

February 10, 2015

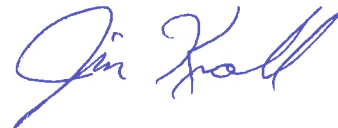
TO: Jim Edwards, Senior Assistant Corporation Counsel
Law Department

FROM: Jim Knoll, Senior G.I.S. Tech.
City Engineering Division – DPW

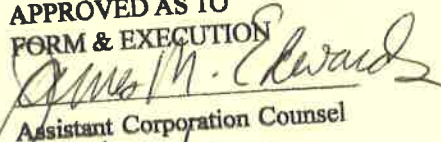
RE: Indemnity Agreement for Midtown Projects L.L.C. for an encroachment with a cantilevered Canopy on John R Street. The property address is 3750 Woodward. We are preparing a resolution to permit the canopy encroachment under Petition # 330.

City Engineering Division – DPW is asking the City of Detroit Law Department to please review and approve the attached Indemnity Agreement to make sure that City of Detroit is covered for the liability issues.

Thank You,



APPROVED AS TO
FORM & EXECUTION



Assistant Corporation Counsel

2/16/15

RECEIVED FEB 17 2015

INDEMNIFICATION AGREEMENT

THIS AGREEMENT is given this 31 day of Oct, 2014, by "Midtown Projects L.L.C.", 2000 Town Center, Ste. 2379, Southfield, Michigan 48076, as ("Permittee") to the City of Detroit, a Municipality, as ("the City").

The "Permittee", does hereby accept the terms and conditions of the Detroit City Council Resolution(s) granting "Petition No. 330", and agrees to comply with its requirements; and further, that pursuant to said Resolution, "Permittee" does hereby agree to defend, indemnify, and hold harmless "the City", its officers and employees against and with respect to any and all liabilities, obligations, penalties, losses, damages or injuries (including without limitation any and all actions, suits, proceedings, claims, demands, judgments, costs, and expenses incident thereto) which may be imposed upon, incurred by or asserted against "the City" by reason of issuance of permits, or the sole performance or non-performance by the "Permittee" of the terms of the permit hereof, or that may arise out of the maintenance of the below described "Encroachment" by "Permittees" personnel, agents, and employees or assigns; and further, that in accordance with said Resolution, a certified copy of the aforementioned Detroit City Council resolution(s) with a executed Indemnification Agreement will be recorded in the office of the Wayne County Register of Deeds. Said "Encroachment" upon public rights-of-way, within the City of Detroit, County of Wayne, State of Michigan described as being:

Detroit City Council Petition No. 330:

Located within the westerly right-of-way of John R Street, 84 feet wide, between Mack Avenue, 120 feet wide and E. Alexandrine Avenue, 100 feet wide, being more particularly described as a area 110.00ft x 5ft, located 60.00 feet North of the South line of Lot 3, of the "Medical Center Urban Renewal Plat No.1", part of Park Lots 20 to 24 & 26 and P.C's 1, 2 and 5, City of Detroit, Wayne County, Michigan, as recorded in Liber 88, Pages 74, 75 and 76, Plats, Wayne County Records

Commonly known as: 3750 Woodward Avenue
Tax Parcel: 01004190-8

Which "Encroachment" is more particularly described as follows:

Being an overhead cantilevered Canopy, penetrating the John R. Street right-of-way 5.0 feet, 11.3 feet above the sidewalk space, while allowing 15.00 feet free and clear, encroaching into said above described public space. The proposed Canopy encroachment will not impede pedestrian and vehicular access, nor will it interfere with the maintenance of the public rights-of-way including utility company and Fire Department access.

RECEIVED FEB 17 2015

Subject to the Provisions of the "Encroachment" as defined in the Resolution granting "Petition Number 330", when adopted by Detroit City Council.

IN WITNESS WHEREOF, the "Permittee" has executed and delivered this Agreement.

PERMITTEE:

Witness By:

"Midtown Projects L.L.C."

A Michigan Limited Liability Corporation

Laura Yanke
LAURA YANKE
Tami Harsha
TAMI HARSHA

Gary W Novara
By: GARY W NOVARA
It's: MANAGING MEMBER

STATE OF MICHIGAN }
 }S
COUNTY OF OAKLAND

Subscribed and sworn to before me on October 31, 2014 personally appeared, GARY W. NOVARA of "Midtown Projects L.L.C." a Michigan Limited Liability Corporation, who executed same on behalf of the entity and acknowledged same to be the free act and deed of the entity.

Lorraine Mates
LORRAINE MATES, Notary Public

My Commission Expires: 03/03/2015

OAKLAND, ACTING IN County, Michigan
OAKLAND

Approved by City of Detroit Law Department:

[Signature]
Corporation Counsel

2/14/15
Date

RECEIVED FEB 17 2015