

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

March 22, 2006

To: The Department or Commission Listed Below

From: Janice M. Winfrey
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 four (4) weeks.

PUBLIC WORKS - CITY ENGINEERING DIVISION

0248 DTE Energy - Detroit Edison, for permit to construct elevated walkway connecting MGM's shared parking deck to Detroit Edison's service building, in area of Third Avenue and Fisher Service Drive.

RECEIVED
CITY ENGINEERING DIVISION

MAR 24 2006

By _____

ced
KNOW

0248

Detroit Edison



A DTE Energy Company

March 15, 2006

Janice M. Winfrey
Detroit City Clerk
200 Coleman A. Young Municipal Center
Two Woodward Avenue
Detroit, Michigan 48226

RE: Elevated Walkway Permit over Third Avenue

Dear Ms. Winfrey:

MGM and Detroit Edison have an agreement to share a parking deck in MGM's permanent facility. Detroit Edison is planning to construct an elevated walkway connecting the deck to our service building. Since this walkway will be built over a city street, please petition the City Council to grant a permit to Detroit Edison to maintain an elevated walkway over Third Avenue.

We feel that the elevated walkway is critical for the safety of our employees. This elevated walkway will allow Detroit Edison employees to walk from employee parking spaces in the MGM parking deck to the Detroit Edison offices without having to cross Third Avenue at street level.

I have taken the liberty of attaching the proposed legal description for the elevated walkway over Third Avenue. This description accounts for the proposed widening of Third Avenue. The walkway will have a clearance of 16 feet above street level, and a maximum height of 36 feet above street level.

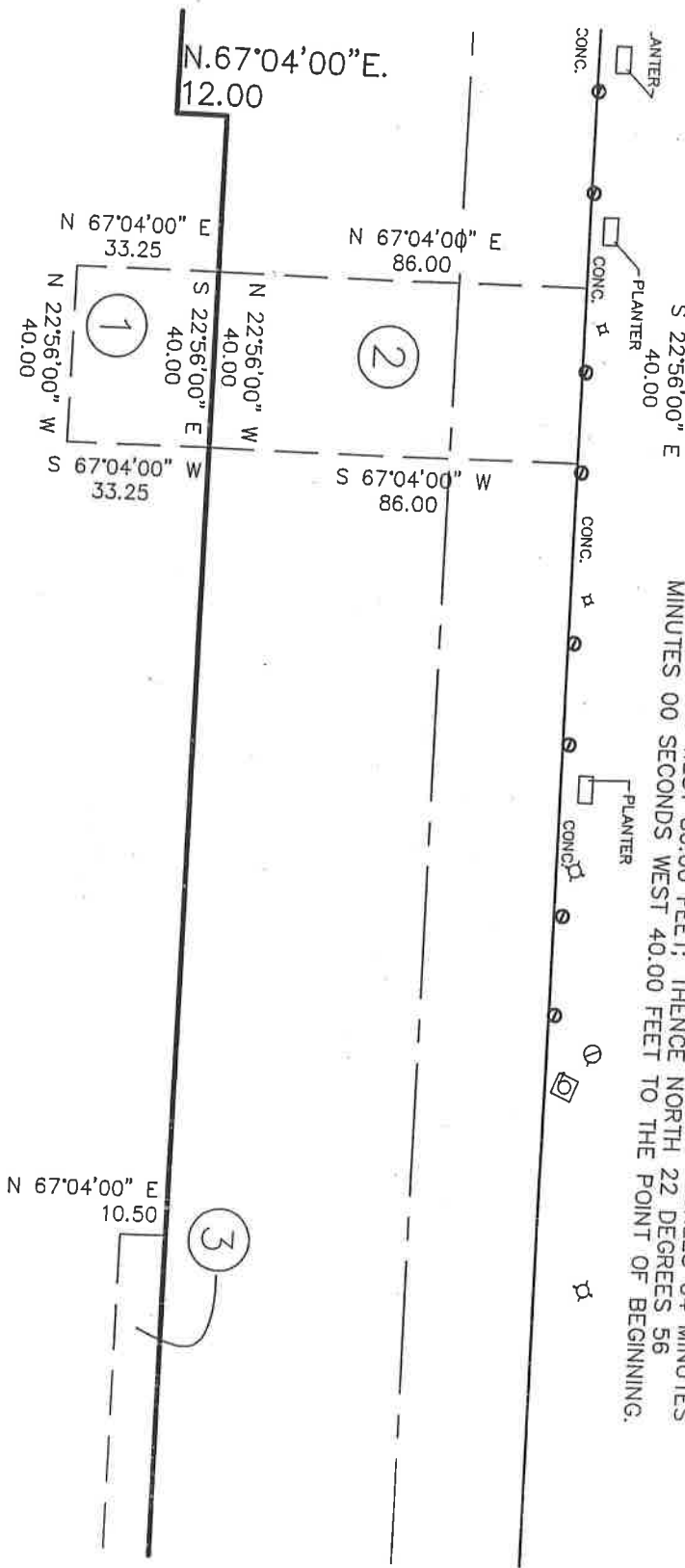
We look forward to working with the various City engineers toward a timely conclusion of our project.

