

Department Of Public Works  
City Engineering Division  
June 23, 1957

Honorable City Council:

Re: Petition No. 2979, American Axle Manufacturing, Inc. Requesting permission to install and maintain a privately owned underground telecommunication cable system across St. Aubin between Holbrook and Faber.

Petition No. 2979 of "American Axle Manufacturing, Inc." requests permission to install and maintain a privately owned underground telecommunication cable system [within a bank of six pipe(s), each 4-inches diameter; proposed use: private inter-facility communications link] beneath St. Aubin Avenue, 60 feet wide, between Holbrook and Faber Avenues. The proposed cable system will link "AAM Plant No. 6" site (a/k/a part of 1640 Holbrook) and "AAM Prototype Facility" site (a/k/a 8904 St. Aubin). This is not a "common carrier" telecommunication cable system installation.

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

Cable system placement beneath St. Aubin Avenue (60 feet wide) involves a public street "open cut." American Axle Manufacturing, Inc. (AAM), must obtain permits from City Engineering Division — DPW (and the City of Hamtramck, if necessary) for any street opening, backfill, surface restoration, barricade, or occupancy of city rights-of-way to install a cable system.

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 "American Axle" cable system 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 "American Axle" cable system installation. Also, reports from

Michigan Consolidated Gas Company (MCG) indicate the proposed "American Axle" cable system will cross existing gas main(s). If necessary, the contractors for the petitioner can arrange for a "pre-construction meeting" with MCG. 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 reported no objections to the proposed cable system placement; provided AAM uses "care and caution" in the "open cut" of St. Aubin Avenue. They request the petitioner make use of "Miss Dig" facilities before cable system installation-placement, and then become a participating member of that organization. This will minimize the chance of damage to "AAM" property.

Finally, the City Engineering Division — DPW requires "American Axle Manufacturing, Inc." to submit certified "as built" drawings, a map and survey, showing the exact location of the petitioner's completed cable system installation.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
SUNDAY JAIYESIMI,  
City Engineer

By Council Member Scott

Whereas, Petition No. 2979 of "American Axle Manufacturing, Inc." requests permission to install and maintain a privately owned underground telecommunication cable system crossing beneath St. Aubin Avenue, 60 feet wide, between Holbrook and Faber Avenues (said public (street) right-of-way located in the City of Detroit); also

Whereas, The proposed cable system 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 communication link between "American Axle Manufacturing, Inc." business sites; therefore be it

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to the "American Axle Manufacturing, Inc." to encroach underground crossing beneath the public street right-of-way of St. Aubin Avenue (60 feet wide), between two parcels described (in part) as follows:

(1) Lots 82 thru 99, and the reversionary interests in the vacated public alleys (15 and 20 feet wide), and the reversionary interests in vacated Faber Avenue (50 feet wide; said public alleys and street having been previously vacated by City Council on November 30, 1909 — J.C.C. pages 1531-32) of "William Y. Hamlins Subdivision of Lots 19 and 20 of Holbrook's Subdivision of Quarter Section 42, Ten Thousand Acre Tract," City of Detroit, Wayne County, Michigan as recorded in Liber 3, Page 61, Plats, Wayne County Records; commonly known as part of the "American Axle Manufacturing, Inc." site (a/k/a part of 1640 Holbrook Avenue)

(2) Lots 207 thru 210 of "William Y. Hamlins Subdivision of Lots 19 and 20 of Holbrook's Subdivision of Quarter Section 42, Ten Thousand Acre Tract," City of Hamtramck, Wayne County, Michigan as recorded in Liber 3, Page 61, Plats, Wayne County Records; commonly known as part of the "AAM Prototype Facility" site (a/k/a 8904 St. Aubin).

Encroachment to consist of installing and maintaining a privately owned underground telecommunication cable system (within a bank of six pipe(s), each 4-inches diameter; proposed use: private inter-facility communication link) beneath St. Aubin Avenue, 60 feet wide, between Holbrook and Faber Avenues. The proposed cable system will link "AAM Plant No. 6" site (a/k/a part of 1640 Holbrook) and "AAM Prototype Facility" site (a/k/a 8904 St. Aubin); being part of the above described parcels (business sites).

