



April 25, 2006

Honorable City Council:

RE: Petition No. 4379 – Economic Development Corporation of the City of Detroit, for easements in connection with the Dequindre Cut Greenway Project, in the area of Gratiot at Dequindre, and The Dequindre right-of-way from Woodbridge Ave. to Atwater St.

Petition No. 4379 of the “Economic Development Corporation of the City of Detroit” (EDC), requests the establishment of an easement at the southeast corner of Gratiot Avenue and the Dequindre Avenue/ Railroad rights-of-way, in order to serve as a transportation corridor for pedestrians, bicyclists and emergency vehicles, to access the proposed Dequindre Cut Greenway. Also, the EDC also request an easement area, 10.00 feet wide, abutting the easterly line of Dequindre Avenue, from the north line of Woodbridge Street extending southerly to the north line of Atwater Street. Said easement area will consist of the installation and maintenance of conduit and cabling encroaching in certain portions of public right-of-way, for security cameras serving portions of the Dequindre Cut Greenway and the proposed Tri-Centennial State Park.

The request was approved by the Planning and Development Department and the Traffic Engineering Division – DPW. The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

All other city departments and privately owned utility companies have reported no objections to the establishment of an easement to access the proposed Dequindre Cut Greenway and the installation and maintenance of conduit and cabling encroaching in certain portions of public right-of-way, for security cameras. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

William Talley, Head Engineer  
City Engineering Division – DPW

JDF: jdf

Cc: Cathy Square, Director – DPW  
Kandia Milton, Mayor’s Office  
Planning and Development Department

BY COUNCIL MEMBER: \_\_\_\_\_

WHEREAS, The Economic Development Corporation is coordinating the Dequindre Cut Greenway Project on behalf of the City of Detroit's Department of Public Works, AND

WHEREAS, It is necessary to create the proposed access easement, attached hereto as EASEMENT EXHIBIT "A", in order to serve as a transportation corridor for pedestrians, bicyclists and emergency vehicles, to the proposed Dequindre Cut Greenway Project, AND

WHEREAS, It is necessary to establish a easement area that will consist of the installation and maintenance of conduit and cabling encroaching in certain portions of public rights-of-way, for security cameras, within portions of the Dequindre Cut Greenway and the proposed Tri-Centennial State Park, THEREFORE BE IT

RESOLVED, Land in the City of Detroit, Wayne County, Michigan, being Part of Lots 63 and 64 of "ELMWOOD PARK URBAN RENEWAL PLAT No. 3", of part of Private Claims 90, 14, 91, 733, 609, 9 and 454, 11 and 453, 182, and 15. City of Detroit, Wayne Co., Michigan recorded in Liber 100 Pages 62-70. (Wayne County records), described as:

Commencing at the intersection of the westerly right-of-way of Grand Trunk Western Railroad and the northerly right-of-way of Jay Street (50 feet wide), said intersection also being the southeast corner of Lot 52 of "A TOWN PLAT OF THE FARM OF ANTOINE DEQUINDRE", assigned by deed of trust to Peter Desnoyer drawn up by Anson E. Hathon at the request of the parties interested for the purposed of being recorded February 4<sup>th</sup> 1840, A.E. Hathon. Recorded in Liber 10, Pages 715, 716 & 717. City records, thence S.26°07'13"E. along the westerly right-of-way of said Grand Trunk Western Railroad 50.12 feet to the southerly right-of-way of said Jay Street; thence N.59°52'21"E. along the southerly right-of-way of said Jay Street, extended easterly, 60.15 feet to the easterly right-of-way of said Grand Trunk Western Railroad, also being the POINT OF BEGINNING.

Thence N.26°07'13"W. along the easterly right-of-way of said Grand Trunk Western Railroad and the westerly line of said "ELMWOOD PARK URBAN RENEWAL PLAT No. 3", a distance of 442.05 feet to the southerly right-of-way of Gratiot Avenue (120 feet wide); Thence N.29°35'24"E. along the southerly right-of-way of said Gratiot Avenue 91.98 feet; Thence S.60°10'24"E. 14.81 feet to a non-tangent curve; Thence along a non-tangent curve to the left, having: an arc length of 111.51 feet, a radius of 86.56 feet, a chord bearing of S.24°44'24"E. and a chord distance of 103.96 feet; Thence N.28°48'06"E. 5.04 feet; Thence S.61°11'54"E. 25.00 feet; Thence S.28°48'06"W. 4.99 feet; Thence S.25°54'22"E. 133.42 feet; Thence S.19°36'02"E. 179.23 feet; Thence S.04°02'13"W. 48.79 feet to a point on the southerly right-of-way of Jay Street (50 feet wide); Thence S.59°52'21"W. along the southerly right-of-way of said Jay Street, 50.96 feet to the intersection with the easterly right-of-way of said Grand Trunk Western Railroad also being the POINT OF BEGINNING.

