

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

City Engineering Department

September 13, 1991

Honorable City Council:

Re: Petition No. 2992, Detroit Edge Tool Company, Alley to Easement, remaining east-west public alley in the block bounded by Conrail Railroad, Sherwood, Iowa, and E. Nevada.

Petition No. 2992 of "Detroit Edge Tool Company" requests the conversion of the remaining portion of the east-west public alley, 20 and 40 feet wide (as established by the City Council resolution adopted on March 19, 1946 — J.C.C. pgs. 567-68), in the block bounded by Conrail Railroad, Sherwood, (vacated), Iowa, and E. Nevada Avenues into an easement for public utilities.

The requested conversion was approved by the Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation (utility clearances) and report. This is our report:

If it becomes necessary to remove the alley return entrance (into Sherwood), the petitioner shall pay all incidental removal costs.

City departments and privately-owned utility companies have reported no objections to the conversion of public rights-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Everett:

Resolved, All of the remaining part of the east-west public alley, 20 and 40 feet wide (as established by the City Council resolution adopted on March 19, 1946 — J.C.C. pgs. 567-68), in the block bounded by Conrail Railroad, Sherwood, (vacated) Iowa, and E. Nevada Avenues lying southerly of and abutting the south line of Lots 6 thru 13; also lying northerly of and abutting the north line of the southerly 220.00 feet of the westerly 40.00 feet of Lot 21; also lying northerly of and abutting the north line of the easterly 10.00 feet of Lot 21, and Lots 14 thru 20 as platted in "Block 31, Plat of the Village of Norris, located in the West Half of Section 9, Town 1 South, Range 12 East", City of Detroit, Wayne County,

Michigan as recorded in Liber 3, Page 30, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said alley and by their heirs, executors, administrators and assigns, forever to wit:

FIRST, Said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public alley in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

SECOND, Said utility easement or right-of-way in and over said vacated alley herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above-mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition,

THIRD, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls (except necessary line fence) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Department,

FOURTH, That if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

FIFTH. That if any existing utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and

Provided, That if it becomes necessary to remove the paved alley return at the entrance (into Sherwood Avenue), such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Department specifications with all costs borne by the petitioner, their heirs or assigns; 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.

City Engineering Department

September 17, 1991

Honorable City Council:

Re: Petition No. 1213, Wolverine Packing Company, Requesting permission to install and maintain a privately-owned underground telecommunications cable across Rivard (near the Chrysler-Fisher Interchange).

Petition No. 1213 of "Wolverine Packing Company" requests permission to install and maintain a privately-owned underground telecommunications cable (within a 4-inch diameter PVC pipe; proposed use: private inter-facility communications link) beneath Rivard Street, 50 feet wide, between their "Cold Storage Facility" site (a/k/a 2535 Rivard) and their "Processing Plant" site (a/k/a 1326 Winder). This is not a "common carrier" telecommunications cable installation.

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

Cable placement beneath Rivard Street (50 feet wide) will involve an "open cut." Necessary permits will have to be obtained for any street opening, backfill, surface restoration, barricade, or occupancy of City rights-of-way to install cable.

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 "Wolverine Packing" 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 "Wolverine Packing" cable installation.

Also, reports from the Detroit Edison Company (DE) and the Michigan Bell Telephone Company (MBT) indicate the proposed "Wolverine Packing" cable will be crossing their existing utility service conduits. If necessary, the contractors for the petitioner can arrange for a "pre-construction meeting" with DE and MET. Should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installation.

All other involved City departments and privately-owned utility companies have reported they have no objections to the proposed cable placement provided "care and caution" are used in the "open cut" of Rivard Street. 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.

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

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

Respectfully submitted,
CLYDE R. HOPKINS,
Director

By Council Member Everett:

Whereas, The "Wolverine Packing Company" is requesting permission to install and maintain a privately-owned underground telecommunications cable crossing beneath a dedicated public (street) right-of-way; also

Whereas, The proposed cable installation will not be marketed as a "common carrier" service to the general public, but shall be used entirely as a privately-owned inter-facility communications link between "Wolverine Packing Company" business sites; therefore be it

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to the "Wolverine Packing Company" to encroach underground crossing beneath the public