Very truly yours,

John C. Erb
Manager, Corporate Real Estate
313-235-8321

Joseph Cazeno Jr.
Manager, Regional Relations
313-235-8233

Encl.



LEGAL DESCRIPTION, EASEMENT #2:
PART OF PRIVATE CLAIM 55, CITY OF DETROIT, WAYNE COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT A POINT DISTANT SOUTH 67 DEGREES 04 MINUTES 00 SECONDS WEST 26.00 FEET AND SOUTH 22 DEGREES 56 MINUTES 00 SECONDS WEST 359.00 FEET FROM THE NORTHWESTERLY CORNER OF LOT 1 OF BLOCK 89 OF "CASS WESTERN ADDITION TO THE CITY OF DETROIT" AS RECORDED IN LIBER 42, PAGES 138-142 WAYNE COUNTY RECORDS, BEING ALSO THE INTERSECTION OF THE WESTERLY LINE OF THIRD AVENUE (60 FEET WIDE) AND THE SOUTHERLY LINE OF THE FISHER SERVICE DRIVE AND PROCEEDING THENCE NORTH 67 DEGREES 04 MINUTES 00 SECONDS EAST 86.00 FEET; THENCE SOUTH 22 DEGREES 56 MINUTES 00 SECONDS EAST 40.00 FEET; THENCE SOUTH 67 DEGREES 04 MINUTES 00 SECONDS WEST 86.00 FEET; THENCE NORTH 22 DEGREES 56 MINUTES 00 SECONDS WEST 40.00 FEET TO THE POINT OF BEGINNING.

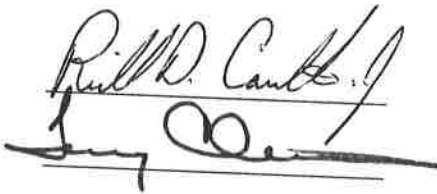
WRITTEN ACCEPTANCE OF THE TERMS
AND CONDITIONS OF DETROIT CITY COUNCIL RESOLUTION
PETITION NUMBER 0248 ADOPTED APRIL 5, 2006

The Detroit Edison Company ("Permittee") whose address is 2000 Second Avenue, Detroit Michigan 48226, by and through John M. Wisniewski, its Director, Administration and Facilities Management does hereby accept the terms and conditions of the City Council Resolution granting petition Number 0248, and agrees to comply with its requirements; and further, that pursuant to the said Resolution, Permittee does hereby agree to save harmless the City of Detroit ("The City") from any and all liabilities, obligations, penalties, costs, changes, losses, damages, or expenses (including without limitation, fees and reasonable expenses of attorneys, expert witnesses and other consultants) which may be imposed upon, incurred by or asserted against the City by reason of the issuance of said permit(s), or the performance of non-performance by the Permittee of the terms of the permit(s) hereof, or that may arise out of the maintenance of the above described easement by Permittee's personnel, agents, and employees; and Further, that in accordance with the said Resolution, a certified copy of the aforementioned City Council Resolution will be recorded in the Office of the Register of Deeds of Wayne County by the City Clerk.

Wherefore, we have hereunto set our hands of this 7 day of April 2006:

Witnessed By:

Permittee: The Detroit Edison Company



By: John M. Wisniewski



Its: Director,
Administration and Facilities Management

APPROVED AS TO FORM	<u>4/7/06</u>	DATE
LEGAL DEPARTMENT	<u>JPH</u>	

STATE OF MICHIGAN)
) ss
COUNTY OF WAYNE)

On this 7 day of April, 2006, before me a Notary Public in and for said County, appeared John M. Wisniewski to me known personally, who being duly sworn, did say that he is the Director, Administration and Facilities Management of The Detroit Edison Company DETROIT LLC, and that the Written Acceptance of the Terms and Conditions of the City Council Resolution Approving Petition No. 0248 adopted on 4-05, 2006 was signed on behalf of said corporation.

