

ONDAY, OCTOBER 7, 19

IN IS SUBJECT TO

Department of Public Works  
City Engineering Division  
September 25, 1996

Honorable City Council:

Re: Petition No. 1605- Michigan Consolidated Gas Company [MichCon] Requesting permission to install and maintain a loading dock lift system encroaching into the converted utility easement in the block bounded by Griswold, Woodward, Congress and Larned

Petition No. 1605 of the "Michigan Consolidated Gas Company" requests permission to install and maintain a retractable scissors lift for the loading dock at the rear of the Guardian Building The public alley, 20 feet wide, in the block bounded by Griswold, Woodward, Congress and Larned Avenues was vacated and converted into a private easement for public utilities by City Council on November 16, 1994 (J.C.C. pages 2423-29; Petition No. 1681). The utility easement contains building restrictions. Therefore, Petition No. 1605 is a request to encroach into a converted utility easement.

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

The Detroit Edison Company, Western Union Company, Public Lighting Department, and the Water and Sewerage Department have facilities in the converted utility easement.

The Detroit Edison Company (DE Co.) reports buried steam and electrical services within the converted utility easement. R. Barrette, engineer for Edison, says: "This will be a very delicate job. As such, I recommend that you hand-dig. Also, contact both Miss Dig 24-48 hours prior to excavation and contact Bill Logan at Detroit Edison (313) 235-2330, for a technician to be on site at the time of construction. If during construction the Detroit Edison conduit is damaged, you will be held liable. There must be a minimum of one foot clearance between the conduit and the loading dock foundation." To prevent damages to Edison steam and power services the MichCon contractors should arrange for a "pre-construction" meeting with Detroit Edison Company.

The Public Lighting Department (PLD) reports an underground fed street light in Congress Street. PLD will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between PLD street lighting, electrical power circuits (and any other PLD facilities, including poles) and the proposed loading dock lift system encroachment.

The Water and Sewerage Department (DWSD) is unable to allow drainage into a public sewer (or the existing catch basin) from the proposed lift system installation as shown on the MichCon plan (sheets A-1 and A-2, date: 01/14/94). It is necessary for MichCon to modify their drainage plans, and submit plan changes to DWSD-Sewer Services Section. 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 loading dock lift system encroachments.

All other involved city departments and privately owned utility companies have reported no objection to the proposed hydraulic lift system encroachment. MichCon contractors must make use of "Miss Dig" facilities before excavating in the converted utility easement. The cost of plan review, utility service inspections, and permits is the responsibility of MichCon. Should damages to utilities occur MichCon shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations.

I am recommending approval of the petition and adoption of the attached resolution.

Respectfully submitted,  
SUNDAY JAIYESIMI  
City Engineer

By Council Member Hill:

Whereas, Petition No. 1605 of the "Michigan Consolidated Gas Company [MichCon]" requests permission to install and maintain a 'hydraulic scissors lift' for the loading dock at the rear of the Guardian Building. The public alley, 20 feet wide, in the block bounded by Griswold, Woodward, Congress and Larned Avenues was vacated and converted into a private easement for public utilities by City Council on November 16, 1994 (J.C.C. pages 2423-29; Petition No. 1681). The utility easement contains building restrictions. Therefore, Petition No. 1605 is a request to encroach into a converted utility easement; be it therefore

Resolved, The City Engineering Division—OPW is hereby authorized and directed to issue permits to "Michigan Consolidated Gas Company [MichCon], 500 Griswold Avenue, Detroit, MI 48226," to install and maintain a 'hydraulic scissors lift system' [for the loading dock at the rear of the Guardian Building] encroaching into the western half of the north-south (converted) utility easement, 20 feet wide, in the block bounded by Griswold, Woodward, Congress and Larned Avenues; abutting the following described property:

Lot 99 of the "Plan of Section Numbered Two of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges," as recorded in Liber 34, Page 549, Deeds, Wayne County Records;

Provided, That before any construction into said part of the converted utility easement, "MichCon", the petitioner, shall apply to the Buildings and Safety Engineering Department for a building permit. Also, the installation, use and maintenance of said loading dock lift system encroachment shall comply with the rules and regulations of the Detroit Edison Company, Western Union Company, City Engineering Division—DPW, Buildings and Safety Engineering Department, Fire Department, DPW—Traffic Engineering Division, Public Lighting Department, and the Water and Sewerage Department; and further

Provided, Said building encroachment shall be installed and maintained according to the specifications of the Detroit Edison Company (DE Co.), including the minimum vertical clearance of one foot and a minimum horizontal clearance of three and one-half feet between Edison buried steam and electrical services (and any other DE Co. facilities) and the proposed loading dock lift system encroachment; [NOTES: The Detroit Edison Company (DE Co.) reports buried steam and electrical services within the converted utility easement. R. Barrette, engineer for Edison, says: "This will be a very delicate job. As such, I recommend that you hand-dig. Also, contact both Miss Dig 24-48 hours prior to excavation and contact Bill Logan at Detroit Edison (313) 235-2330, for a technician to be on site at the time of construction. If during construction the Detroit Edison conduit is damaged, you will be held liable. There must be a minimum of one foot clearance between the conduit and the loading dock foundation." To prevent damages to Edison steam and power services the MichCon contractors should arrange for a "pre-construction" meeting with Detroit Edison Company.]; and further