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

Provided, Whenever it becomes necessary to open-cut a public street, bore, jack, occupy or barricade city rights-of-way for construction or cable system placement, such work shall be according to detailed permit application drawings (to be submitted by the petitioner, subject to city department review and stamp approvals; including approval from the City of Hamtramck, if necessary) prior to any public right-of-way construction; and further

Provided, Said cable system installation and maintenance shall be 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 feet between PLD facilities and the pro-

posed "American Axle" cable system installation. Also, said cable system installation shall be 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 or shut-offs (and any other DWSD facilities) and the proposed "American Axle" cable system installation; and further

Provided, All costs for the construction, maintenance, permits and use of said encroachment shall be borne by the petitioner. Should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waives claims for any damages to the encroaching installation. Also, the use and/or operation of said telecommunication cable system shall comply with the rules and regulations of the Detroit Cable Communications Commission and the Public Lighting Department; and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located in St. Aubin Avenue (60 feet wide), by the acceptance of this permission the owners for themselves, their heirs or assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal and/or alteration, if their removal and/or alteration becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Division — DPW at "American Axle", the cable system owner, expense; and further

Provided, The petitioner, "American Axle", 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, 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 Division — DPW at the permittee's expense; 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 "American Axle" shall apply to and become a participating member of the "Miss Dig" organization; and further

Provided, The placement and maintenance of cable system encroachments in public rights-of way shall be construed as acceptance of the terms and conditions this resolution by "American Axle". Notwithstanding the fact that the filing of the indemnity agreement and the securing of the necessary permit(s) referred to above in this resolution are stipulations of this encroachment (permission) grant; 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; and be it further

Resolved, The petitioner, "American Axle Manufacturing, Inc.", owner of the cable system encroachments shall submit two copies of "as built" drawing(s) sealed by a professional engineer registered in the State of Michigan to the City Engineering Division — DPW within 30 days after obtaining the necessary "construction" permit(s) to install the cable system encroachments. Said "as built" drawing(s) shall furnish a complete means of identifying and ascertaining the precise position of every part of the "encroachments" with courses, distances, and depth throughout (containing City of Detroit datum), so that it may be determined with certainty where any portion of the "encroachment" has been built. Copies of the certified "as built" map(s) and survey(s) shall be an "appendix" to this City Council resolution. One copy of said "appendix" shall be recorded by the City Engineering Division — DPW in the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 8.

Nays — None.

