANCE OF THE TERMS AND CONDITIONS  
OF DETROIT CITY COUNCIL  
RESOLUTION PETITION NUMBER 2009

ADOPTED \_\_\_\_\_

COMERICA BANK ("Permittee") with the address of 411 West Lafayette, Detroit, Michigan, does hereby accept the terms and conditions of the City Council Resolution granting Petition No. 2009, and agrees to comply with its requirements; and further, that pursuant to the said Resolution, Permittee does hereby agree to defend and save harmless the City of Detroit ("the City") from any and all liabilities, obligations, penalties, costs, charges, losses, damages or expenses (including without limitation, fees and expenses of attorneys, expert witnesses and other consultants) which may be imposed upon, incurred by or asserted against the City by reason of the issuance of said permit(s), or the performance or non-performance by the Permittee of the terms of the permit(s) hereof, or that may arise out of maintenance of the above described encroachment by Permittee's personnel, agents and employees; and further, that in accordance with said Resolution, a certified copy of the aforementioned City Council Resolution will be recorded in the Office of the Register of Deeds of Wayne County by the City Clerk.

Wherefore, we have hereunto set our hands on the 12<sup>th</sup> day of September, 2011.

Witnessed By:



Permittee:

COMERICA BANK

By:



Title:

Senior Vice President

STATE OF MICHIGAN  
COUNTY OF WAYNE

On this 12<sup>th</sup> day of September, 2011, before me, a Notary Public in and said County,

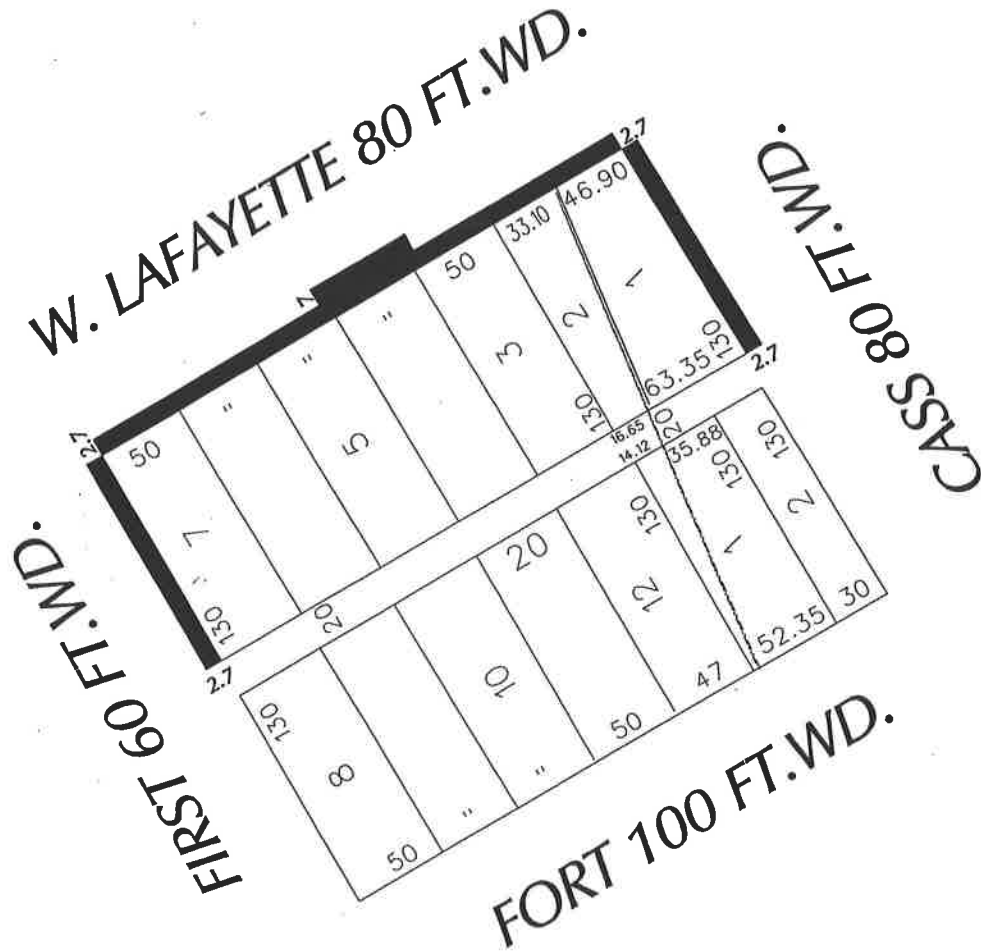
Appeared Amy Pillivant to me known personally, who being duly sworn, did say that she is a senior Vice President of Comerica Bank, Corporate Real Estate and that the Written Acceptance of Terms and Conditions of the City Council Petition No. 2009 was signed on behalf of said company by authority of Comerica Bank.

Notary Public:



MELISSA R. DALTON  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires Apr. 04, 2013  
Acting in the County of \_\_\_\_\_

PETITION NO. 2009  
 COMERICA BANK CENTER  
 c/o NIAGARA MURANO  
 470 N. OLD WOODWARD  
 BIRMINGHAM, MICHIGAN 48009  
 JOHN KRASINKIEWICZ  
 PHONE NO. 1.248.646.5765



NOTE: REVIEW ATTACHED DRAWINGS FOR MORE  
 DETAILS ON ENCROACHMENTS OR  
 CONTACT PETITIONER.

 - AREA OF ENCROACHMENT(S)  
 (WITH SECURITY KIOSK, PLANTERS, SIGN CANOPY, AND FLAG POLE)

(FOR OFFICE USE ONLY)

CARTO 28 E

|             |          |      |      |      |  |
|-------------|----------|------|------|------|--|
| B           |          |      |      |      |  |
| A           |          |      |      |      |  |
| DESCRIPTION | DRWN     | CHKD | APPD | DATE |  |
| REVISIONS   |          |      |      |      |  |
| DRAWN BY    | CHECKED  |      |      |      |  |
| DATE        | APPROVED |      |      |      |  |
|             | NP       |      |      |      |  |
|             | 8-31-11  |      |      |      |  |

REQUESTED AREA OF ENCROACHMENTS WITH  
 FLAGPOLES, SIGN CANOPY, SECURITY KIOSK,  
 AND PLANTERS WITHIN LAFAYETTE BWTN.  
 FIRST AND CASS, ALSO FIRST AND CASS SOUTH  
 OF LAFAYETTE.

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. x2009.dgn