

Department of Public Works
City Engineering Division

August 28, 1997

Honorable City Council:

Re: Petition No. 2736, Standard Distributing, Inc. Requesting permission to install and maintain a privately owned telecommunications cable system (attached to Detroit Edison Company utility poles) encroaching overhead across Girardin Avenue between 6556 E. McNichols and 13691 Girardin.

Petition No. 2736 of "Standard Distributing, Inc." requests permission to install and maintain a privately owned telecommunications cable system (attached to Detroit Edison Company utility poles) encroaching overhead across the public street right-of-way of Girardin Avenue, 60 feet wide, south of E. McNichols Avenue; between two buildings addressed as 6556 E. McNichols Avenue and 13691 Girardin Avenue. [NOTE: This is not a "common carrier" telecommunications cable system installation. The Cable Communications Commission has reviewed the petition, and reported no objections to the proposed cable system encroachment.]

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

"Standard Distributing" must obtain permission from Detroit Edison Company (DE Co.) to make any privately owned cable system attachments to DE Co. utility poles.

The attachment of overhead wires to utility poles requires minimum grade clearances. The clearances, including height above public street grade, will serve to separate "Standard Distributing" installations from other overhead utilities. If there is a need for adjustments in the utility services of others (to maintain minimum clearances), then "Standard Distributing" shall pay all costs.

The petitioner must obtain any other additional permits (or pay the expenses) to adjust the overhead utility facilities of Ameritech/Michigan Bell Telephone, Detroit Edison, and/or the Public Lighting Department. Also, "Standard Distributing" installations must conform to the current National Electrical Code as adopted by the Michigan Public Service Commission.

Detroit Code Section 42 assigns the inspection of poles and overhead wire attachments to Public Lighting Department (PLD). PLD submitted a report to City Engineering Division — DPW, which states: "The Public Lighting Department has no objection to the proposed encroachment. However, PLD requires that Standard Distributing sign the pole, conduit and trench use agreement when Council approves encroachment." — reply by Alexander Varkey, Assistant Electrical Engineer.

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

All other involved city departments and privately owned utility companies reported no objections to the proposed overhead cable system encroachment.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW

By Council Member Tinsley-Williams:

Whereas, Petition No. 2736 of "Standard Distributing, Inc." requests permission to install and maintain a privately owned telecommunications cable system (attached to Detroit Edison Company utility poles) encroaching overhead across the public street right-of-way of Girardin Avenue, 60 feet wide, south of E. McNichols Avenue; between two buildings addressed as 6556 E. McNichols Avenue and 13691 Girardin Avenue. [NOTE: This is not a "common carrier" telecommunications cable system installation. The Cable Communications Commission has reviewed the petition, and reported no objections to the proposed cable system encroachment.]; and

Whereas, Detroit Code Section 42 assigns the inspection of poles and overhead wire attachments to Public Lighting Department (PLD). PLD submitted a report to City Engineering Division — DPW, which states: "The Public Lighting Department has no objection to the proposed encroachment. However, PLD requires that Standard Distributing sign the pole, conduit and trench use agreement when Council approves encroachment." — reply by Alexander Varkey, Assistant Electrical Engineer; therefore be it

Resolved, City Engineering Division — DPW is hereby authorized and directed to issue permits to "Standard Distributing, Inc." to encroach overhead across the public street right-of-way of Girardin Avenue, 60 feet wide, south of E. McNichols Avenue, between two parcels described as follows:

(1) Land in the City of Detroit, Wayne County, Michigan abutting the southerly line of E. McNichols Avenue (66 feet wide) and the easterly line of Girardin Avenue (60 feet wide); being the Westerly 90.00 feet of the Easterly 300.00 feet of the Southerly 370.00 feet of the Northerly 403.00 feet of part of the Northwest Quarter of Section 16, Town 1 South, Range 12 East (Hamtramck Township); containing 33,300 square feet or 0.7645 acre more or less; (commonly known as 6556 E. McNichols Avenue or "Standard Distributing, Inc. — Corporate Offices" site);

