



**DOWNTOWN DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS SPECIAL MEETING
WEDNESDAY, MARCH 31, 2021 – 3:00 P.M.**

BOARD MEMBERS PRESENT: Marvin Beatty
Austin Black
David Blaszkiewicz
Ehrlich Crain
Sonya Delley
Melvin Hollowell
Nicole Sherard-Freeman
Richard Hosey
James Jenkins
John Naglick

BOARD MEMBERS ABSENT:
Steve Ogden

OTHERS PRESENT: Malinda Jensen (DEGC/DDA)
Jennifer Kanalos (DEGC/DDA)
Cora Capler (DEGC/DDA)
Kenyetta Bridges (DEGC/DDA)
Charlotte Fisher (DEGC/DDA)
Orza Robertson (DEGC/DDA)
Rebecca Navin (DEGC/DDA)
Glen Long, Jr. (DEGC/DDA)
Alexia Mabry (DEGC/DDA)
Paul Kako (DEGC/DDA)
Kevin Johnson (DEGC)
Gary Brown (Diversity in Design)
Mark Wallace (Detroit Riverfront Conservancy)



**MINUTES OF THE DOWNTOWN DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS SPECIAL MEETING
WEDNESDAY, MARCH 31, 2021
ZOOM VIRTUAL MEETING – 3:00 P.M.**

GENERAL

Call to Order

Ms. Sherard-Freeman, the Chair's Representative, called the special meeting of the Downtown Development Authority Board of Directors to order at 3:01 p.m. Roll call was conducted, and a quorum was established.

Approval of Minutes

Ms. Sherard-Freeman asked if there were any additions, deletions, or corrections to the minutes of the February 24, 2021 Regular Board meeting. Hearing none, the Board took the following action:

Mr. Hollowell made a motion approving the February 24, 2021 minutes, as written.
Mr. Hosey seconded the motion.
DDA Resolution Code 21-03-02-633 was approved.

Receipt of Treasurer's Report for February 2021

Treasurer Naglick reviewed the Treasurer's Report of Receipts and Disbursements for the month of February 2021. Ms. Sherard-Freeman asked if there were questions. Hearing none, the Board took the following action:

Mr. Jenkins made a motion approving the Treasurer's Report for February 2021, as presented. Mr. Blaszkiwicz seconded the motion. A roll call vote was conducted with the following result:
Ayes: Mr. Beatty, Mr. Black, Mr. Blaszkiwicz, Mr. Crain, Ms. Delley, Mr. Hollowell, Mr. Hosey, Mr. Jenkins, Mr. Naglick, and Ms. Sherard-Freeman.
Nays: None.
DDA Resolution Code 21-03-03-519 was approved.

PROJECTS

Detroit Riverfront Presentation

Mr. Wallace gave a presentation on the Detroit Riverfront which included information on the work of the Detroit Riverfront Conservancy to date and the projects that are in various stages of development for the Detroit Riverfront (former Uniroyal Site and Robert C.



Wilson Jr. Centennial Park) and greenways (Joseph Campau Greenway and May Creek Greenway) to expand the riverfront and to increase the connectivity of the Detroit Riverfront with other areas of the City, the programming for the Detroit Riverfront over the last year including virtual programming and public art installations, and that the Detroit Riverfront was named the nation's best riverfront through voting conducted by USA Today.

Ms. Sherard-Freeman thanked Mr. Wallace for the presentation and stated that the work that has been on the Detroit Riverfront is remarkable and she hopes that the DDA Board Members can spend some time enjoying the Detroit Riverwalk sometime soon.

Mr. Beatty stated that he has been on the Detroit Riverfront Conservancy Board since its inception and that all of the progress that has been made on the Detroit Riverfront is impressive and a great recreation resource for Detroit residents.

Mr. Hollowell stated that the work that has been done to improve the Detroit Riverfront is breathtaking and the Detroit Riverfront Conservancy's commitment to its goals is impressive along with their problem solving on challenging development areas along the Detroit River. Mr. Wallace thanked Mr. Hollowell for his comments and stated that many people had to work very hard to make these projects happen and that the Detroit Riverfront Conservancy is committed to making the Detroit Riverfront a destination for Detroit Residents.

Mr. Crain stated that he echoes the comments made by his fellow Board Members and gave kudos to the Detroit Riverfront Conservancy for its work and asked if there are any plans to expand the Riverfront past the Belle Isle Bridge on the east side or the Ambassador Bridge on the west side. Mr. Wallace stated that expanding the Detroit Riverfront has been discussed but there are not any current plans to expand the Detroit Riverfront past the Belle Isle Bridge on the east side or the Ambassador Bridge on the west side.

Mr. Hollowell asked if Mr. Wallace could share the PowerPoint presentation that he presented to the DDA Board. Mr. Wallace stated that he would be happy to share the PowerPoint presentation with the DDA Board and thanked Ms. Navin for her hard work and dedication in assisting the Detroit Riverfront Conservancy with its work.

Mr. Jenkins thanked Mr. Wallace for his work with the Detroit Riverfront Conservancy and stated that the Detroit Riverfront is on the right track to complete its vision for the residents of Detroit.