MARGO L. SAUNER
Notary Public, Macomb County, MI
Acting in Wayne Co., MI
My Commission Expires April 15, 2007

Margo L. Sauner
Notary Public, Macomb County,
MI. Acting in Wayne
Co. MI
my Commission
Expires April 15, 2007

March 27, 2006

Ms. Janice M. Winfrey
Detroit City Clerk
200 Coleman A. Young Municipal Center
Two Woodward Avenue
Detroit, MI 48226

Re: Elevated Walkway Permit over Elizabeth Street

Dear Ms. Winfrey:

Please have this letter serve as an amendment to the letter from the undersigned dated March 15, 2006. In addition to the permission to cross Third Avenue with an elevated walkway, Detroit Edison is hereby requesting permission to cross Elizabeth Street.

MGM and Detroit Edison have an agreement to share a parking deck in MGM's permanent facility. Detroit Edison is planning to construct an elevated walkway connecting the deck to our service building.

Detroit Edison, under separate cover, is currently in the process of formally vacating Elizabeth Street. After Elizabeth Street is vacated, we anticipate an easement for public utilities encumbering the current roadway. Therefore, we are requesting permission for our elevated walkway to cross over this easement. Please amend our petition to the City Council to grant permission to cross this easement.

We look forward to working with the various City engineers toward a timely conclusion of our project.

Very truly yours,

John C. Erb
Manager, Corporate Real Estate
313-235-8321

Joseph Cazeno Jr.
Manager, Regional Relations
313-235-8233

A three-dimensional private easement for Elevated Walkway purposes, between City of Detroit elevation 135.83' and City of Detroit elevation 153.00', lying within that portion of Elizabeth Street (60 feet wide) in the City of Detroit, County of Wayne, State of Michigan being described as:

Commencing at the intersection of the southerly line of Elizabeth Street (50 feet wide) with the easterly line of Third Avenue (60 feet wide);

Thence S89°55'46"E along the southerly line of said Elizabeth Street 50.83 feet to the POINT OF BEGINNING.

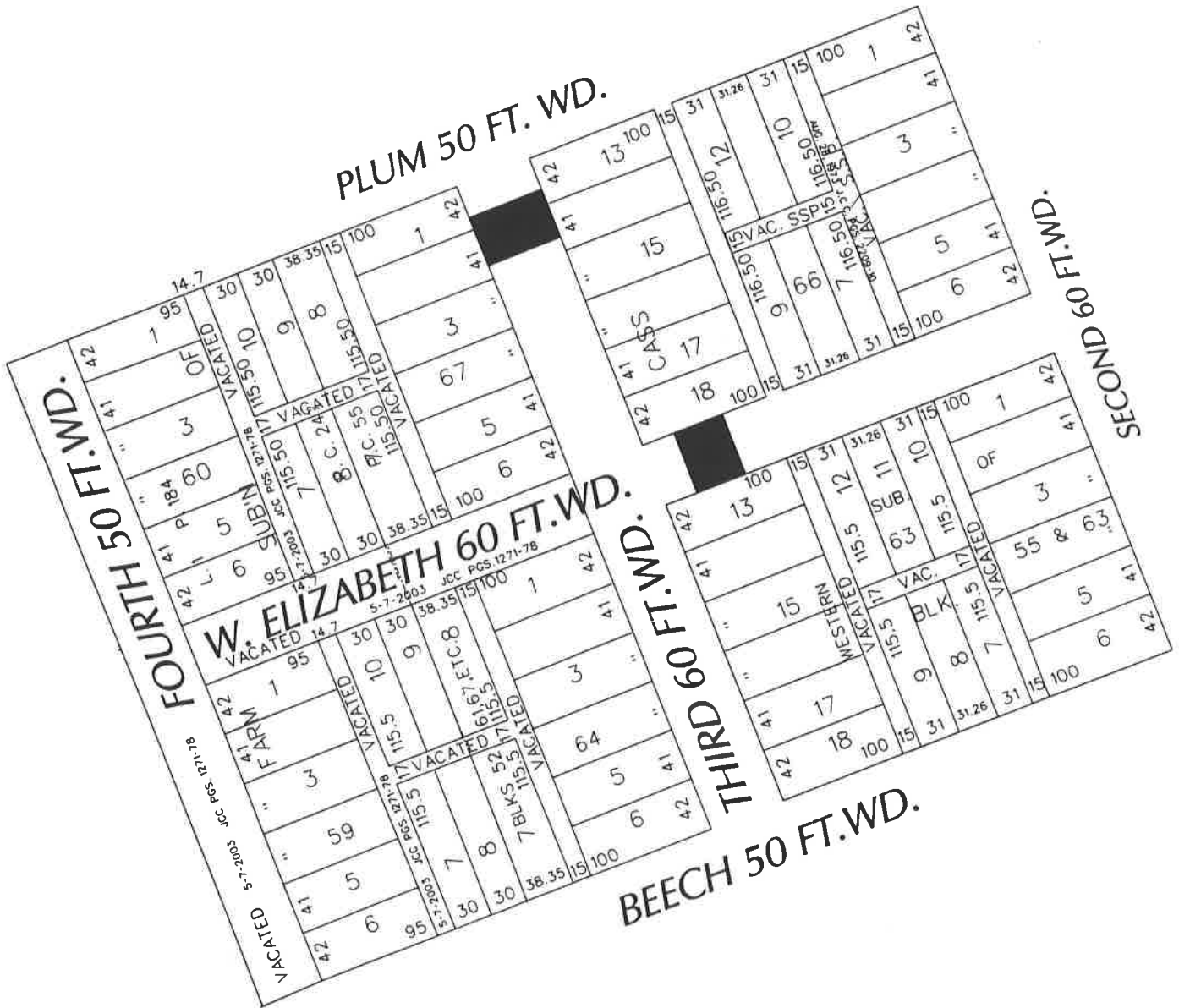
Thence N00°00'35"E 50.00 feet to a point on the northerly line of said Elizabeth Street;