JULY 2, 1997

JCC pgs. 1663 - 1666

PETITION # 2979

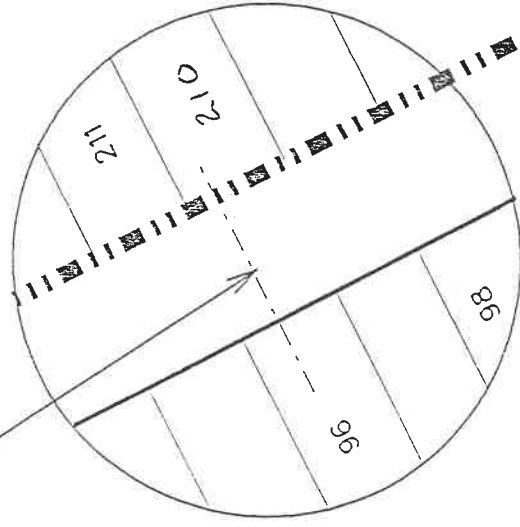
AMERICAN AXLE & MANUFACTURING, INC.  
 C/O: DAVID G. BARNES - CORP. COUNSEL

1840 HOLBROOK AVE.

DETROIT, MI. 48212-3488

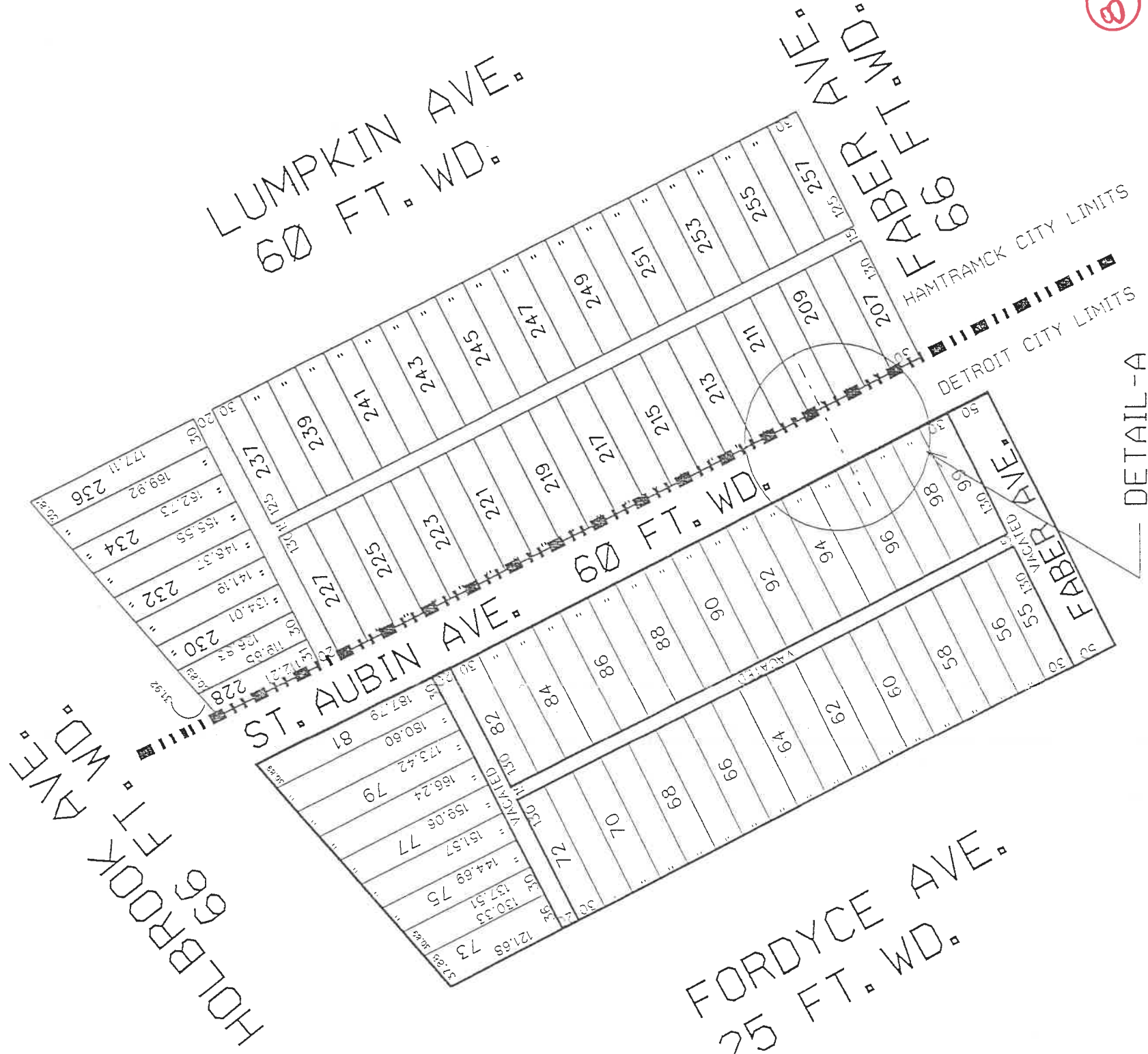
PH: (313) 974-2333

CENTERLINE OF CABLE ENCROACHMENT  
 BENEATH ST. AUBIN, S. OF HOLBROOK



DETAIL - A

DETROIT CITY LIMITS  
 HAMTRAMCK CITY LIMITS



DETAIL-A

W.M. Y. HAMLINS SUBN.

NO.	DESCRIPTION	DATE	BY	DATE
1	REVISIONS			
2	CHECKED			
3	APPROVED			

FOR OFFICE USE ONLY

UG PRIVATELY - OWNED CABLE ENCROACHMENT BENEATH  
 ST. AUBIN, S. OF HOLBROOK.

80

NO SCALE  
 CARTO. MAP NO. 42E

CITY OF DETROIT CITY ENGINEERING DEPT.	SURVEY BUREAU	JOB NO. 01-01	DRAWG. NO. X2979.DGN
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