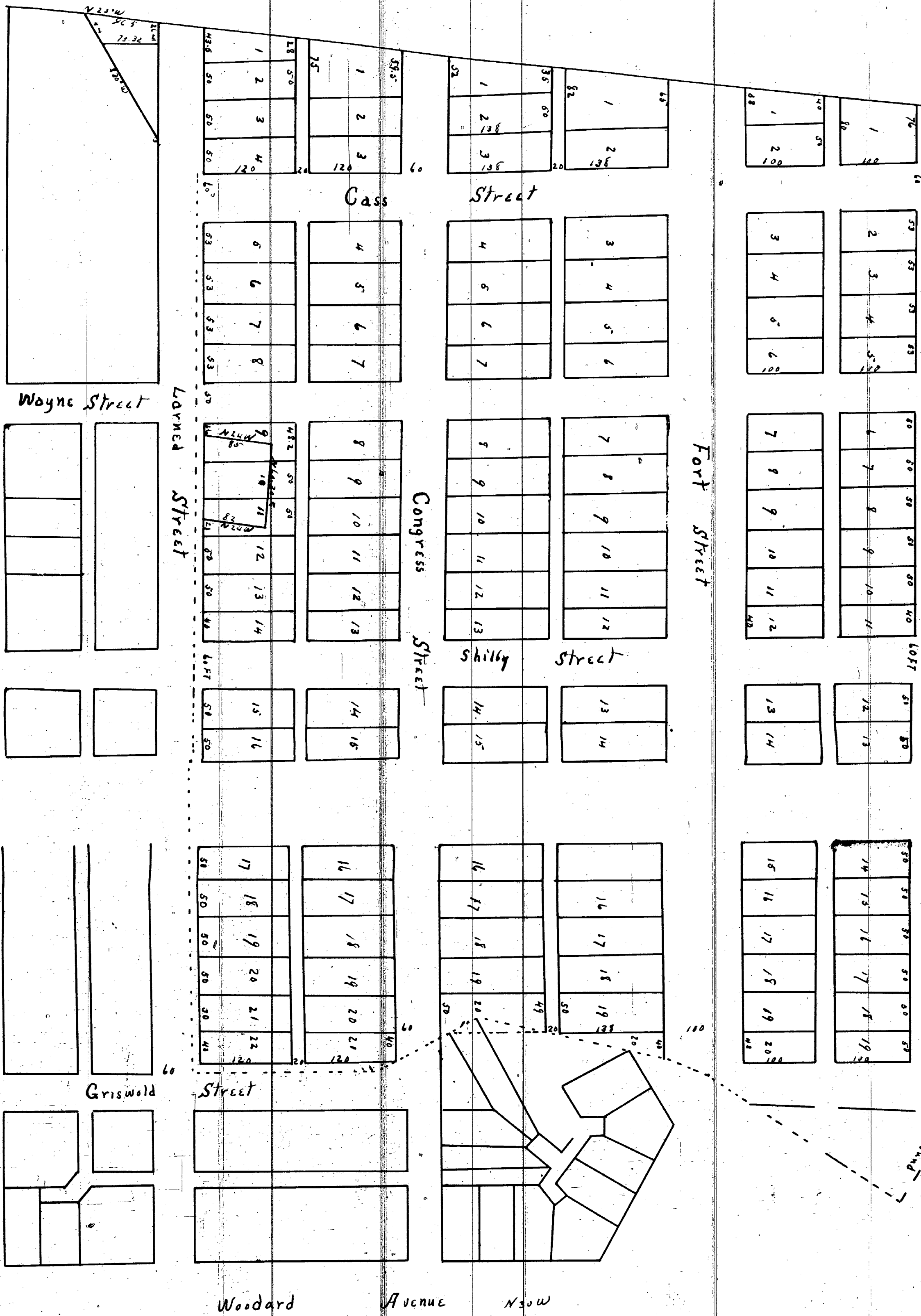


10979

Plot
of a part of the Military Ground
in the City of Detroit
as divided into lot square to a section of the
Common Council
By John M. Little, Surveyor
1827

City Register Office Detroit
Rec. for Record the 27th day
of May A.D. 1827 at 4 o'clock P.M.
J. W. Apple
City Register Office



I hereby certify that this plat is a correct copy of the plat now
on record in the Register of Deeds office being made under the
supervision of the Auditor General by tracing the plat on
record.

Dated this 25 day of April 1910

John B. LaFontaine
Clerk and Gen. Dept.