Thence S89°55'46"E along the northerly line of said Elizabeth Street 18.00 feet;

Thence S00°00'35"W 50.00 feet to the southerly line of said Elizabeth Street;

Thence N89°55'46"W along the southerly line of said Elizabeth Street 18.00 feet to the POINT OF BEGINNING.

PETITION NO. 248
 DTE - ENERGY - DETROIT EDISON
 2000 SECOND BLVD.
 DETROIT MI. 48226
 JOSEPH CAZENO JR.
 PHONE NO. 313-235-8233
 c/o TERRY CLEMENTS
 PROJECT DIRECTOR
 313-442-1368



 - AREA OF ENCROACHMENTS

NOTE: FOR MORE DETAILS ON FOUNDATIONS PLEASE CONTACT PETITIONER

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY NP		CHECKED			
DATE 3-27-06		APPROVED			

(FOR OFFICE USE ONLY)

CARTO 28 B & 29 E

REQUESTED AREA OF ENCROACHMENTS INTO THIRD AND ELIZABETH WITH A PEDSTRAN BRIDGE AND FOUNDATIONS ALL IN THE AREA OF PLUM, BEECH, SECOND, AND (vacated) FOURTH.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x248.dgn

July 12, 2006

Honorable City Council:

RE: Petition No. 248 – DTE Energy – Detroit Edison for permit to construct elevated walkway connecting MGM's shared parking deck to Detroit Edison's service building in the area of Third Avenue and Fisher Service Drive.

Petition No. 248 of "DTE Energy – Detroit Edison" whose address is 2000 Second Avenue, Detroit, Michigan 48226 request permission to construct and maintain two overhead pedestrian bridges, 18.00 feet wide, encroaching into Third Avenue, 60 feet wide, between Plum Avenue, 50 feet wide and West Elizabeth Avenue, 60 feet wide; Also West Elizabeth Avenue, 60 feet wide between Third Avenue, 60 feet wide, and Second Avenue, 60 feet wide, to provide safety to DTE's employees.

DTE Energy plans to build a pedestrian bridge over Third Avenue, 60 feet wide, between Plum Avenue, 50 feet wide and West Elizabeth Avenue, 60 feet wide to connect DTE's service building to MGM's parking deck. DTE, also plan to build a second pedestrian bridge over West Elizabeth Avenue, 60 feet wide, Third Avenue, 60 feet wide, and Second Avenue, 60 feet wide to connect two DTE's offices.

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

The Detroit Water and Sewerage Department (DWSD) reports the sewer and water mains have to remain in service in said described area, however, DWSD have no objections to the proposed encroachment for a pedestrian Bridge and foundations provided that there will be a minimum 16 feet clearance between the ground surface and the bridge and the bridge foundations have no adverse impact on DWSD's facilities. Also, drawings for the pedestrian Bridge and foundations have to be submitted to DWSD for review and approval and the work is subject to inspection by DWSD. If any of DWSD's facilities located in the street break or are damage as a result of the Petitioner's action, then the Petitioner will be liable for all costs to repair or replace DWSD's facilities.

The Public Lighting Department reports having a conduit bank running North-South feeding underground streetlights on Third Avenue in the area request for encroachment. Any structure proposed to be built shall maintain 4 1/2 feet vertical clearance and ten (10) feet horizontal clearance from any PLD conduit, lines, and installations. The contractors will be liable for any damages to any PLD underground facilities.