(2) Land in the City of Detroit, Wayne County, Michigan lying southerly of E. McNichols Avenue (66 feet wide), and abutting the easterly line of Girardin Avenue (60 feet wide); being part of the Northwest Quarter of Section 16, Town 1 South, Range 12 East (Hamtramck Township), more particularly described as follows:

Commencing at the point of intersection with the North line of said Section 16 and the westerly line of said Girardin Avenue extended northerly; thence S.01°E., along the westerly line of said Girardin Avenue, 660.27 feet to the point of beginning; thence S.01°E., along the westerly line of said Girardin Avenue, 435.00 feet; thence N.14°01'41"W., 34.73 feet; thence S.89°W., 173.12 feet; thence N.01°41'54"W., 400.00 feet; thence N.88°37'54"E., 185.82 feet to the point of beginning; containing 79,451 square feet or 1.8239 acres more or less; (commonly known as 13691 Girardin Avenue or "Standard Distributing, Inc. — Warehouse" site);

Encroachment to consist of installing and maintaining privately owned overhead telecommunication cable system (attached to Detroit Edison Company utility poles) between buildings addressed as 6556 E. McNichols Avenue and 13691 Girardin Avenue, the above described parcels;

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

Provided, The installation and maintenance of said overhead telephone wires 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 "Standard Distributing, Inc.":

(a) Twenty 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 Ameritech/Michigan Bell Telephone and/or Comcast 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 modified by the Public Lighting Department (with the exception that no less than twenty 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 Comcast Cablevision (if necessary), Detroit Edison, Ameritech/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 encroachments; and further

Provided, It is the responsibility of "Standard Distributing, Inc." and their contractors to "give" reasonable and proper notice to the Detroit Edison Company ("Edison") and the Public Lighting Department (if necessary) before commencing and/or changing any (permitted) privately owned attachments to Edison utility poles; and further

Provided, Whenever it becomes necessary to occupy or barricade city rights-of-way for overhead cable system placement and/or maintenance, such work shall require a permit from City Engineering Division — DPW; subject to traffic specifications from Traffic Engineering Division — DPW; and further

Provided, All costs for the construction, maintenance, permits, insurance, and use of the proposed overhead cable system encroachment shall be borne by "Standard Distributing, Inc." The use and/or operation of said telecommunication cable system shall comply with the rules and regulations of the Detroit Cable Communications Commission and Public Lighting Department; 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 overhead cable system encroachment shall be removed 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 Division — DPW by the permittee, at the permittee's expense; and further

Provided, That said permits issued by City Engineering Division — DPW, and 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 system encroachments within 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 installation and maintenance of encroachments (that is, said privately owned overhead telecommunication cable system, attached to Detroit Edison Company utility poles, crossing Girardin Avenue (60 feet wide) between the above described properties; said installations require the filing of an indemnity agreement, bonds and insurance, and the securing of permit(s) referred to herein shall be construed as acceptance of this resolution by "Standard Distributing, Inc."; and further

Provided, 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, This resolution does not permit any use or operation of a privately owned cable system that would conflict with Detroit Code Section 9.5., or previously issued franchises for cable communication system(s) and/or cable television system.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 9.