Provided, Said building encroachment shall be installed and maintained according to the specifications of the Public Lighting Department (PLD), including the minimum vertical clearance of one foot and a minimum horizontal clearance of three and one-half feet between PLD traffic signal conduit, handholes, poles, street lighting conduit (and any other PLD facilities) and the proposed loading dock lift system encroachment; [NOTE: The Public Lighting Department (PLD) reports an underground fed street light in Congress Street.]; and further

Provided, Said building encroachment shall be installed and maintained according to the specifications of the Water and Sewerage Department (DWSD), including the 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 loading dock lift system encroachment; [NOTE: The Water and Sewerage Department (DWSD) is unable to allow drainage into a public sewer (through the catch basin) from the proposed lift system installation as shown on the MichCon plan (sheets A-1 and A-2, date: 01/14/94). It is necessary for MichCon to modify their drainage plans, and submit plan changes to DWSD-Sewer Services Section.]; and further

Provided, The property owned by the petitioner and the building encroachments shall be subject to proper zoning or regulated use (Board of Zoning Appeals Grant); and further

Provided, Whenever it becomes necessary to occupy or barricade Congress Avenue, 75 feet wide, (or other public rights-of-way) for construction and/or maintenance of the loading dock lift system encroachment, such work shall be done under City Engineering Division—DPW permits and inspection with all costs borne by the petitioner; and further

Provided, If the electric or steam power service lines (or conduit), telecommunications cable, water lines (or mains), sewers, or other utility facilities located (or to be located) in the converted utility easement (right-of-way) shall break or be damaged as a result of any action on the part of the petitioner or their assigns (by way of illustration but not limitation, such as storage of materials or any construction not in accordance with this resolution or Detroit Building Code), then the petitioner or assigns shall be liable for all costs incidental to the repair of the broken or damaged utility. The petitioner and assigns shall be liable for all claims, damages, or expenses resulting from their action(s); and further

Provided, If it becomes necessary to repair or replace the electric or steam power service lines (or conduit), telecommunications cable, water lines (or mains), sewers, or other utility facilities located (or to be located) in the converted utility easement (right-of-way), the owners for themselves, their heirs or assigns (by acceptance of permits for construction near buried utility lines, conduits or mains, telecommunication cables, telephone or telegraph wires, and public light poles)

of the maintenance of said encroachment; 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, The installation and maintenance of a loading dock lift system (encroaching within the converted utility easement (right-of-way); said installation requires the filing of an indemnity agreement and/or the securing of the necessary permit(s)) referred to herein shall be construed as acceptance of this resolution by the permittee; and further

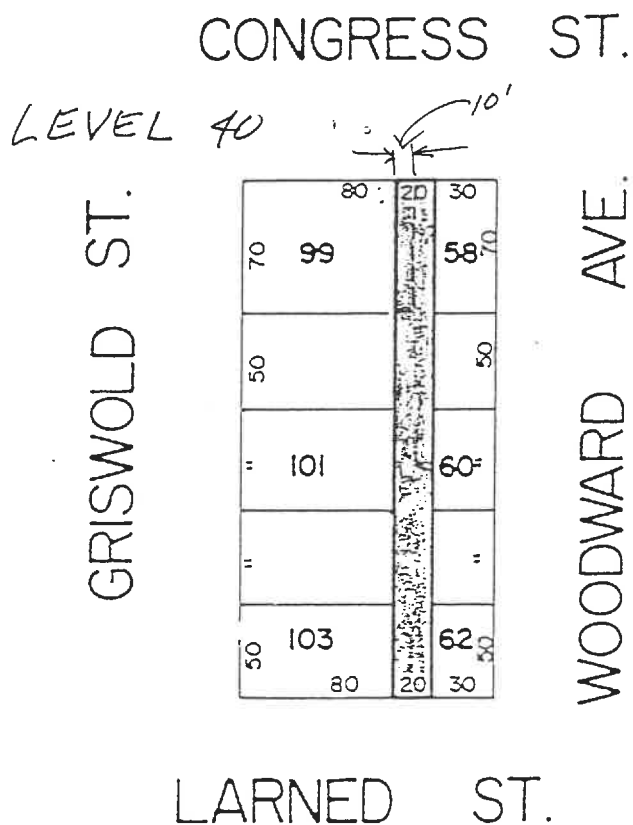
Provided, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and further

Provided, That the City Clerk shall within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 3.  
Nays — None.

PETITION NO. 1605  
GUARDIAN BUILDING (MICHCON)



*9cc pg.*

*Det. 2, 1996*

CARTO NO. 28 E

SCALE: 1" = 100'

(FOR OFFICE USE ONLY)

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DESCRIPTION	DRAWN	CHKD	APPO	DATE	
REVISIONS					
DRAWN BY V. MARSHALL	APPROVED				
TRACED BY	APPROVED				
CHECKED	APPROVED				

**28-E**

CITY OF DETROIT  
CITY ENGINEERING  
DEPARTMENT

JOB NO.

DRWG. NO.

DATE