DTE Energy – Gas Division reports having a 4-inch plastic gas main approximately 4 feet west of the right-of-way and the West Elizabeth Bridge east of Third has no active gas main in that right-of-way.

AT&T/SBC Telecommunication reports having underground facilities running East – West on Elizabeth. AT&T must maintain 9 feet to our facilities. Petitioner and/or Contractor must avoid foundation work from damaging underground facilities.

All other involved City departments and privately owned utility companies reported no objections or that satisfactory arrangements have been made.

Respectfully submitted,



William Talley, Head Engineer
City Engineering Department – DPW

NRP/

Cc: Cathy Square, Director – DPW

Mayor's Office – City Council Liaison

BY COUNCIL MEMBER _____

Whereas, The City Engineering Division – DPW is hereby authorized and directed to issue permits to “DTE Energy – Detroit Edison and/or Walbridge Aldinger” to construct and maintain two overhead pedestrian bridges, 18.00 feet wide, encroaching into Third Avenue, 60 feet wide, between Plum Avenue, 50 feet wide and West Elizabeth Avenue, 60 feet wide; Also West Elizabeth Avenue, 60 feet wide between Third Avenue, 60 feet wide, and Second Avenue, 60 feet wide; described as follows:

Lying Easterly of and abutting the East line of parts of Lots 1 and 2, Block 67, in the “Plat of Subdivision of Blocks 52, 61, 67, and part of Blocks 57, 64, 69 and 71 of the Cass Farm” recorded October 14, 1863, Detroit, Wayne County, Michigan as recorded in Liber 1, Page 128, Plats, Wayne County Records; And lying Westerly of and abutting the West line of parts of Lots 13 and 14, Block 66, in the “Cass Western Addition to the City of Detroit” between the Chicago and Grand River Roads by Lewis Cass 1851 recorded June 27, 1851 as recorded Liber 42, Page 138,139,140 and 141, Deeds, Wayne County Records; being more particularly described as:

Commencing at the intersection of the Southerly line of Plumb Street, 50 feet wide with the Easterly line of Third Avenue, 60 feet wide; thence $S00^{\circ}01'18''E$ along the Easterly line of said Third Avenue, 72.61 feet to a point on the Easterly line of said Third Avenue, also being the Point Of Beginning; thence continuing $S00^{\circ}01'18''E$ along the Easterly line of said Third Avenue, 18.00 feet; thence $N89^{\circ}55'46''E$, 60.00 feet to a point on the Westerly line of said Third Avenue; thence $N00^{\circ}01'18''W$ along the Westerly line of said Third Avenue, 18.00 feet; thence $S89^{\circ}55'46''E$, 60.00 feet to the Point Of Beginning;

Lying Northerly of and abutting the North line of Lot 13, Block 63, in the “Subdivision of Blocks 55 and 63 Cass Farm” recorded September 23, 1859 as recorded in Liber 1 Page 75, Plats, Wayne County Records; and lying Southerly of and abutting the South line of Lot 18, Block 66, in the “Cass Western Addition to the City of Detroit” between the Chicago and Grand River Roads by Lewis Cass 1851 recorded June 27, 1851 as recorded Liber 42, Page 138,139,140 and 141, Deeds, Wayne County Records; being more particularly described as:

Commencing at the intersection of the Southerly line of Elizabeth Avenue, 50 feet wide, with the Easterly line of Third Avenue, 60 feet wide; thence S89°55'46"E along the Southerly line of said Elizabeth Avenue, 50.83 feet to the Point Of Beginning; thence N00°00'35"E, 50.00 feet to a point on the Northerly line of said Elizabeth Avenue; thence S89°55'46"E along the Northerly line of said Elizabeth Avenue, 18.00 feet; thence S00°00'35"W, 50.00 feet to the Southerly line of said Elizabeth Avenue; thence N89°55'46"W along the Southerly line of said Elizabeth Avenue, 18.00 feet to the Point Of Beginning

Encroachment to consist of two overhead pedestrian bridges that will link DTE's service building to MGM's parking deck and two DTE's Office Buildings crossing over Third Avenue, 60 feet wide and West Elizabeth Avenue, 60 feet wide, between the above described parcels:

WHEREAS, Approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the street, and at all time, DWSD, its agents or employees, shall have the right to enter upon the street to maintain, repair, alter, service, inspect, or install its facilities. All costs incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection by DWSD shall be borne by the petitioner. All costs associated with gaining access to DWSD's facilities, which could normally be expected had the petitioner not encroached into the street, shall be borne by DWSD; and be it further

PROVIDED, That all construction performed under this petition shall not be commenced until after (5) days written notice to DWSD. Seventy-two (72) hours notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one call system; and be it further