Mr. Black excused himself from the meeting.



West Riverfront: Approval of Riverwalk Easement and Land Transfer Agreement for City Owned Parcel

Ms. Navin advised that in 2004, in connection with a loan settlement, the City of Detroit Downtown Development Authority (the “**DDA**”) acquired approximately 6.5 acres of waterfront land commonly known as 1351 West Jefferson (the “**DDA Parcel**”). The DDA Parcel is situated to the west of the Riverfront Towers project and to the east of the West Riverfront Park, now known as Ralph C. Wilson, Jr. Centennial Park (the “**Wilson Park**”). With the development of the Wilson Park, the Detroit Riverfront Conservancy (the “**Conservancy**”) has secured funding to connect the Riverwalk from Joe Louis Arena to the Wilson Park and has requested that the DDA grant a 65’ easement over the DDA Parcel along the water’s edge for the construction of the Riverwalk. Further, in performing diligence for the purposes of the easement, it was discovered that the City of Detroit owns a 15-foot parcel between the DDA Parcel and Wilson Park (the “**City Parcel**”) over which the Riverwalk and a connector from Jefferson to the Riverwalk will be constructed. A depiction of the DDA Parcel, the City Parcel, and the proposed 65’ easement area is attached hereto as **Exhibit A**.

Pursuant to the funding encumbrances imposed by the land trust funds to be used by the Conservancy to fund this portion of the Riverwalk, the DDA Parcel would need to be held in perpetuity as a publicly owned parcel. In order to preserve the DDA’s ability to cause the development of the DDA Parcel by a future developer and facilitate the construction of the Riverwalk across the DDA Parcel, staff proposes to undertake each of the following (the “**Proposed Transaction**”):

- (i) Split the DDA parcel to separate the 65’ easement area (the “**Easement Area**”) from the balance of the DDA Parcel (the “**Development Parcel**”);
- (ii) Take title to the City Parcel pursuant to a Land Transfer Agreement with the City and combine the City Parcel with the Easement Area;
- (iii) Enter into an easement agreement with the Conservancy upon the terms and conditions set forth in **Exhibit B** hereto (the “**Easement Terms**”); and
- (iv) Following completion of the construction of the Riverwalk and the transfer of the Development Parcel to a third-party developer, transfer the City Parcel and the Easement Area to the City of Detroit.

A resolution approving the Proposed Transaction, including (i) the execution of a land transfer agreement with the City for the transfer of the City Parcel to the DDA and the eventual re-conveyance of the City Parcel and Easement Area to the City and (ii) the execution of an easement agreement consistent with the Easement Terms was attached for the Board’s consideration.

Ms. Sherard-Freeman asked if there were any questions. Hearing none, the Board took the following action:



Mr. Crain made a motion approving the West Riverfront: Approval of Riverwalk Easement and Land Transfer Agreement for City Owned Parcel, as presented. Mr. Hosey seconded the motion. A roll call vote was conducted with the following result:

Ayes: Mr. Beatty, Mr. Blaszkiewicz, Mr. Crain, Ms. Delley, Mr. Hollowell, Mr. Hosey, Mr. Jenkins, Mr. Naglick, and Ms. Sherard-Freeman.

Nays: None.

DDA Resolution Code 21-03-29-49 was approved.

Amendment to Riverfront Seawall Reconstruction at the DDA's Property Located at 1351 W. Jefferson

Mr. Robertson reported that on July 22, 2020, the Board of Directors of the City of Detroit Downtown Development Authority ("DDA") approved the award of a Design-Construct construction contract to Dean Marine & Excavating (the "Contractor") for the reconstruction of the existing seawall along the Detroit River frontage of the property owned by the DDA and located at 1351 West Jefferson Ave, Detroit, MI (the "Property"). The DDA Board authorized the execution of a contract in the amount of \$1,468,436.00 and the establishment of DDA owner-held contingency in the amount of \$293,687.20 to address hidden and unforeseen conditions.

DDA staff executed a Construction Contract between the Contractor and the DDA for the not-to-exceed amount of \$1,468,436.00 to perform the Scope of Work as described in the Request for Proposals ("RFP"), subject to further physical investigation to confirm the information and validity of the assumptions and concepts provided in the RFP. DDA staff also executed a change order in the amount of \$13,375.00, which allowed for the Contractor to perform a Baseline Environmental Assessment.

Prior to commencing the seawall reconstruction, NTH Consultants ("NTH"), the engineer of record contracted by the Contractor, prepared various engineered documents, and reports to present the findings, data and basis for concept engineering obtained from on-site investigations and observations which included multiple underwater dive inspections and test excavations. The on-site findings and data obtained by NTH's investigation and observations were not consistent with the RFP assumptions. In summary, the reconstruction of the seawall in accordance with the Contractor's proposal and scope of work, based on engineering evaluations, will not reliably produce the long-term structural support for the proposed Riverwalk extension over the south portion of the Property.