City Engineering Department
December 19, 1990
Honorable City Council
Re: Petition No. 61 of "Kiroc Realty and Development, Ltd." Request to construct and maintain an overhead pedestrian bridge encroachment between One Kennedy Square and a proposed parking structure in the block bounded by Shelby, Griswold, W. Fort, and W. Lafayette.
Petition No. 61 of "Kiroc Realty and Development, Ltd." requests permission to construct and maintain an overhead pedestrian bridge encroaching across the east-west public alley, 20 feet wide (aka "Federal Court"), in the block bounded by Shelby, Griswold, W. Fort, and W. Lafayette.
"Kiroc" plans to build an 8-story parking structure at the southeast corner of Shelby and W. Lafayette. The proposed pedestrian bridge will link the garage (at the 3rd level) to the One Kennedy Square Building at the northwest corner of Griswold and W. Fort.
The encroachment petition was referred to the City Engineering Department for investigation and report. This is our report:
The Community and Economic Development Department has approved the proposed encroachment within the Central Business District.
In a recent letter (dated December 4, 1990) the Downtown Development Authority has recommended approval of the entire project.
In a recent letter (dated December 6, 1990) the Planning Department has approved the encroachment request.
The petitioner has reached an agreement with the Detroit Edison Company to prevent damage to Edison's double column transformers on platforms. All other involved City departments and privately-owned utility companies have reported no objections to the proposed encroachment. Should damages to utilities occur, the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations.
The City Engineering Department supports the encroachment petition, but more than one adjoining property owner is involved. The proposed overhead bridge crosses a portion of the public alley separating the "Federal Reserve Bank and the 'Old Building'". There are five property owners in the block. "LTB Associates" has consented to the encroachment petition. The Federal Reserve Bank

of Chicago has reached an agreement with "Kiroc". The petitioner was unable to obtain written consent from the authorized administrators of "Old Building Corporation".
However, it appears "Old Building" objects to the construction of an 8-story parking garage (on private property) next to their building. The public property overhead pedestrian bridge encroachment has not been cited as an issue.
City Council may choose to hold a public hearing prior to granting the encroachment crossing requested. (It is not a requirement under Detroit Code for the City Engineering Department to hold a public hearing.)
City Council may wish to request a legal opinion (from the Law Department): Can the City lawfully grant an overhead bridge encroachment, crossing an open public alley, to benefit an owner in the block over the objections of an abutting owner?
After Council decides to grant the encroachment, the petition should be forwarded to the Law Department for setting a surety bond (in perpetuity) and preparation of the necessary resolution.
Respectfully submitted,
CLYDE R. HOPKINS
Director
City Planning Commission
November 1, 1991
Honorable City Council
Re: Kiroc Realty & Development, Ltd.; Request to construct and maintain an overhead pedestrian bridge encroachment between One Kennedy Square and a proposed parking structure in the block bounded by Shelby, Griswold, W. Fort and W. Lafayette (Recommend Approval).
On February 8, 1991 CPC staff submitted a report to Your Honorable Body regarding the above mentioned petition. CPC staff and the appropriate City Departments recommended approval of the subject petition. At that time, City Council requested the Law and City Engineering Departments to prepare the appropriate resolution. We are forwarding the attached resolution which has been prepared by those departments.
We review the proposal, the petitioner has begun construction of a parking structure at the southeast corner of Shelby and W. Lafayette. The One Kennedy Square office building is located southwest of the proposed structure, at the northwest corner of Griswold and Fort. The proposed skywalk would cross the alley that separates the parking structure

