

City of Detroit
OFFICE OF THE CITY CLERK

Jackie L. Currie
City Clerk

Vernon C. Allen
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

November 22, 1999

To: The Department or Commission Listed Below

**From: Jackie L. Currie
Detroit City Clerk**

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within the usual time limit.

/PUBLIC WORKS DEPARTMENT/

2127 MascoTech, requesting Use of a Public Right of Way for installation of an electrical substation in the area of 19001 Glendale.

CLED

MascoTech

2127

19 NOV 99 10:13

--CITY CLERK--

Transmitted VIA Hand Delivery

November 19, 1999

The Honorable City Council of Detroit
Coleman A. Young Municipal Center, Room 200
Detroit, MI 48226

Subject: Petition for the Use of a Public Right of Way for Utility Installation Work
MascoTech Braun
19001 Glendale, Detroit, MI 48223-3475

The Honorable City Council of Detroit:

The MascoTech Braun (Braun) facility located at 19001 Glendale in Detroit is a heavy industrial manufacturing plant in operation at this location since 1955. Due to expected growth and current limitations on electric power availability at this facility, it is necessary for Braun to construct an electrical substation to meet current electric demands and allow for future expansion.

Working closely with Detroit Edison, Braun has developed plans for an electrical substation to be constructed entirely on their property. The substation will provide primary power to the plant at several locations, however, in order to reach two (2) of these locations it will be necessary to install an underground duct bank in a portion of the public right of way on the north side of Glendale. This duct bank location is the most practical alternative to supply power from the substation to the facility.

As Braun is the sole property owner on the northern side of Glendale where the duct bank will be installed, there will be no disturbance to other industrial facilities in this area during the installation process. In addition, Braun will meet with all other utility companies that have facilities in the area to ensure that the installation will not adversely affect their operations.

Braun respectfully requests that the Honorable City Council of Detroit grant permission to use a portion of the northern right of way along Glendale for the purpose stated.

Should you have any questions please contact myself at (313) 270-1787 or Matthew DeLuca, the project manager with Ferrini Contracting, at (313) 836-1116.

Sincerely,
MascoTech Braun



Maro E. Dixon
Manager / Plant Engineering and Environmental Engineering

MascoTech Forming Technologies - Braun

19001 Glendale
Detroit, Michigan 48223-3475
313-270-1700
Fax 313-272-8342

MascoTech, Inc.

May 25, 2000

Honorable City Council:

RE: Petition No. 2127 - MascoTech-Braun, requesting to encroach into the public right-of-way for installation of electrical conduit to service substation in the area of 19001 Glendale.

Petition No. 2127 of "MascoTech-Braun" 19001 Glendale Ave., Detroit, Michigan 48223-3475, request permission to install and maintain a privately owned underground duct bank approximately 520' in length and approximately 30' from property line; with one (1) 6'x8'x7' manhole [proposed use: private electrical power supply from substation to facility] beneath Artesian Avenue, 86 feet wide, between Glendale Avenue, 60 feet wide and the Railroad right-of-way.

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

Duck system placement beneath Artesian Avenue (86 feet wide) involves a public street "open cut." MascoTech-Braun, must obtain permits from City Engineering Division – DPW for any street opening, backfill, surface restoration, barricade, or occupancy of city rights-of-way to install a duck system.

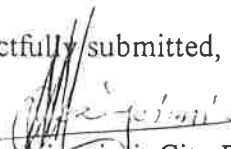
The Public Lighting Department (PLD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three feet between PLD facilities and the proposed "MascoTech-Braun" underground duct bank. The Detroit Water and Sewerage Department (DWSD) will require a minimum vertical 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 "MascoTech-Braun" underground duct bank. Also, reports from Michigan Consolidated Gas Company indicates there is gas service which crosses the proposed duct right-of-way at approximately 534 feet south of the south line of Glendale. 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 city departments and privately owned utility companies reported no objections to the proposed encroachment(s); provided MascoTech-Braun uses "care and caution" in the "open cut" of Artesian Avenue. They request the petitioner make use of "Miss Dig" facilities before installation-placement, and then become a participating member of that organization. This will minimize the chance of damage to MascoTech-Braun property.

