

Property Act No. _____

File No. _____

BOARD OF WATER COMMISSIONERS OF THE CITY OF DETROIT

EASEMENT ENCROACHMENT PERMIT

WHEREAS, application is hereby made to the Board of Water Commissioners of the City of Detroit, a municipal corporation, whose address is 735 Randolph Street, Detroit, Michigan 48226, hereinafter called BOARD, by

Wayne State University

whose address is 5700 Cass Avenue, suite 4900, Detroit, MI 48202

hereafter called APPLICANT, to use easement under the jurisdiction of the BOARD described and located at:

Located within parcel ID 02002175-98. The easement is for 10" storm line located within the eastern vacated alley running north-south in the block bounded by vacated Second, Cass, vacated Kirby, and vacated Ferry Avenues

For the purpose of: erecting a structure for a cooling tower serving Community Arts Complex (450 Reuther Mall) above a city-owned storm sewer line

NOW, THEREFORE, Upon payment by APPLICANT of a Preparation Fee of \$ 70.00, BOARD grants, permission to APPLICANT, its successors and assigns, to use the above described easement in accordance with the approved plans and specifications attached hereto and made a part hereof. All work shall be done in accordance with accepted standards.

APPLICANT shall hold harmless BOARD, its officers, employees and agents, from any and all liability, claims, suits, actions, or causes of action for damages for injuries or otherwise and shall assume the defense and bear all costs and expense of all such actions which may be brought against the BOARD, its officers, employees or agents by reason of the permission herein granted; provided, however, that nothing contained herein may be construed as rendering APPLICANT liable for acts of negligence of BOARD, its officers, employees or agents. APPLICANT shall furnish proof of insurance coverage as indicated below and for the period of time that the construction work herein permitted is carried out.

☒ Contractor's Public Liability and Property Damage Insurance (City of Detroit named as an "additional insured").

☒ Owner's Protective Insurance (City of Detroit named as "insured")

Public Liability (bodily injury) \$ 1,000,000 WITH EXCESS LIABILITY OF \$15,000,000/OCCURRENCE each occurrence

Property Damage \$ 1,000,000 WITH EXCESS LIABILITY OF \$15,000,000/OCCURRENCE each occurrence; \$ 2,000,000 WITH EXCESS LIABILITY OF \$15,000,000/OCCURRENCE & AGGREGATE aggregate and providing additional hazard coverage as BOARD may specify.

Additional conditions of this permit are listed on the reverse and are numbered condition 1 through ____.

APPLICANT, in making application for the foregoing permit, acknowledges and agrees to abide with the terms and conditions of said permit.

By: Bethany Gielejko

STATE OF MICHIGAN)

) SS.

TITLE: SVP FINANCE & Business Affairs, CFO

COUNTY OF Wayne)

Subscribed and sworn to before me this 7th day of April, 2025

Commission expires 2/15/2029 Nicole Ann Jackson

NICOLE ANN JACKSON
Notary Public, State of Michigan
County of Wayne
My Commission Expires Feb. 15, 2029
Acting in the County of Wayne

	DATE	NOTARY PUBLIC	COUNTY
Insurance Coverage	Preparation	Permit	P/L _____ Date _____
<u>Acceptable</u>	<u>Fee Paid</u>	<u>Recommended:</u>	R/W _____ Date _____
_____ Date _____	_____ Date _____	Gen. Supt. _____	Date _____

THIS PERMIT is issued this _____ day of _____, 20____

WITNESS: _____

WITNESS: _____

PRINT: _____

PRINT: _____

DWSD DIRECTOR:

DWSD BOARD OF WATER COMMISSIONERS

BY: _____

TITLE: _____

TITLE: _____

EASEMENT ENCROACHMENT PERMIT

(continued)

ADDITIONAL CONDITIONS: (Those marked ☒ apply to this permit)

- ☐ 1.a. A specific condition and limitation of this permit is that if BOARD deems it necessary at any time to construct, reconstruct, maintain, repair, or operate its facilities or perform any other BOARD function that may necessitate, either permanently or temporarily, the raising or lowering, moving or changing, or removing and replacing the construction or installation herein permitted within the easement, APPLICANT, its successors and assigns, shall perform such labor with reasonable dispatch, then BOARD shall have the right to perform such labor, all at the cost and expense of APPLICANT.
- ☐ 1.b. By approval of this permit, BOARD does not waive any of its rights to its facilities located in the easement, and at all time, BOARD, its agents or employees, shall have the right to enter upon the easement to maintain, repair, alter, service, inspect, or install its facilities. All costs incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining servicing or inspection by BOARD shall be borne by APPLICANT not encroached into the easement shall be borne by BOARD.
- ☐ 2. All construction performed under this permit shall not be commenced until after (5) days written notice to BOARD. Seventy-Two (72) hours notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one-call system.
- ☐ 3. Construction under this permit is subject to inspection and approval by BOARD forces. The cost of such inspection shall, at the discretion of the BOARD, be borne by the APPLICANT.
- ☐ 4. This permit applies only to the easement interest of BOARD and APPLICANT is hereby put on notice that other grants and/or permits may be required.
- ☐ 5. If the BOARD facilities located within the easement shall break or be damaged as the result of any action on the part of APPLICANT, then in such event APPLICANT agrees to be liable for all costs incident to the repair, replacement or relocation of such broken or damaged BOARD facilities.
- ☐ 6. APPLICANT shall hold BOARD harmless for any damage to the encroaching device constructed or installed under this permit which may be caused by the failure of BOARD's facilities.
- ☐ 7. If at any time in the future APPLICANT shall request removal and/or relocation of the BOARD's facilities in the easement being encroached upon, APPLICANT agrees to pay all costs for such removal and/or relocation.
- ☐ 8. The surface of the easement shall be restored to the same condition that existed prior to the construction or installation herein permitted insofar as is practical.