and the office building (see attached map).
We recommend that Council approve the attached resolution and note that ORC and CEDD review and approval of their materials, colors, and general appearance of the bridge encroachment is included as a condition of the approval.
Respectfully submitted,
MARSHA S. BRUHN
Director
JOHN F. BARAN
Staff
Council Member Kelley:
Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "Kiroc Realty and Development, Ltd." to construct and maintain an overhead pedestrian bridge encroaching across the east-west public alley, 20 feet wide (aka "Federal Court"), in the block bounded by Shelby and Griswold Avenues, W. Fort Street, and W. Lafayette Avenue, between the parcels described as follows:
(4) Land in the City of Detroit, Wayne County, Michigan being Lots 12 thru 14 (south of W. Lafayette, and east of Shelby) of the "Military Reserve" (Map) as recorded in LDBR-5, Page 218, City Records; the so-called One Kennedy Square Building (aka 711 Griswold Avenue);
(5) Land in the City of Detroit, Wayne County, Michigan being the easterly 16,000 feet of Lot 15, and all of Lots 10, 11, 12, 13, and 19 (north of W. Fort, and west of Griswold) of the "Military Reserve" (Map) as recorded in LDBR-5, Page 218, City Records; the so-called One Kennedy Square Building (aka 711 Griswold Avenue);
Encroachment to consist of an overhead pedestrian bridge that will link the adjacent and/or relocate their existing double garage (4th level) to the so-called One Kennedy Square Building (3rd floor) located in close proximity to the overcrossing overhead the public alley, 20 feet wide (aka "Federal Court"); shall be borne by the petitioner (in accordance with the above described parcels) in accordance with the terms and conditions of an agreement between "DE Co." and "Kiroc Realty and Development, Ltd."; and further
Provided, That nothing in this resolution shall be construed as giving any authority, permission or grant to the permittee for any part of the encroaching overhead pedestrian bridge link, including its bracing or supports, to extend over or be placed upon the surface, underground, or air rights of privately-owned property. The petitioner shall and conditions of an agreement between apply to the Buildings and Safety Engineering Department for a building permit prior to any construction; and further
Provided, That the necessary permit shall be obtained from the City Engineering Department and the Buildings and Safety Engineering Department; and further
Provided, That the permittee shall be subject to any and all other provisions of the City Charter, Code, Ordinances, and the Michigan Tax Act MCL 207.1 et seq., which may be levied against it pursuant to law with respect to the pedestrian bridge encroachment and its appurtenances; and further
Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee 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 Department at the permittee's sole cost and expense; and further
Provided, That said permits issued by the City Engineering Department and/or the Buildings and Safety Engineering Department are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinance(s), or resolution(s), or City policies (governing the placement of encroachments in public rights-of-way) are amended to provide for the levying thereafter, of a fee, charge or rental, to be hereafter determined upon, for the occupation of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said Charter, or code(s), or ordinance(s), or resolution(s), or policies; also said permittee does hereby bind itself thereto, and to accept said permits on the conditions hereby imposed, and in the event said permittee shall contest the validity of said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; and further
Provided, This resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or compensation for removal of encroachment(s) and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further
Provided, The filing of the indemnity agreement and the securing of the necessary permit(s) referred to herein shall be construed as acceptance of this resolution by the permittee; and further
Provided, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and further
Provided, That the City Clerk shall within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds.
Adopted as follows:
Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.
Nays — None.

Safety Engineering Department, and the bridge encroachment shall be constructed and maintained under their rules and regulations and in accordance with plans submitted to and approved by these departments, including the Department of Transportation (if necessary); and further
Provided, That the Community and Economic Development Department and the City Planning Commission shall review and approve the bridge encroachment as to materials, colors and general appearance for compatibility with other structures within the Central Business District; and further
Provided, That no advertising material of any nature whatsoever shall be displayed at any time on any part of the bridge encroaching overhead across public property; and further
Provided, That the petitioner shall file and in the sum of one and one-half million dollars (\$1,500,000.00), and an indemnity agreement, approved by the Law Department, saving and protecting the City of Detroit from any and all claims, damages, or expenses that may arise by reason of the issuance of said permits and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the construction, maintenance, permits and use of the bridge encroachment shall be borne by the petitioner; and further
Provided, That all costs incurred by the Detroit Edison Company (DE Co.) to adjust and/or relocate their existing double garage (4th level) to the so-called One Kennedy Square Building (3rd floor) located in close proximity to the overcrossing overhead the public alley, 20 feet wide (aka "Federal Court"); shall be borne by the petitioner (in accordance with the above described parcels) in accordance with the terms and conditions of an agreement between "DE Co." and "Kiroc Realty and Development, Ltd."; and further
Provided, That all costs incurred by the Federal Reserve Bank to protect and secure their building, located in close proximity to the overhead pedestrian bridge encroachment, shall be borne by the petitioner (in accordance with the terms and conditions of an agreement between the "Federal Reserve Bank" and "Kiroc Realty and Development, Ltd."); and further
Provided, That the necessary permit shall be obtained from the City Engineering Department and the Buildings and Safety Engineering Department; and further
Provided, That the permittee shall be subject to any and all other provisions of the City Charter, Code, Ordinances, and the Michigan Tax Act MCL 207.1 et seq., which may be levied against it pursuant to law with respect to the pedestrian bridge encroachment and its appurtenances; and further
Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee 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 Department at the permittee's sole cost and expense; and further
Provided, That said permits issued by the City Engineering Department and/or the Buildings and Safety Engineering Department are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinance(s), or resolution(s), or City policies (governing the placement of encroachments in public rights-of-way) are amended to provide for the levying thereafter, of a fee, charge or rental, to be hereafter determined upon, for the occupation of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said Charter, or code(s), or ordinance(s), or resolution(s), or policies; also said permittee does hereby bind itself thereto, and to accept said permits on the conditions hereby imposed, and in the event said permittee shall contest the validity of said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; and further
Provided, This resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or compensation for removal of encroachment(s) and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further
Provided, The filing of the indemnity agreement and the securing of the necessary permit(s) referred to herein shall be construed as acceptance of this resolution by the permittee; and further
Provided, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and further
Provided, That the City Clerk shall within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds.
Adopted as follows:
Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.
Nays — None.