The Contractor and NTH presented four (4) options for the reconstruction of the existing seawall, which included various sheeting and riprap solutions. The DDA staff reviewed these options and determined that installation of a sheet pile with a tie/whaler system that has a low maintenance is in the best interests of the DDA. This option has also been



engineered, reviewed, and coordinated with Detroit Riverfront Conservancy and Smith Group's Riverwalk Plans.

The Contractor plans to incorporate the additional scope required to accommodate the Detroit Riverfront Conservancy's Riverwalk plans and to extend the seawall 15 feet to the west on the City's easement property which revised the lump sum contract amount to \$2,061,243.93. A revised scope of services including the sheet pile installation is attached as **Exhibit A**.

The DDA staff recommends the Board's consideration and authorization to amend the contract with the Contractor by revising the Scope of Work and increasing the current lump sum contract amount by \$579,432.93 to the not-to-exceed contract value of \$2,061,243.93. The DDA will continue to maintain its owner's contingency in the amount of \$293,687.20 in the event additional unforeseen conditions or circumstances arise.

A draft resolution was attached for the Board's consideration.

Mr. Jenkins asked if the contract is for a lump sum amount or a not to exceed amount. Mr. Robertson stated that when the contract was originally entered into it was for \$1.4 million and DDA Staff was comfortable that the work could be completed within that amount and there has been additional scope included in the Amendment for a new total contract amount of \$2,061,243.93.

Mr. Jenkins asked if there is a separate amount for the work to be performed by NTH or if that work is included in the amount of the contract. Mr. Robertson stated that NTH is Dean Marine's subcontractor and the work to be performed by NTH is included in the amount of the contract.

Mr. Crain asked if there is a third-party engineering consultant that has assisted with the scope of the work. Mr. Robertson stated that DDA Staff worked with Gary Brown and Smith Group with prepare the Scope of Work as described in the RFP. Mr. Crain asked if Smith Group is reviewing the contract with NTH and the design criteria for the project. Mr. Robertson confirmed that Smith Group is reviewing the contract with NTH and the design criteria for the project; however, Smith Group is the engineer for the Riverfront Conservancy.

Mr. Jenkins asked if NTH or Smith Group will be reviewing and approving the work performed. Mr. Brown stated that the work performed will be reviewed by EGLE, BSEED, and Smith Group to make sure the new seawall will not interfere with the planned future development.

Ms. Navin stated that there is a typo in the resolution with respect to the date of the original Board approval of the contract that will need to be corrected.



Ms. Sherard-Freeman asked if there were any other questions. Hearing none, the Board took the following action:

Mr. Hollowell made a motion approving the Amendment to Riverfront Seawall Reconstruction at the DDA's Property Located at 1351 W. Jefferson, with the correction to the resolution as stated by Ms. Navin. Mr. Blaszkiewicz seconded the motion. A roll call vote was conducted with the following result:

Ayes: Mr. Beatty, Mr. Blaszkiewicz, Mr. Crain, Ms. Delley, Mr. Hollowell, Mr. Hosey, Mr. Jenkins, Mr. Naglick, and Ms. Sherard-Freeman.

Nays: None.

DDA Resolution Code 21-03-29-50 was approved.

Mr. Blaszkiewicz excused himself from the meeting.

Fort Street Crossing Construction Project: Authorization to Enter into Contract with Major Cement

Mr. Robertson reported that The Downtown Detroit Partnership ("DDP") and the City of Detroit have partnered to carry out a streetscape improvement project at the intersection of Fort Street and Woodward Avenue (the "Project"). This intersection was identified as a priority project in the Downtown Detroit Transportation Study, completed in 2018, because it is currently difficult and unsafe for pedestrians to navigate.

The improvements to the area, which seek to enhance pedestrian access and safety in the core of Downtown Detroit, will include:

- 1) Traffic calming on Fort Street, reducing it from three through lanes to two
- 2) A loading/unloading and designated rideshare zone
- 3) Several new landscaped areas, including street trees and raised planters
- 4) New amenities such as bike racks, benches, a scooter corral, and trash receptacles

In connection with the Project, the City of Detroit Downtown Development Authority ("DDA") is seeking a qualified contractor to construct the necessary improvements for the Project which include work related to obtaining permits, site demolition, earthwork, site utilities, R.O.W improvements, construction of improvements related to lane reduction, load/unloading rideshare zone, landscaping, bike racks, benches, and trash receptacles (collectively, the "Services").

To solicit proposals for such work to be performed, DDA staff posted a Request for Proposals ("RFP") on the professional bid service BidNet. In addition, based on previous



DDA Board feedback and in order to solicit additional proposals from Detroit-based contractors, DDA staff reached out to certain DDA Board Members and sent the RFP directly to the contractors provided to DDA staff and to a number of Detroit-based contractors listed by the Construction Association of Michigan. Finally, DDA staff posted the RFP in the Michigan Chronicle. DDA received bids from six (6) contractors. Prior to evaluating the bids received, DDA staff applied an equalization credit to Detroit-headquartered and Detroit-based businesses. The six (6) bids received, adjusted for the equalization credit, as applicable, and the score given to each bid are as follows:

Bidder	Location	Base Bid Price and Alternate Pricing	Equalization Credit	Adjusted Base Bid Price
Major Cement	Detroit, MI	\$664,386.57	6%	\$624,523.38
WCI Contractors, Inc.	Detroit, MI	\$664,201.50	6%	\$624,349.41
Audia Construction	Milford	\$746,407.00	N/A	N/A
Warren Contracting	Shelby Twp., MI	\$724,583.18	N/A	N/A
Iafrate	Sterling Heights, MI.	\$804,713.57	N/A	N/A
Lacaria	Detroit, MI	\$836,560.00	6%	\$786,366.40

DDA staff selected Major Cement (the “Contractor”) as the lowest, most responsive bidder. DDA staff determined that the Contractor’s proposal to be the most qualified proposal received based on the following reasons:

- The Contractor submitted the lowest base bid proposal (excluding alternate pricing);
- The Contractor has a history of completing projects of similar scope and scale;



- The Contractor has completed previous work associated with the Project to the satisfaction of DDA staff;
- The Contractor has a reputable safety and compliance record; and
- The Contractor has extensive inventory of equipment required to complete a project of this scale.

DDP has agreed with DDA staff's selection of the Contractor to perform the Services. The Contractor has proposed a not-to-exceed contract amount of Six Hundred Sixty-Four Thousand Three Hundred Eighty-Six and 57/100 (\$664,386.57) Dollars for the performance of the Services.

DDA staff is requesting the DDA Board of Directors authorize the execution of an agreement with the Contractor to provide the Services at the not to exceed amount of Six Hundred Sixty-Four Thousand Three Hundred Eighty-Six and 57/100 (\$664,386.57) Dollars.

DDA staff is also recommending that a contingency representing twenty (20%) percent of the total value of the agreement, or One Hundred Thirty-Two Thousand Eight Hundred Seventy-Seven and 31/100 (\$132,877.31) Dollars be established to be disbursed upon the authorization of any two Officers, or any one of the Officers and any of the Authorized Agents of the DDA, or any two Authorized Agents of the DDA.

A resolution approving and authorizing the DDA to enter into the agreement with the Contractor, for the above-described Services and the establishment of a contingency fund was attached for the Board's consideration.

Mr. Hollowell stated that he is pleased that the selection of a contractor was based not just on the lowest price but on the quality of work and skill as well and stated that he would like to hear from Mr. Jenkins to see if he has any experience with Major Cement and its work. Mr. Jenkins stated that he is familiar with every contractor listed in the memorandum and that Major Cement has done a lot of recent work in the City of Detroit.

Following a discussion regarding Staff's presentation of the proposed bids, Mr. Jenkins requested that the public record, through the meeting minutes, reflect the proposed Base Bid Price and the Alternative Pricing separately, as the determination of the lowest bidder was based on the Base Bid Price. Below is a revised chart reflecting the changes requested by the Board:



Bidder	Location	Base Bid Price	Equalization Credit	Adjusted Base Bid Price
Major Cement	Detroit, MI	\$639,186.57	6%	\$600,835.38
WCI Contractors, Inc.	Detroit, MI	\$642,901.50	6%	\$604,327.41
Audia Construction	Milford	\$686,407.00	N/A	N/A
Warren Contracting	Shelby Twp., MI	\$688,538.18	N/A	N/A
Iafate	Sterling Heights, MI.	\$743,213.57	N/A	N/A
Lacaria	Detroit, MI	\$806,560.00	6%	\$758,166.40

Mr. Beatty thanked Mr. Robertson for taking the time to reperform the RFP for this project and urged the DDA to promote the contracting with Detroit-based companies for work to be performed.

Ms. Sherard-Freeman asked if there were any other questions. Hearing none, the Board took the following action:

Mr. Beatty made a motion approving the Fort Street Crossing Construction Project: Authorization to Enter into Contract with Major Cement, as presented. Mr. Hosey seconded the motion. A roll call vote was conducted with the following result:
 Ayes: Mr. Beatty, Mr. Blaszkiewicz, Mr. Crain, Ms. Delley, Mr. Hollowell, Mr. Hosey, Mr. Jenkins, Mr. Naglick, and Ms. Sherard-Freeman.
 Nays: None.
 DDA Resolution Code 21-03-127-02 was approved.

OTHER BUSINESS

None.



ADMINISTRATION

None.

PUBLIC COMMENT

None.

ADJOURNMENT

On a motion by Mr. Beatty, seconded by Mr. Hosey, Ms. Sherard-Freeman adjourned the meeting at 4:11 p.m.



CODE DDA 21-03-02-633

APPROVAL OF MINUTES OF FEBRUARY 24, 2021

RESOLVED that the minutes of the Regular meeting of February 24, 2021 are hereby approved and all actions taken by the Directors present at such meeting, as set forth in such minutes, are hereby in all respects ratified and approved as actions of the Downtown Development Authority.

March 31, 2021



CODE DDA 21-03-03-519

RECEIPT OF TREASURER'S REPORT FOR FEBRUARY 2021

RESOLVED, that the Treasurer's Report of Receipts and Disbursements for the period ending February 28, 2020, as presented at this meeting, is hereby in all respects received by the Downtown Development Authority.