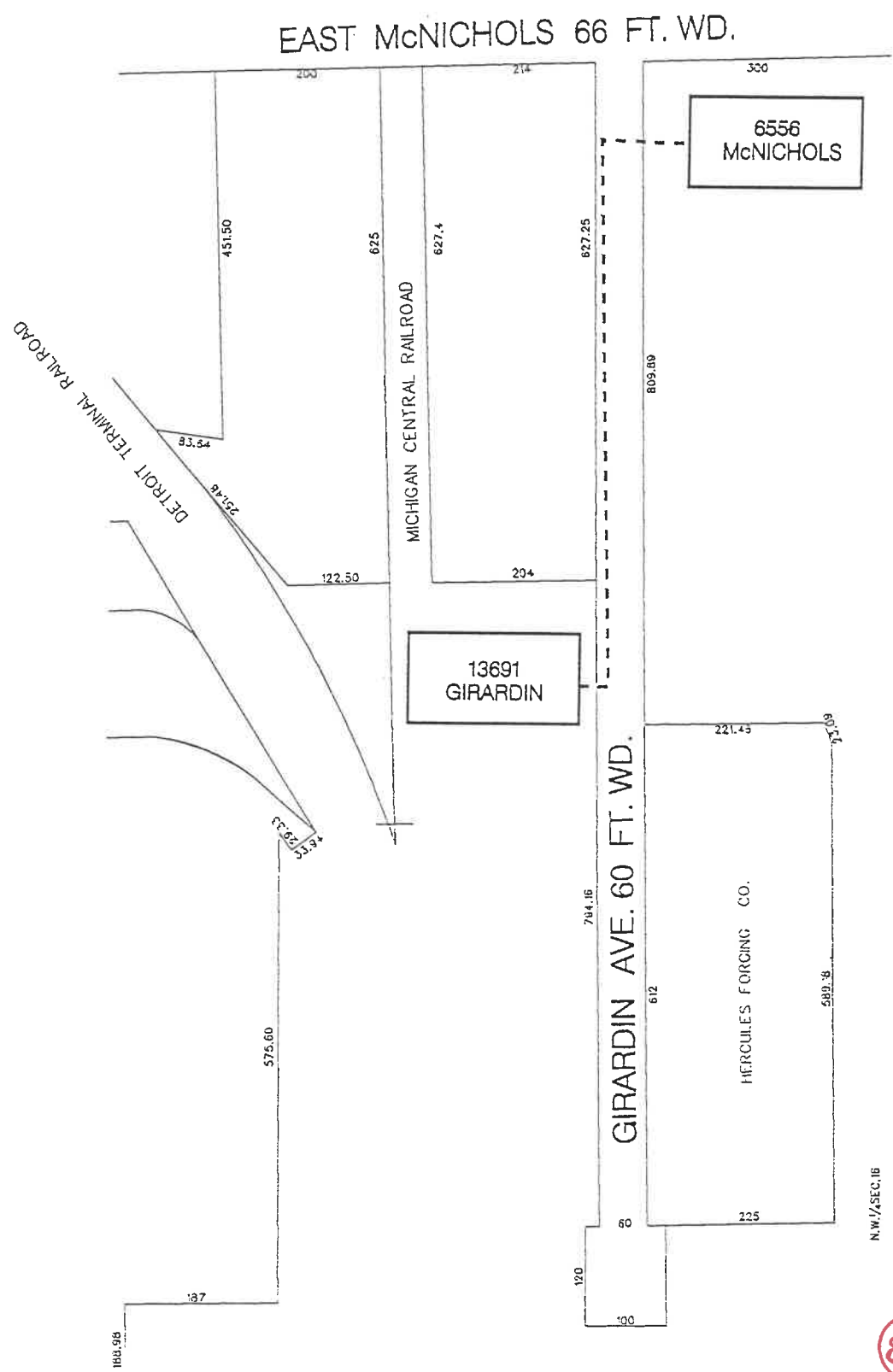
Nays — None.

WAIVER OF RECONSIDERATION (No. 10) per Motions before Adjournment.

87

9-3-97
JEC
2181
2183

PETITION NO. 2736
 STANDARD DISTRIBUTING
 13691 GIRARDIN
 C/O DAN MEDOW
 PHONE NO. 313.365.4580
 FAX NO. 313.365.4643



88 CARTO NO. 51-B
 SCALE 1"=200'

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	N. PERRY				
DATE	11-8-96				
		CHECKED			
		APPROVED			

REQUESTING PERMISSION TO PLACE AND MAINTAIN PRIVATELY - OWNED CABLE ATTACHED TO EXISTING UTILITY POLES FROM 13691 GIRARDIN TO 6556 McNICHOLS (OVERHEAD) ALONG AND CROSSING CITY STREETS.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRAWG. NO.	X2736 DGN