

April 4

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2007

Adopted as follows:

Yeas — Council Members S. Cockrel, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 8.

Nays — None.

**Department of Public Works  
City Engineering Division**

March 14, 2007

Honorable City Council:

Re: Petition No. 922 and 1040 — DTE Energy, request to Temporarily close of two alleys in the area of Beaubien and Milwaukee.

Petition No. 922 and 1040 of "DTE Energy" with International Transmission Company (ITC) whose address is 39500 Orchard Hill Place, Suite 200, Novi, Michigan 48375 request for the Temporary closure of a portion of the East-West public alley, 20 feet wide, and the North-South public alley, 20 feet wide in the block bounded by Milwaukee Avenue, 60 feet wide, the New York Central Railroad right-of-way, Beaubien Avenue, 60 feet wide, and St. Antoine Avenue, 50 feet wide.

This request will assist ITC Transmission with better security from the recent break-ins and theft of copper from energized equipment at the Midtown Substation. This break-in and theft resulted in all three transmission lines to be taken out of service for repair. The event left the substation, and parts of Detroit that it serves, without power, significantly weakened, and more vulnerable to black-outs. In addition, ITC Transmsion will build new electrical switching equipment on DTE Energy property and this request-closure also assist ITC Transmission with securing the site.

The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

All involved City departments and privately owned utility companies have reported no objections to the proposal, provided they have the right to ingress and egress at all times to their facilities.

You will find attached an appropriate resolution, for your Honorable Body's consideration, authorizing the City Engineering Division — DPW to issue permits to close said alleys, on a temporary basis (for a period of five (5) years) to expire on April 1, 2012.

Respectfully submitted,

JESSY JACOB

Interim City Engineer

City Engineering Division — DPW

By Council Member Watson:

The City Engineering Division — DPW is hereby authorized and directed to issue permits to "DTE Energy and/or International Transmission Company (ITC)", the North-South public alley, 20

feet wide in the block bounded by Milwaukee Avenue, 60 feet wide, the New York Central Rail Road right-of-way, Beaubien Avenue, 60 feet wide, and St. Antoine Avenue, 50 feet wide. Being all that part of the North-South public alley, 20 feet wide, lying Westerly of and abutting the West line of Lot 1 in the "Subdivision of Lot 143 and Part of Lot 144 of the Subdivision of McCunes Subdivision of part of Fractional Section 31 T.1S., R.12E., Detroit, Wayne County, Michigan recorded in Liber 7, Page 28 of Plats, Wayne County Records, and lying Easterly of and abutting the East line of Lots 139 through 142, both inclusive, in the "Patrick McGinnis Subdivision" of Lot 1, 2, 3, 4, 5, 6, 7, 8, and 9 of McCune Subdivision of Part of Fractional Section 31 in the City of Detroit, Wayne County, Michigan in Liber 4 Page 93 of Plats, Wayne County Records; on a temporary basis (for a period of Five (5) years) to expire on April 1, 2012;

Also, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "DTE Energy and/or International Transmission Company (ITC)", to close a portion of the East-West public alley, 20 feet wide, in the block bounded by Milwaukee Avenue, 60 feet wide, the New York Central Rail Road right-of-way, Beaubien Avenue, 60 feet wide, and St. Antoine Avenue, 50 feet wide. Being all that part of the East-West public alley, 20 feet wide, lying Southerly of and abutting the South line of Lots 1 through 6, both inclusive, and lying Northerly of and abutting the North line of the Westerly 180.00 feet of Lot 20 all in the "Patrick McGinnis Subdivision" of Lot 1, 2, 3, 4, 5, 6, 7, 8, and 9 of McCune Subdivision of Part of Fractional Section 31 in the City of Detroit, Wayne County, Michigan in Liber 4 Page 93 of Plats, Wayne County Records; on a temporary basis (for a period of Five (5) years) to expire on April 1, 2012;

Provided, That the petitioner shall file with the Finance Department and/or City Engineering Division — DPW an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public alley closing; and

Provided, That access gates are installed, and ingress/egress is provided and maintained for all property owners and businesses adjacent to or directly impacted by said closure. The TED also requires that the petitioner contact the Operations Section of TED for deploying

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proper signage barricades and detour routes during the closure period.

Provided, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; and

Provided, No buildings or other structures of any nature whatsoever (except necessary barricades), shall be constructed on or over the public rights-of-way. The petitioner shall observe the rules and regulations of the City Engineering Division — DPW. The City of Detroit retains all rights and interests in the temporarily closed public rights-of-way. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public rights-of-way. Further, the petitioner shall comply with all specific conditions imposed to ensure unimpeded 24-hour-per-day access to the City and utility companies; and

Provided, All of the petitioner's public property fence, gate and barricade installations shall be subject to the review and approval of the City Engineering Division — DPW (if necessary, in conjunction with the Traffic Engineering Division — DPW, and the Planning and Development Department); and

Provided, This resolution does not permit the storage of materials, displays of merchandise, or signs within the temporarily closed public rights-of-way.

Further, the placement of materials, merchandise, or signs on any adjacent berm area is prohibited; and

Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division — DPW by the petitioner at the petitioner's expense; and

Provided, The petitioner's fence, gate and barricade installations shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

Provided, This resolution is revocable at the will, whim or caprices of the Detroit City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

Provided, This permit shall not be assigned or transferred without the written approval of the Detroit 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.

**PETITION #922&1040**  
**DTE ENERGY COMPANY**  
 2000 2ND AVE.  
 DETROIT, MI 48226-1279  
 c/o JOSEPH CAZENO  
 PHONE #313-235-4000

**MILWAUKEE 60 FT. WD.**  
**ST. ANTOINE 50 FT. WD.**  
**BEAUBIEN 60 FT. WD.**  
**NEW YORK CENTRAL R.R.**

**TEMPORARY CLOSURE**

(FOR OFFICE USE ONLY) **CARTO 31F**

<b>B</b>							
<b>A</b>							
PREPARED BY	DATE	CHKD BY	DATE	REQUESTED TO TEMPORARY CLOSE THE ALLEYS IN THE AREA OF MILWAUKEE, BEAUBIEN, ST. ANTOINE AND NEW YORK CENTRAL R.R.			
DRAWN BY	APPROVED			CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU			
DATE	APPROVED			JOB NO. <b>01-01</b>			
				DRAWG. NO. <b>x922&amp;1040.dgn</b>			

Adopted as follows:  
 Yeas — Council Members S. Cockrel, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 8.  
 Nays — None.

**Department of Public Works**  
**City Engineering Division**  
 March 15, 2007

Honorable City Council:  
 Re: Petition No. 954 — Michigan Foundation Company Inc., request to close Macon Street in the area of Devine and French Road.  
 Petition No. 954 of "Michigan Foundation Company Inc." whose address is 211 West Fort, Detroit, Michigan 48226 request to conversion of a portion of Macon Street, 50 feet wide South of Devine Avenue into a private easement for utilities. This request will facilitate Michigan Foundation to expand

the concrete plant, parking, and material storage areas. Also the request will allow for an increase in logistical efficiencies for loading and unloading of materials and products.

This request was approved by the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

All City departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way into private easements for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
**JESSY JACOB**  
 Interim City Engineer  
 City Engineering Division — DPW