March 31, 2021



CODE DDA 21-03-29-49

WEST RIVERFRONT: APPROVAL OF RIVERWALK EASEMENT AND LAND TRANSFER AGREEMENT FOR CITY OWNED PARCEL

WHEREAS, in 2004, the City of Detroit Downtown Development Authority (the “**DDA**”) acquired the property commonly known as 1351 West Jefferson (the “**DDA Parcel**”), which is situated to the west of the Riverfront Towers project and to the east of the West Riverfront Park, now known as Ralph C. Wilson, Jr. Centennial Park (the “**Wilson Park**”); and

WHEREAS, the Detroit Riverfront Conservancy (the “**Conservancy**”) has secured funding to connect the Riverwalk from Joe Louis Arena to the Wilson Park and has requested that the DDA grant a 65’ easement over the DDA Parcel along the water’s edge for the construction of the Riverwalk; and

WHEREAS, in performing diligence for the purposes of the easement, it was discovered that the City of Detroit (the “**City**”) owns a 15-foot parcel between the DDA Parcel and Wilson Park (the “**City Parcel**”) over which the Riverwalk and a connector from Jefferson to the Riverwalk will be constructed; and

WHEREAS, a depiction of the DDA Parcel, the City Parcel, and the proposed 65’ easement area is attached hereto as **Exhibit A**; and

WHEREAS, in order to avoid the application of certain grant funding encumbrances over the entirety of the DDA Parcel, staff proposes to undertake each of the following (the “**Proposed Transaction**”):

- (v) Split the DDA parcel to separate the 65’ easement area (the “**Easement Area**”) from the balance of the DDA Parcel (the “**Development Parcel**”);
- (vi) Take title to the City Parcel pursuant to a Land Transfer Agreement with the City and combine the City Parcel with the Easement Area;
- (vii) Enter into an easement agreement with the Conservancy upon the terms and conditions set forth in **Exhibit B** hereto (the “**Easement Terms**”); and
- (viii) Following completion of the construction of the Riverwalk and the transfer of the Development Parcel to a third-party developer, transfer the City Parcel and the Easement Area to the City of Detroit.

WHEREAS, the DDA Board has determined that approval of the Proposed Transaction in the best interests of the DDA and the Downtown District.

NOW, THEREFORE, BE IT RESOLVED, that the DDA Board of Directors hereby approves the Proposed Transaction.



BE IT FURTHER RESOLVED that any two Officers, any two of the Authorized Agents of the DDA, or any one of the Officers and any one of the Authorized Agents of the DDA, shall hereafter have the authority to negotiate and execute an easement agreement in accordance with the Easement Terms and other terms and conditions as deemed appropriate by such Authorized Agents and counsel which are not inconsistent with this resolution and do not alter the substance of the Easement Terms

BE IT FURTHER RESOLVED that any two Officers, any two of the Authorized Agents of the DDA, or any one of the Officers and any one of the Authorized Agents of the DDA, shall hereafter have the authority to negotiate and execute a Land Transfer Agreement with the City and any and all other documents, contracts, or other papers, or take any and all actions, necessary or appropriate to implement the provisions and intent of this resolution on behalf of the DDA.

BE IT FINALLY RESOLVED that all of the acts and transactions of any Officer or Authorized Agent of the DDA, in the name and on behalf of the DDA, relating to matters contemplated by the foregoing resolutions, which acts would have been approved by the foregoing resolutions except that such acts were taken prior to execution of these resolutions, are hereby in all respects confirmed, approved, and ratified.