Finally, the City Engineering Division – DPW requires “MascoTech-Braun” to submit certified “as built” drawings, a map and survey, showing the exact location of the petitioner’s completed duct system installation.

I am recommending adoption of the attached resolution.

Respectfully submitted,


Sunday Jaiyesini, City Engineer
City Engineering Division – DPW

JDF: jdf

Cc: Stephanie R. Green, Interim Director – DPW
Gerarda McCarthy, Mayor’s Office

BY COUNCIL MEMBER: _____

WHEREAS, Petition No. 2127 of "MascoTech-Braun" 19001 Glendale Ave., Detroit, Michigan 48223-3475, request permission to install and maintain a privately owned underground duct bank approximately 520' in length and approximately 30' from property line; with one (1) 6'x8'x7' manhole [proposed use: private electrical power supply from substation to facility] beneath Artesian Avenue, 86 feet wide, between Glendale Avenue, 60 feet wide and the Railroad right-of-way; therefore be it

RESOLVED, The City Engineering Division – DPW is hereby authorized and directed to issue permits to "MascoTech-Braun" to encroach underground beneath the public street right-of-way of Artesian Avenue, 86 feet wide, between Glendale Avenue, 60 feet wide and the Railroad right-of-way, adjacent to land described (in part) as follows:

Lots 60 and 61 of "B.E. Taylor's Brightmoor Consolidated Railroad Sites Subdivision", lying south of Grand River Avenue, being a part of the NW ¼ of Sec. 26, T. 1S., R. 10E., Redford Twp. (now Detroit), Michigan as recorded in Liber 52, Page 48 Plats, Wayne County Records; (a/k/a part of 19001 Glendale Avenue).

Encroachment to consist of installing and maintaining a privately owned underground duct bank approximately 520' in length and approximately 30' from property line; with one (1) 6'x8'x7' manhole [proposed use: private electrical power supply from substation to facility] beneath Artesian Avenue, 86 feet wide, between Glendale Avenue, 60 feet wide and the Railroad right-of-way (a/k/a part of 19001 Glendale Avenue):

PROVIDED, Whenever it becomes necessary to open-cut a public street, bore, jack, occupy or barricade city rights-of-way for construction or duck 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) prior to any public right-of-way construction; and further

PROVIDED, Said duck 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 proposed "MascoTech-Braun" underground duct bank. Also, said duck system installation shall be according to the specifications of The Detroit 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 "MascoTech-Braun" underground duct bank; 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 installations; and further

PROVIDED, If it becomes necessary to repair or replace the utilities located or to be located in Artesian Avenue (86 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 "MascoTech-Braun", the duck system owner's, expense; and further

PROVIDED, The petitioner "MascoTech-Braun", 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 other rights in the public street 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 the 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 "MascoTech-Braun" shall apply to become a participating member of the "Miss Dig" organization; and further