10979

STATE OF MICHIGAN) ss.
CITY OF DETROIT)

SHORT FORM - TRUE COPY CERTIFICATE

I, James M. Bradley, CITY CLERK of the City of Detroit, do hereby certify that the annexed paper is a True Copy of a Resolution adopted by the City Council on November 13th, 1991 and approved by the Mayor on November 20th, 1991
Detroit Legal News November 18th, 1991
as appears from the records of said City Council, on file in my office.

1125473
PH 535
DEC 13, 1991

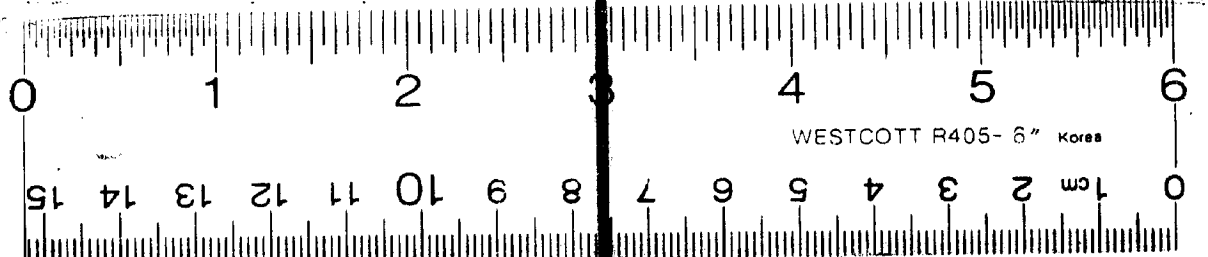
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said City, at Detroit, on

December 13th, 1991

James H. Bradley
City Clerk

10979

211.1 et seq., which may be levied against it pursuant to law with respect to the pedestrian bridge encroachment and its appurtenances; and further
Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee 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 Department at the permittee's sole cost and expense; and further
Provided, That said permits issued by the City Engineering Department and/or the Buildings and Safety Engineering Department are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinance(s), or resolution(s), or City policies (governing the placement of encroachments in public rights-of-way) are amended to provide for the levying thereafter, of a fee, charge or rental, to be hereafter determined upon, for the occupation of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said Charter, or code(s), or ordinance(s), or resolution(s), or policies; also said permittee does hereby bind itself thereto, and to accept said permits on the conditions hereby imposed, and in the event said permittee shall contest the validity of said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; and further
Provided, This resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or compensation for removal of encroachment(s) and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further
Provided, The filing of the indemnity agreement and the securing of the necessary permit(s) referred to herein shall be construed as acceptance of this resolution by the permittee; and further
Provided, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and further
Provided, That the City Clerk shall within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds.
Adopted as follows:
Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.
Nays — None.



16 X

City Engineering Department
July 24, 1992
Honorable City Council
Petition No. 2217, Archdiocese of Detroit, Requesting permission to install and maintain a privately-owned underground telecommunications cable system, including fiber optic cable, beneath various city alleys and streets from 1234 Washington Blvd. to 305 Michigan.

Petition No. 2217 of the "Archdiocese of Detroit" requests permission to install and maintain a privately-owned underground telecommunications cable system, including fiber optic cable, beneath various city alleys and streets from 1234 Washington Boulevard to 305 Michigan Avenue. The proposed cable encroachment is for the exclusive use of the Archdiocese. This is not a "common carrier" installation.

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

Cable placement will involve the following city rights-of-way:

- (1) parts of the remaining north-south and east-west public alleys, 20 feet wide, in the block bounded by Cass Avenue, Washington and W. Lafayette Boulevards, and Michigan Avenue; also
- (2) Washington Boulevard, variable width, between W. Lafayette Boulevard and Michigan Avenue; also
- (3) the city portion of Washington Boulevard, 195 feet wide, between Michigan Avenue and State Street (as established by City Council resolution on April 8, 1992 - J.C.C. pgs. 740-41); also
- (4) part of State Street, 80 feet wide, between Washington Boulevard and Shelby Street; also
- (5) part of the north-south public alley, 20 feet wide, in the block bounded by Washington Boulevard, Griswold and State Streets, and Grand River Avenue.