March 31, 2021

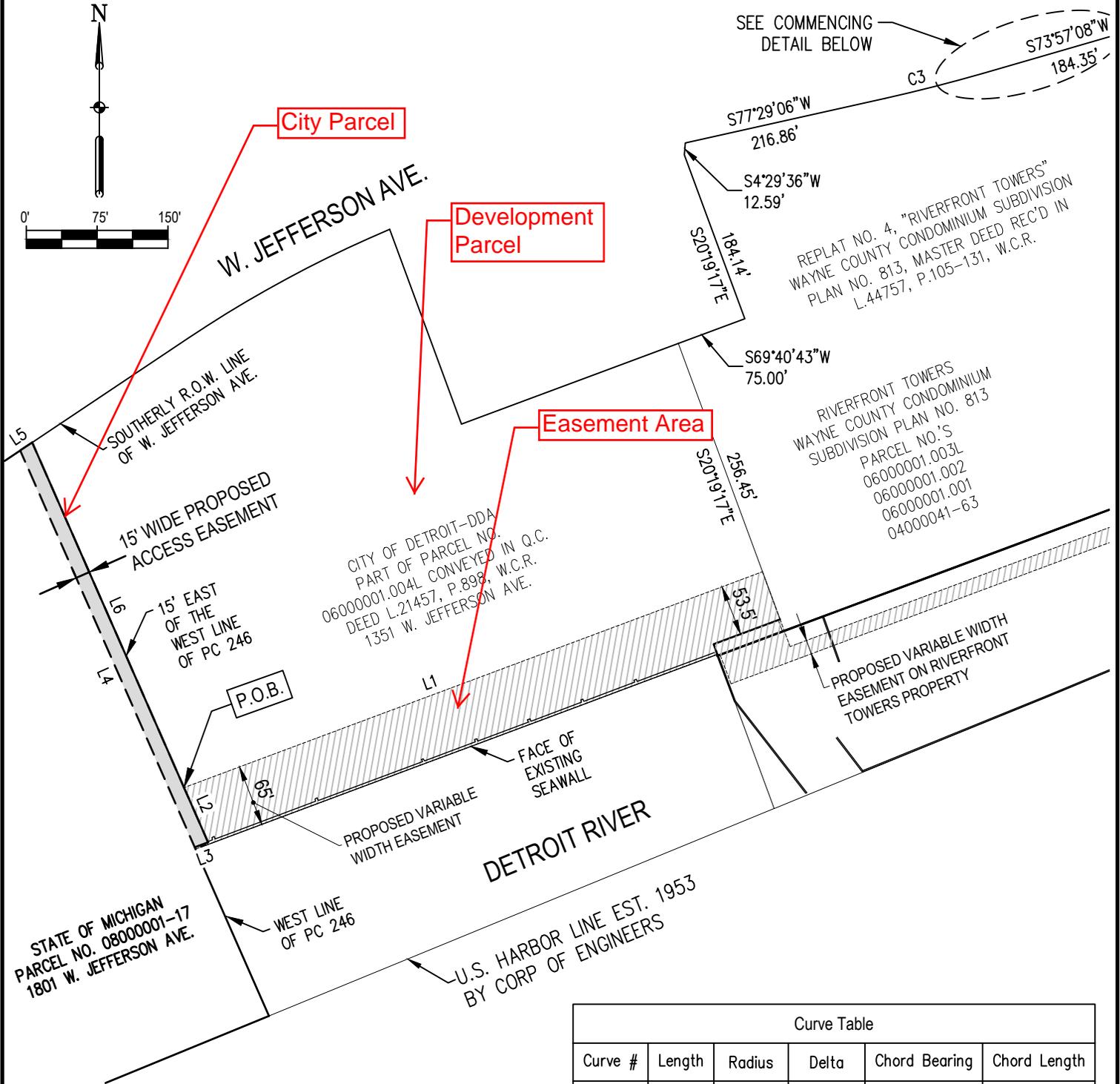
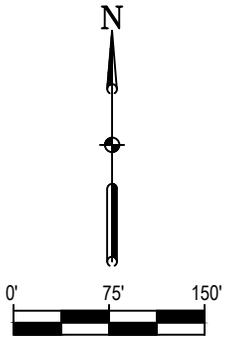


EXHIBIT A

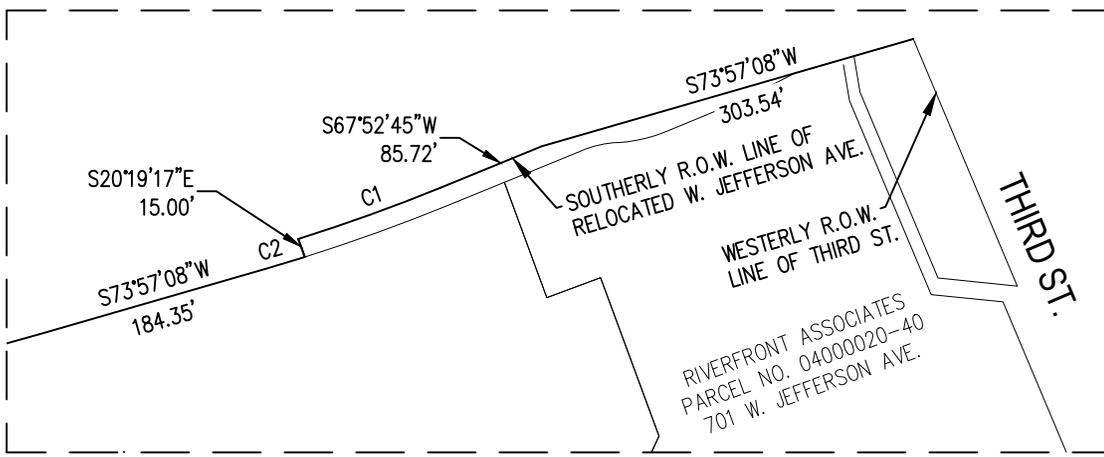
See attached.

EXHIBIT A ;

BEING PART OF PRIVATE CLAIM 246, CITY OF DETROIT, WAYNE COUNTY, MICHIGAN



Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	118.67	1413.00	4°48'44"	S70°17'07"W	118.64
C2	32.29	1425.07	1°17'54"	S73°18'30"W	32.29
C3	106.67	1728.00	3°32'12"	S75°43'14"W	106.65



Line Table		
Line #	Direction	Length
L1	S69° 37' 46"W	653.50
L2	S23° 51' 13"E	62.96
L3	S69° 41' 00"W	15.03
L4	N23° 51' 13"W	457.12
L5	N56° 22' 07"E	15.22
L6	S23° 51' 13"E	397.67

COMMENCING DETAIL

CLIENT: DETROIT RIVERFRONT CONSERVANCY, INC.