PROVIDED, That construction under this petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the discretion of DWSD, be borne by the petitioner; and be it further

PROVIDED, That if DWSD facilities located within the street shall break or be damaged as the result of any action on the part of the petitioner, then such event the petitioner agrees to be liable for all costs incident to the repair, replacement or relocation of such broken or damaged DWSD facilities; and be it further

PROVIDED, That the petitioner shall hold DWSD harmless for any damages to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

PROVIDED, That if at any time in the future the petitioner shall request removal and/or relocation of DWSD's facilities in the street being encroached upon the petitioner agrees to pay all costs for such removal and/or relocation; and be it further

PROVIDED, "DTE Energy – Detroit Edison" or its assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division – DPE prior to any public right-of-way construction; and further

PROVIDED, That the necessary permits shall be obtained from the City Engineering Division – DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; also in accord with plans submitted to and approved by these departments; including the Public Lighting Department (if necessary), and the Traffic Engineering Division – DPW (if necessary); and further

PROVIDED, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by "DTE Energy – Detroit Edison" or its assigns; and further

PROVIDED, That all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments shall be borne by "DTE Energy – Detroit Edison" or its assigns. Should damages to utilities occur "DTE Energy – Detroit Edison" or its assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

PROVIDED, If it becomes necessary to repair or replace the utilities located or to be located within the public rights-of-way, by acceptance of this permission, "DTE Energy – Detroit Edison" (owners) for themselves, or their assigns, (by acceptance of permits for construction near underground utility lines, conduits, or mains) waives all claims for damages to the encroaching installations and agree to pay all costs incurred in their removal (or alteration), if removal (or alteration) becomes necessary; and further

PROVIDED, That "DTE Energy – Detroit Edison" shall file with the Finance Department and/or City Engineering Division – DPW an indemnity in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance by "DTE Energy – Detroit Edison" of the terms thereof. Further, "DTE Energy – Detroit Edison" shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

PROVIDED, The property owned by "DTE Energy – Detroit Edison" and the encroachment shall be subject to proper zoning or regulated use (board of Zoning Appeals Grant); and further

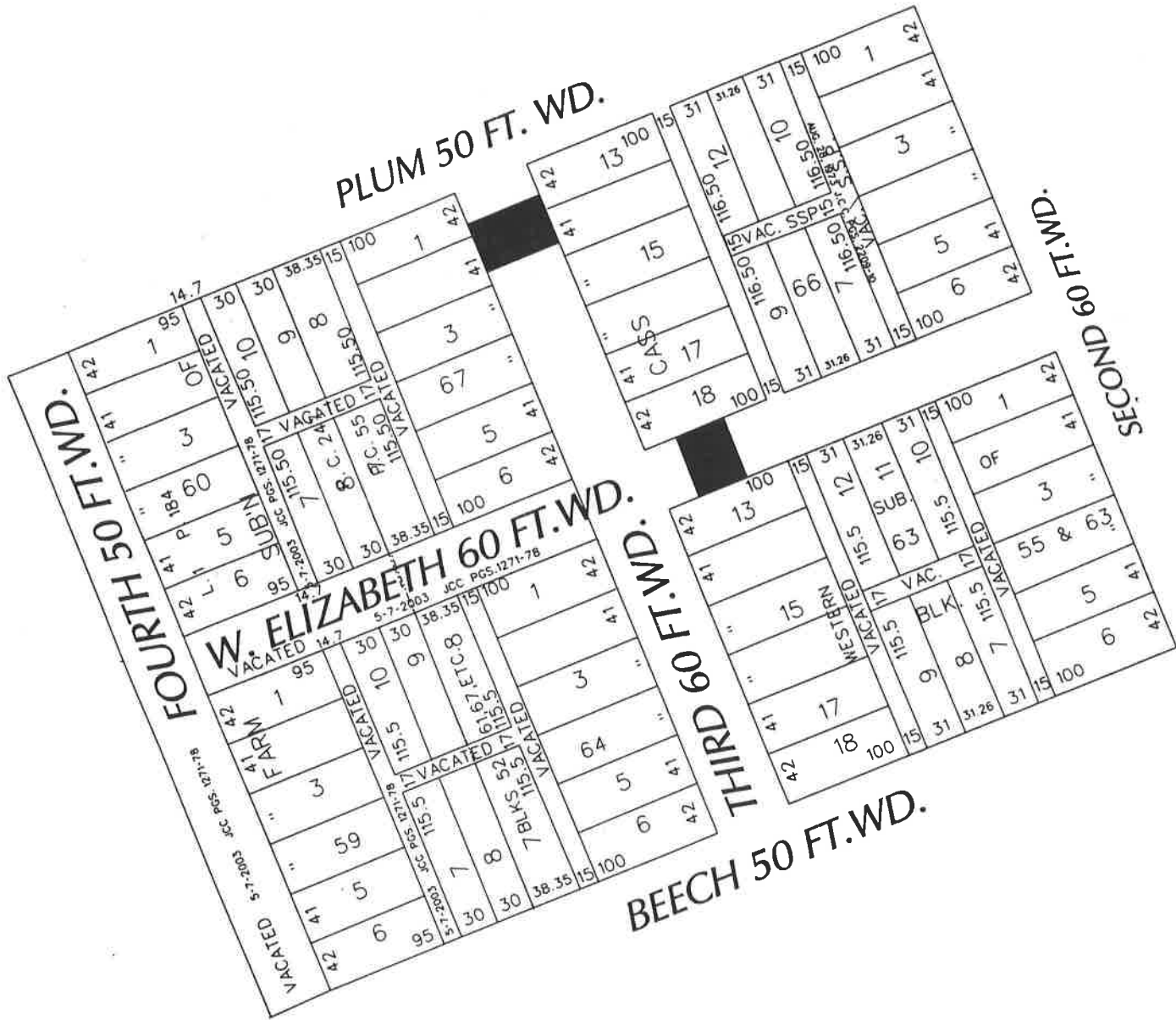
PROVIDED, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division – DPW; and further

