

**City Engineering
Department**

April 6, 1993

Honorable City Council:

Re: Petition No. 2818 International Hardcoat, Inc., Requesting permission to install and maintain overhead telephone cable across Meyers between Lyndon and Gavel.

Petition No. 2818 of "International Hardcoat, Inc." requests permission to install and maintain overhead telephone cable (25 pairs attached to existing utility poles) between buildings addressed as 14300 Meyers and 14301 Meyers.

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

Generally, standard minimum clearances are applied to utility pole attachments. These clearances (including height above public street grade) will separate the petitioner's installation from other overhead utilities. Whenever overhead utility facility adjustments are required (to maintain minimum clearances), all expenses must be paid by the petitioner.

The petitioner must obtain any other additional permits (or pay the expenses) to adjust the overhead utility facilities of the Detroit Edison Company, and/or the Public Lighting Department. Also, the petitioner's installation must conform to the National Electrical Code as adopted by the Michigan Public Service Commission.

Detroit Code Section 42 has assigned the inspection of poles and overhead wire attachments to the Public Lighting Department (PLD). PLD has submitted a report to the City Engineering Department (dated March 17, 1993).

All overhead wire crossings will require PLD inspection and permits in conjunction with the Finance Director (\$25,000.00 bond) — Detroit Code Section 42-1-7 and Section 42-1-13.

All other involved City departments and privately owned utility companies (including Michigan Bell Telephone, and Barden Cablevision) have reported no objection to the proposed encroachment.

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

Respectfully submitted,
CLYDE R. HOPKINS,
Director

By Council Member Cleveland:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "International Hardcoat, Inc." to encroach overhead across the public street right-of-way of Meyers Avenue, 66 feet wide, between Gavel Street and Lyndon Avenue,

between two parcels described as follows:

(1) Land in the City of Detroit, Wayne County, Michigan located at the northwest corner of Meyers Avenue (66 feet wide) and Gavel Street (30 feet wide); said rectangular-shaped land parcel being the easterly 384.71 feet (abutting the north line of said Gavel Street) of the southerly 88.70 feet (abutting the west line of said Meyers Avenue) of part of the "Northerly Half of the Northeast Quarter of the Southwest Quarter of Section 20, Town 1 South, Range 11 East (Greenfield Township)", containing 34,124 square feet or 0.7834 acres more or less; (commonly known as 14301 Meyers Avenue)

(2) Land in the City of Detroit, Wayne County, Michigan being a northwesterly part of Lot 329 of the "Assessor's Detroit Plat No. 21 of part of the Southeast Quarter of Section 20, Town 1 South, Range 11 East (Greenfield Township)", as recorded in Liber 74, Page 29, Plats, Wayne County Records; (commonly known as 14300 Meyers Avenue)

Encroachment to consist of installing and maintaining overhead telephone cable (25 pairs attached to existing utility poles) between buildings addressed as 14301 and 14300 Meyers, the above described parcels:

Provided, Said overhead telephone cable encroachment shall be installed to conform to the National Electrical Code as adopted by the Michigan Public Service Commission; and further

Provided, The installation and maintenance of said overhead telephone wire(s) shall be according to the routes, permits, specifications, and inspection of the Public Lighting Department in conjunction with the Finance Director (\$25,000.00 bond) as required by Detroit Code Section 42; and further

Provided, That in order to separate overhead utility wires, the following minimum clearances shall be maintained by the petitioner:

(a) Twenty-two feet minimum clearance must be maintained above the public street grade(s).

(b) 3.33 feet minimum (four feet preferred) clearance must be maintained below the lowest Detroit Edison overhead facilities.

(c) If necessary, one foot minimum clearance must be maintained above Michigan Bell Telephone and Barden Cablevision overhead facilities.

(d) If necessary, four feet minimum clearance must be maintained from Public Lighting overhead facilities; also, one foot minimum clearance must be maintained from Public Lighting communication facilities.

However, any standard can be mod-

ified by the Public Lighting Department (with the exception that no less than twenty-two feet clearance must remain above the public street grades) to meet field site conditions. Whenever overhead utility facility adjustments are required (to maintain minimum clearances), all expenses shall be paid by the petitioner; and further

Provided, The petitioner shall obtain any other additional permits (and/or pay the costs) to adjust the overhead utility facilities of Barden Cablevision (if necessary), Detroit Edison, Michigan Bell Telephone (if necessary), and the Public Lighting Department (if necessary); 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 or unfaithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said encroachment; 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 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 cable 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; also said permittee does hereby bind itself thereunto, 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, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; 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 franchises for cable communication system or cable television system in accord with Detroit Code Section 9.5.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Ravitz, and President Mahaffey — 7.

Nays — None.

**Buildings and Safety
Engineering Department**

April 12, 1993

Honorable City Council:

Re: Nuisance Abatement Contracts
Vacant, Open and Tax Delinquent
Dwellings.

The Department has received an application for a contract to abate the nuisance that has been created by each of the vacant, open and tax delinquent dwelling located on the premises described below.

In accordance with the department's finding and determination that the dwellings meet the criteria for such contracts as established in Ordinance 23-90 and appear feasible for rehabilitation, it is requested that Your Honorable Body hold a hearing as provided in Section 12-11-46.3(i) of the above ordinance to ascertain as to whether the dwelling should be the subject of a Nuisance Abatement Contract or whether it should be demolished.

Location	Application No.
13217 Whitcomb	NA #07651
8223 Braile	NA #07679
8229 Greenlawn	NA #07765
19663 Wexford	NA #07792
18870 Albany	NA #07883
2263 Atkinson	NA #07896
19171 Rosemont	NA #07934
647 Arden Park	NA #08724
8830 University	NA #08536

Respectfully submitted,
CREIGHTON C. LEDERER,
Director