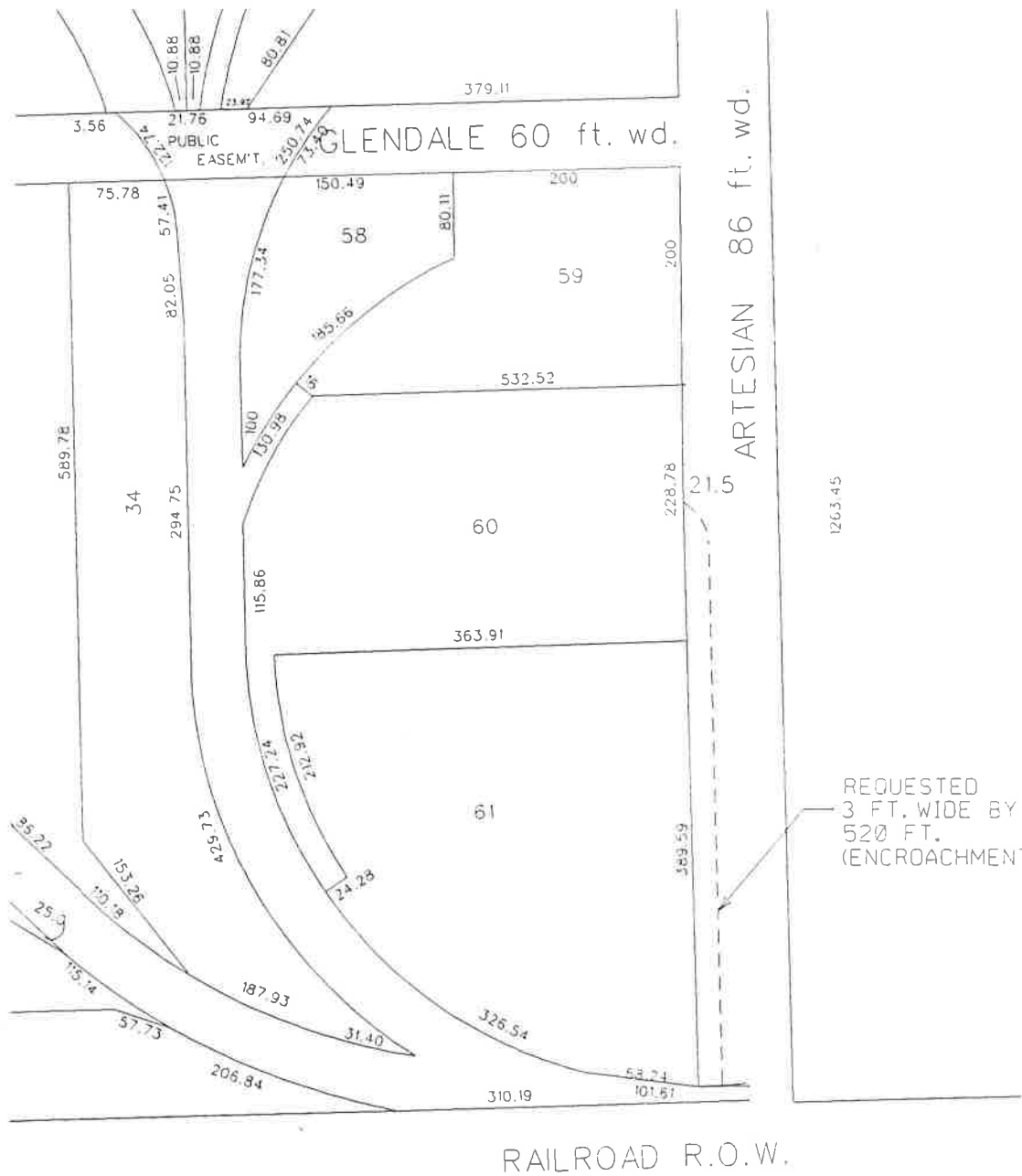
PROVIDED, The placement and maintenance of duck system encroachments in public rights-of-way shall be construed as acceptance by "MascoTech-Braun". Notwithstanding the fact that the filing of the indemnity agreement and the securing of the necessary permit(s) referred to above in this resolution are 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 further

RESOLVED, The petitioner "MascoTech-Braun", owner of the duck 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 duck 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 resolution. One copy of said "appendix" shall be recorded by the City Engineering Division - DPW in the Wayne County Register of Deeds.

PETITION NO. 2127
 MASCOTECH BRAUN
 19001 GLENDALE, DET., MI. 48223
 C/O MARO E. DIXON - 313.270.1787
 DALE OCHS - 313.270.1750
 MATTHEW DeLUCA - 313.836.1116



REQUESTED
 3 FT. WIDE BY
 520 FT.
 (ENCROACHMENT)

NOTE: SEE ATTACHMENTS FOR DETAILS OF ENCROACHMENTS.

----- REQUESTED ENCROACHMENT AREA

CARTO. NO. 111C

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	JDF	CHECKED	JDF		
DATE	04.18.00	APPROVED	JDF		

REQUEST TO ENCROACH INTO THE WESTERLY
 RIGHT-OF-WAY OF ARTESIAN, 86 FT. WD.,
 BETWEEN GLENDALE AND R.R. R.O.W. IN ORDER
 TO INSTALL UNDERGROUND DUCT BANK TO
 SUPPLY POWER TO THE FACILITY.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
BRWG. NO.	PET. 2127 CON.