Permission for crossing the State portion of Washington Boulevard and Michigan Avenue must be obtained from the Michigan Department of Transportation. Generally, cable placement will involve installation by pulling cable through existing Detroit Edison manholes and ducts. However, installation at the rear of 305 Michigan Avenue may involve the open cut of a public alley. Necessary permits will have to be obtained for any "open cuts", backfill, surface restoration, barricade, or occupancy of City rights-of-way to install cable.

The Detroit Edison Company reports that 15 (DE Co.) manholes and 1,573 (linear) feet of DE Co. ducts are involved.

Edison will require site inspection and permits from the Detroit - Archdiocese cable installation contractor(s).

The Public Lighting Department (PLD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three feet between PLD facilities and the proposed Archdiocese cable installation.

The Water and Sewerage Department (DWSD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes (and any other DWSD facilities) and the proposed Archdiocese cable installation.

The Cable Communications Commission and the Recreation Department have approved the proposed cable encroachment.

All other involved City departments and privately-owned utility companies have reported no objections to the proposed cable placement provided "care and caution" are used in open cuts and pulling cable through existing Edison conduits. They have also requested the petitioner make use of "Miss Dig" facilities before cable installation placement, and then become a participating member of that organization. This will minimize the chance of damage to the petitioner's property.

Detroit Code Section 42 assigns the inspection of underground conduits (ducts), poles, and overhead wire attachments to the Public Lighting Department (PLD). PLD has submitted a report to the City Engineering Department (received June 1, 1992).

Finally, the City Engineering Department will require the Archdiocese to submit certified "as built" drawings, a map and survey, showing the exact location of the petitioner's completed telecommunications cable system installation.

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

Respectfully submitted,
CLYDE R. HOPKINS
Director

Whereas, The "Catholic" Archdiocese of Detroit is requesting permission to install and maintain a privately-owned underground telecommunications cable system, including one 12 pair fiber optic cable (0.50 inch diameter), crossing beneath several dedicated public (streets and alleys) rights-of-way; also

STATE OF MICHIGAN ss. SHORT FORM - TRUE COPY CERTIFICATE
CITY OF DETROIT)

I, JAMES H. BRADLEY, CITY CLERK of the City of Detroit, do hereby
certify that the annexed paper is a True Copy of a Resolution

adopted by the City Council on August 7th, 1992

and approved by the Mayor on August 14th, 1992

as appears from the Detroit legal News August 18th, 1992 of said City Council, on file in my office.

IN WITNESS WHEREOF, I Have hereunto
set my hand and affixed the Corporate
Seal of said City, at Detroit, on

September 28th, 1992

City Clerk

Public Lighting Department; and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located in the above public rights-of-way, by the acceptance of this permission, the owners for themselves, their heirs or assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Department at the owner's expense; and further

Provided, The petitioner shall file with the Finance Department an Indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims, damages, or expenses that may arise by reason of the issuance of said permits and the faithful performance by the permittee of the terms thereof, and in addition to pay any claims, damages or expenses that may arise out of the maintenance of said encroachments; and further

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee 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 Department at the permittee's expense; and further

Provided, That said permits issued by the City Engineering Department and/or the Public Lighting Department are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinance(s), or resolution(s), or City policies (governing the placement of encroachments in public rights-of-way) are amended to provide for the levying thereafter, of a fee, charge or rental, to be hereafter determined upon, for the occupancy of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further

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

Provided, That the petitioner shall apply to and become a participating member of the "Miss Dig" organization; and further

Provided, The filing of the indemnity agreement and the securing of the necessary permit(s) referred to herein shall be construed as acceptance of this resolution by the permittee; and further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds; and be it further

Resolved, That this resolution does not permit any use or operation of a privately-owned cable system that would conflict with previously issued franchisees for cable communication system, or cable television system in accord with Detroit Code Section 9.5; and be it further

Resolved, The petitioner "Archdiocese of Detroit", shall submit "as built" drawing(s) sealed by a professional engineer registered in the State of Michigan to the City Engineering Department within 30 days after the completion of construction. Said "as built" drawing(s) shall furnish a complete means of identifying and ascertaining the precise position of every part of the "encroachment" with courses, distances, and depth throughout (containing City of Detroit datum), so that it may be determined with certainty where any portion of the "encroachment" has been built. Copies of the certified "as built" map(s) and survey(s) shall be an "appendix" to this City Council resolution. Said "appendix" shall be recorded by the City Engineering Department in the Wayne County Register of Deeds.

Adopted as follows:
Yeas - Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Revitz and President Mahaffey - 8.
Nays - None.

10979

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