PROVIDED, this resolution is revocable at the will, whim or caprice of the City Council, and “DTE Energy – Detroit Edison” acquires no implied or other privileges hereunder not expressly stated herein; and further

PROVIDED, That the encroachment permits 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 and indemnity agreement with the Wayne County Register of Deeds

PETITION NO. 248
 DTE - ENERGY - DETROIT EDISON
 2000 SECOND BLVD.
 DETROIT MI. 48226
 JOSEPH CAZENO JR.
 PHONE NO. 313-235-8233
 c/o TERRY CLEMENTS
 PROJECT DIRECTOR
 313-442-1368



 - AREA OF ENCROACHMENTS

NOTE: FOR MORE DETAILS ON FOUNDATIONS PLEASE CONTACT PETITIONER

(FOR OFFICE USE ONLY)

CARTO 28 B & 29 E

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	NP	CHECKED			
DATE	3-27-06	APPROVED			

REQUESTED AREA OF ENCROACHMENTS INTO THIRD AND ELIZABETH WITH A PEDSTRIAN BRIDGE AND FOUNDATIONS ALL IN THE AREA OF PLUM, BEECH, SECOND, AND (vacated) FOURTH.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x248.dgn

METCO

SERVICES, INC.

12504 STEPHENS, WARREN, MI 48089
TEL - (586) 755-5770 • FAX (586) 755-5774
www.metcoservices.com



EASEMENT DRAWING

THIRD AVENUE (60 FT. WD.)

ELIZABETH STREET

(50 FT. WD.)

POINT OF
COMMENCEMENT

POINT OF
BEGINNING

S 89°55'46" E 50.83'

S 89°55'46" E 18.00'

N 00°00'35" E 50.00'

18' WIDE
PRIVATE
EASEMENT FOR
ELEVATED
WALKWAY

S 00°00'35" W 50.00'

N 89°55'46" W 18.00'



CLIENT: TUCKER, YOUNG, JACKSON, TULL, INC.
ADDRESS: 665 E. LARNED, SUTIE 300
CITY, STATE & ZIP: DETROIT, MI 48226
CITY: DETROIT P.C.: 55 COUNTY: Wayne
DATE: 03/27/06 DRAWN BY: CSD
JOB NO.: 06-015 SHEET NO.: 1 OF 2
SCALE: 1" = 20'
BOOK/PAGE: N/A