PART OF 1801 W. JEFFERSON AVE, PARCEL NO. 08000001-17, CITY OF DETROIT

SMITHGROUP

JOB NO. 12311.000	PAGE 1 OF 2
DRAWN CAL	DATE 6/1/2020
201 DEPOT STREET SECOND FLOOR ANN ARBOR, MI 48104	
734.662.4457 www.smithgroup.com	

LEGEND

W.C.R. WAYNE COUNTY RECORDS

P.O.B. POINT OF BEGINNING

L1 C2 LINE OR CURVE SEGMENT ANNOTATION

--- PROPOSED 15 FOOT WIDE ACCESS EASEMENT



EXHIBIT B Easement Terms

- Parties:** DDA and Detroit Riverfront Conservancy (the “**Conservancy**”)
- Description:** Grant of easement by DDA for construction, maintenance, and operation of the Riverwalk over 65’ of waters edge property at 1351 West Jefferson (the “**Easement Area**”) and, following the DDA’s acquisition thereof, the 15’ parcel owned by City of Detroit located immediately west of 1351 West Jefferson (the “**City Parcel**”) and grant of temporary construction easements over balance of 1351 West Jefferson
- Term:** Perpetual
- DDA Obligations:**
- Cause initial repair of Seawall along Easement Area and City Parcel
 - Assign seawall warranties to the Conservancy
 - Cause parcel splits and combinations to create one parcel consisting of the Easement Area and City Parcel and one parcel consisting of the balance of 1351 W Jefferson
 - Cause authorized agents to review Conservancy’s construction plans
 - Require 3rd party developer to enter into agreement with Conservancy regarding any required structural reinforcements of Riverwalk or seawall necessitated by development plan
 - Require 3rd party developer to grant right of access for construction period access to the extent the parcel is transferred to the developer prior to the completion of the construction of the Riverwalk over the Easement Area and City Parcel
 - Pay real property taxes, if any
- Conservancy Obligations:**
- Construct, operate, program and maintain the Riverwalk in accordance with applicable laws, for the benefit of the public, and in a manner consistent with other section of the Riverwalk
 - Maintain and repair the Easement Area and City Parcel, including Seawall (after DDA’s initial repair thereof)
 - Submit construction plans and schedule to DDA authorized agents
 - Maintain insurance, with DDA and City as additional insureds



- Indemnify City and DDA from third party claims
- Pay water and drainage charges on Easement Area and City Parcel, if any



CODE DDA 21-03-29-50

AMENDMENT TO RIVERFRONT SEAWALL RECONSTRUCTION AT THE DDA'S PROPERTY LOCATED AT 1351 W. JEFFERSON

WHEREAS, the City of Downtown Development Authority (the "DDA") was established pursuant to Michigan Public Act 197 of 1975 to attract private investments and business growth through loans, sponsorships and grants, capital improvements to public infrastructure and additional programs designed to increase economic activity within the City of Detroit (the "City") downtown business district; and

WHEREAS, the City and DDA owns the riverfront property located at 1351 W. Jefferson Ave in Detroit, MI (the "Property") and determined that it is in the best interest and long term viability of the Property to reconstruct the existing seawall along the riverfront to correct defects, satisfy City BSEED safety citation order and provide an appropriate foundation for the extension of the Riverwalk by the Riverfront Conservancy on an easement established along the 585 lineal feet river's edge of the property ; and

WHEREAS, on June 22, 2020, the DDA Board authorized the DDA to enter into a construction contract with Dean Marine & Excavating, LLC (the "Contractor") to reconstruct the seawall at the Property at the not-to-exceed amount of \$1,468,436.00; and

WHEREAS, based on additional site investigations, DDA staff discovered that the results of such investigations are inconsistent with the assumptions set forth in the RFP; and

WHEREAS, to construct a reliable, long-term structural support for the proposed Riverwalk extension over the south portion of the Property, DDA staff seek to amend the contract by increasing the contract value to the not-to-exceed amount of \$2,061,243.93, which allow for the installation of a sheet pile with a tie/whaler system along the Property in accordance with the additional work described in **Exhibit A**; and

WHEREAS, DDA Board of Directors has determined that the requested amendment is in the best interests of the Property and the DDA.

NOW, THEREFORE, BE IT RESOLVED, the DDA Board of Directors hereby authorizes and approves the DDA to execute an amendment to the construction contract with the Contractor incorporating the scope of services provided in **Exhibit A** and increasing the total contract value to a not-to-exceed contract amount of \$2,061,243.93.

BE IT FURTHER RESOLVED, that the DDA Board of Directors hereby authorizes any two of the Officers of the DDA or any two Authorized Agents of the DDA or combination thereof to execute any and all documents, contracts, or other papers and to take such other actions necessary or appropriate to implement the provisions and intent of this resolution on behalf of the DDA.



BE IT FINALLY RESOLVED, that all of the acts and transactions of any Officer or Authorized Agent of the DDA, in the name of the DDA, relating to matters contemplated by the foregoing resolutions, which acts would have been approved by the foregoing resolutions except such acts were taken prior to execution of these resolutions, are hereby in all respects confirmed, approved and ratified.

March 31, 2021



Exhibit A – Detail of Revised Construction Contract Scope & Price

DDA Riverfront Property Seawall Reconstruction Project

Dean Marine & Excavating, LLC - revised contract (quoted)	\$ 2,061,243.93
Base Contract	\$ 1,468,436.00
Accepted the base proposal to reconstruct the existing seawall based on the base proposal concept in RFP-2019-DDA-DDA Seawall Reconstruction February 2020	
Change Order Number 1	\$ 13,375.00
Revise scope to add the preparation of a Due Care Plan by NTH for the site & a Baseline Environmental Assessment for the 65 foot easement along the riverfront property	
Change Order Number 2	\$ 357,800.55
Revise scope & engineering based on actual data from further test excavations, dive inspections, & encountered differing conditions from the base concept in the RFP	
Add 590 lf of sheet pile driven to a depth of 40 ft at the riverside face of the existing seawall; remove the existing concrete bulkhead; add double channel whaler; add deadmen sheet piles, tieback rods, excavate & add stone backfill behind the sheet pile at the rivers edge	\$ 357,800.55
Change Order Number 3	\$ 221,632.38
Revise the scope & engineer the seawall based on plans provided by SmithGroup on March 10, 2021	
Add 15 lf of seawall at the City's 15' access easement frontage - removal of existing bulkhead; add sheet pile at rivers edge including whalers, deadman & tie-back system	\$ 47,985.00
Move north & extend deeper deadman sheeting; lower whaler & tie-rod elevations to existing water level - to accommodate SmithGroup design for water collection / drainage ponds & new seawall subgrade structure	\$ 151,147.38
Replace 65lf of 18" GLWA DRI overflow discharge pipe & add a sleeve through the sheetpile at the rivers edge 65 lf	\$ 9,750.00
Remove flow fill (over-pour) at the east end of the property to clear tiebacks	\$ 2,750.00
Re-engineer & recalculate seawall installation (NTH)	\$ 10,000.00



CODE DDA 21-03-127-02

FORT STREET CROSSING CONSTRUCTION PROJECT: AUTHORIZATION TO ENTER INTO CONTRACT WITH WARREN CONTRACTING

WHEREAS, The Downtown Detroit Partnership (“DDP”) and the City of Detroit have partnered to carry out a streetscape improvement project at the intersection of Fort Street and Woodward Avenue (the “Project”); and

WHEREAS, in connection with the Project, the City of Detroit Downtown Development Authority (“DDA”) is seeking qualified contractor to construct the necessary improvements for the Project which include work related to obtaining permits, site demolition, earthwork, site utilities, R.O.W improvements, construction of improvements related to lane reduction, load/unloading rideshare zone, landscaping, bike racks, benches and trash receptacles (collectively, the “Services”); and

WHEREAS, DDA staff received proposals from six (6) contractors to perform the Services; and

WHEREAS, DDA staff have reviewed the proposals and determined that Major Cement (the “Contractor”) is the lowest, most responsive bidder; and

WHEREAS, DDA staff is requesting the authorization to enter into an agreement with the Contractor with the total aggregate value the not-to-exceed Six Hundred Sixty Four Thousand Three Hundred Eighty-Six and 57/100 (\$664,386.57) Dollars for the performance of the Services; and

WHEREAS, DDA staff is also recommending that a contingency of approximately twenty (20%) percent of the total value of the agreement, or One Hundred Thirty Two Thousand Eight Hundred Seventy Seven and 31/100 (\$132,877.31) Dollars be established; and

WHEREAS, pursuant to its statutorily authorized powers, the DDA has the power to accept funding, expend DDA funds, engage professionals, and take the other steps contemplated by this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the DDA Board of Directors hereby authorizes the engagement of the Contractor to provide the Services at the not-to-exceed amount of Six Hundred Sixty Four Thousand Three Hundred Eighty-Six and 57/100 (\$664,386.57) Dollars, to be funded from Project funds.

BE IT FURTHER RESOLVED, that the DDA Board of Directors hereby authorizes the establishment of a contingency of approximately twenty (20%) percent of the total value of the agreement, or One Hundred Thirty Two Thousand Eight Hundred Seventy



Seven and 31/100 (\$132,877.31) Dollars, to be dispersed upon the authorization of any two Officers, or any one of the Officers and any of the Authorized Agents of the DDA, or any two Authorized Agents of the DDA.

BE IT FURTHER RESOLVED, that any one of the officers and any one of the Authorized Agents of the DDA or any two of the Authorized Agents of the DDA shall hereafter have the authority to negotiate and execute all documents, contracts, or other papers, and take such other actions, necessary or appropriate to implement the provisions and intent of this Resolution on behalf of the DDA.

BE IT FINALLY RESOLVED, that all of the acts and transactions of any officer or authorized agent of the DDA, in the name and on behalf of the DDA, relating to matters contemplated by the foregoing resolutions, which acts would have been approved by the foregoing resolutions except that such acts were taken prior to execution of these resolutions, are hereby in all respects confirmed, approved, and ratified.

March 31, 2021