LEGAL DESCRIPTION: SEE SHEET 1 OF 2

Steven E. Dunn
STEVEN E. DUNN, PROFESSIONAL SURVEYOR #48038

METCO

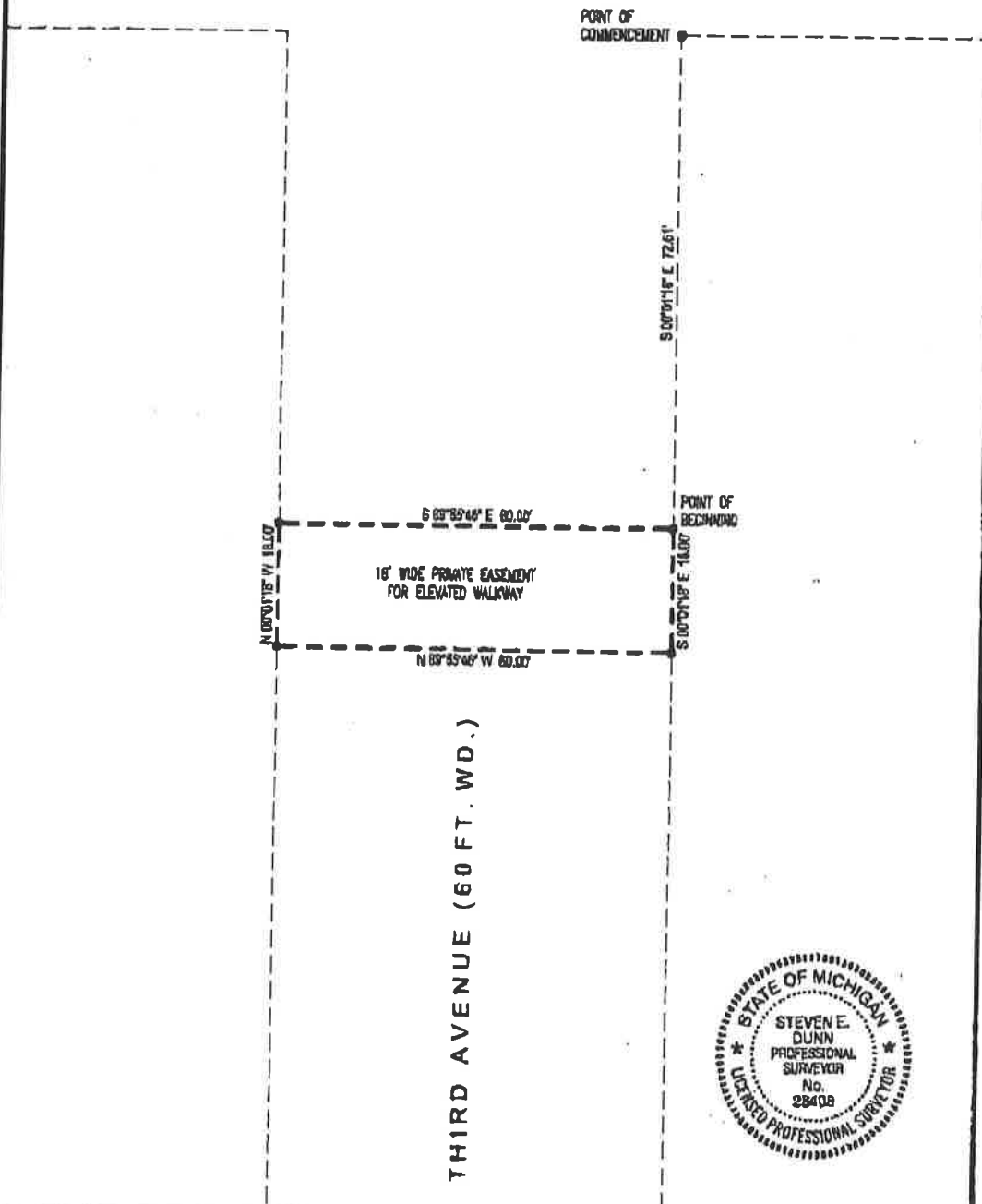
SURVICES 1016

2504 STEPHENS WATREN, MI 48068
TEL - (800) 755-8770 • FAX (800) 755-5774
www.metcoservices.com



EASEMENT DRAWING

PLUMB STREET (50 FT. WD.)



CLIENT: TUCKER, YOUNG, JACKSON, TULL, INC.
ADDRESS: 565 E. LARNED, SUITE 300
CITY, STATE & ZIP: DETROIT, MI 48226
CITY: DETROIT P.C.: 85 COUNTY: Wayne
DATE: 04/03/06 DRAWN BY: GSD
JOB NO.: 08-015 SHEET NO.: 1 OF 2
SCALE: 1" = 20'
BOOK/PAGE: N/A

LEGAL DESCRIPTION: SEE SHEET 1 OF 2

Steven E. Dunn
STEVEN E. DUNN, PROFESSIONAL SURVEYOR 948038

WRITTEN ACCEPTANCE OF THE TERMS
AND CONDITIONS OF DETROIT CITY COUNCIL RESOLUTION
PETITION NUMBER 0248 ADOPTED APRIL 5, 2006

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Wherefore, we have hereunto set our hands of this 7 day of April 2006:

Witnessed By:

Permittee: The Detroit Edison Company



By: John M. Wisniewski



Its: Director,

Administration and Facilities Management

APPROVED AS TO FORM	<u>4/7/06</u>	DATE
LEGAL DEPARTMENT	<u>JPA</u>	