Be and the same is hereby converted into a perpetual access easement, in order to design, maintain and construct a transportation corridor for pedestrians, bicyclists and emergency vehicles, across a parcel of land owned by the Planning and Development Department within the proposed Dequindre Cut Greenway Project Area. Said easement is granted to the Department of Public Works (DPW) by its owner, the Planning and Development Department. Transferring the above described land to the inventory of DPW to be exclusively used for transportation corridor purposes, ALSO

THEREFORE BE IT RESOLVED, The City Engineering Division – DPW is hereby authorized and directed to issue permits to the Economic Development Corporation (“the EDC”) or the Detroit Riverfront Conservancy (“DRC”), to install and maintain conduit and cabling encroaching in certain portions of public right-of-way, for security cameras (“Encroachment”) serving portions of the Dequindre Cut Greenway and the proposed Tri-Centennial State Park, being within the following described property:

Land in the City of Detroit, County of Wayne, State of Michigan, being Part of Woodbridge Street (50 feet wide), lying within Private Claim 90; Part of lots 17 and 23 of the “SUBDIVISION OF LOT 1, WITHERELL FARM”, *between Jefferson Ave. and Atwater Street, as recorded in Liber 1, of Plats, Page 76 (Wayne County Records)*; Part of Franklin Street (50 feet wide), lying within Private Claim 90; Part of lots 9 and 16, Block 1, of “SUBDIVISION OF LOT 1, WITHERELL FARM”, *between Jefferson Ave. and Atwater Street, as recorded in Liber 1, of Plats, Page 76 (Wayne County Records)*; Part of Guoin Street (50 feet wide), lying within Private Claim 90; Part of Lot 1 of “RESUBDIVISION OF LOTS 1,2,3,4,5,6,7 AND 8, BETWEEN GUOIN AND ATWATER STS. WITHERELL FARM”, *between Jefferson Avenue and Atwater Street, as recorded in Liber 1 of Plats on Page 302 (Wayne County Records)*; Part of Atwater Street (50 feet wide), lying within Private Claim 90; and being more particularly described as:

Beginning at the intersection of the northerly line of Woodbridge Street (50 feet wide) and the easterly line of Vacated Dequindre Ave. (60 feet wide); thence N59°51’10”E along the northerly line of said Woodbridge Street 10.02 feet; Thence S26°07’36”E 823.32 feet to a point on the southerly line of said Atwater Street; Thence S64°39’33”W along the southerly line of said Atwater Street, 10.00 feet to the intersection of the northerly line of said Atwater Street with the easterly line of said Vacated Dequindre Ave., Thence N26°07’36”W along the easterly line of said Vacated Dequindre Ave., 822.48 feet to the POINT OF BEGINNING. Containing 0.189 Acres (8,228.993 sq.ft.) more or less. Subject to any and all easements and rights of way of record or otherwise.

PROVIDED, The EDC, DRC or its assigns (“Permit tee”) shall apply to the City Engineering Division-DPW for a permit prior to any construction within a public right-of-way. Also, whenever it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for construction of the “Encroachment” such work shall be according to detailed permit application drawings prior to any public right-of-way construction; and further

PROVIDED, The "Encroachment" shall be constructed and maintained under City Engineering Division-DPW rules and regulations; also in accord with plans submitted to and approved by these departments; the Public Lighting Department (if necessary), the Water and Sewerage Department (if necessary), and the Traffic Engineering Division-DPW (if necessary); and further

PROVIDED, That all costs for the construction, maintenance, permits and use of the Dequindre right-of-way shall be borne by the "Permit tee" 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 "Encroachment", shall be borne by the "Permit tee" or its assigns. Should damages to utilities occur the "Permit tee" or its assigns shall be liable for all incidental repairs costs and waives all claims for damages to the "Encroachment"; 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, the "Permit tee" 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 "Encroachment" and agree to pay all costs incurred in their removal (or alteration), if removal (or alteration) becomes necessary; and further

PROVIDED, That the "Permit tee" shall file with the Finance Department an indemnity agreement 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 the "Permit tee" of the terms thereof. Further, the "Permit tee" shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the "Encroachment"; and further

PROVIDED, The "Permit tee" shall be required by the Law Department in conjunction with the Finance Department - Risk Management Division to present proof of financial capability (bonds and insurance; the City of Detroit shall be named as coinsured therein) to pay any claims, damages or expenses that may arise as a result of the installation, maintenance or use of an conduit system across public street rights-of-way. To protect the city in the event of owners' default, a surety bond in a penal sum sufficient to pay the City of Detroit's cost to remove or alter the conduit system (if such removal or alteration becomes necessary) shall be maintained by owner. Also, the owner shall maintain said surety bond indefinitely (with no expiration date). The petitioner shall be unable to obtain a release from said surety bond as long as the conduit is built within the public rights-of-way. The "City Engineering Division—Street Design Bureau" in conjunction with the Traffic Engineering Division – DPW (if necessary) shall be responsible for determining the amount of said surety bond, and then to transmit the information to the Finance Department; and further

PROVIDED, The owner of said encroachments shall apply to and become a participating member of the "Miss Dig" organization; and further

PROVIDED, The property owned by the "Permit tee" 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 "Encroachment" 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 the "Permit tee" acquires no implied or other privileges hereunder not expressly stated herein; and further

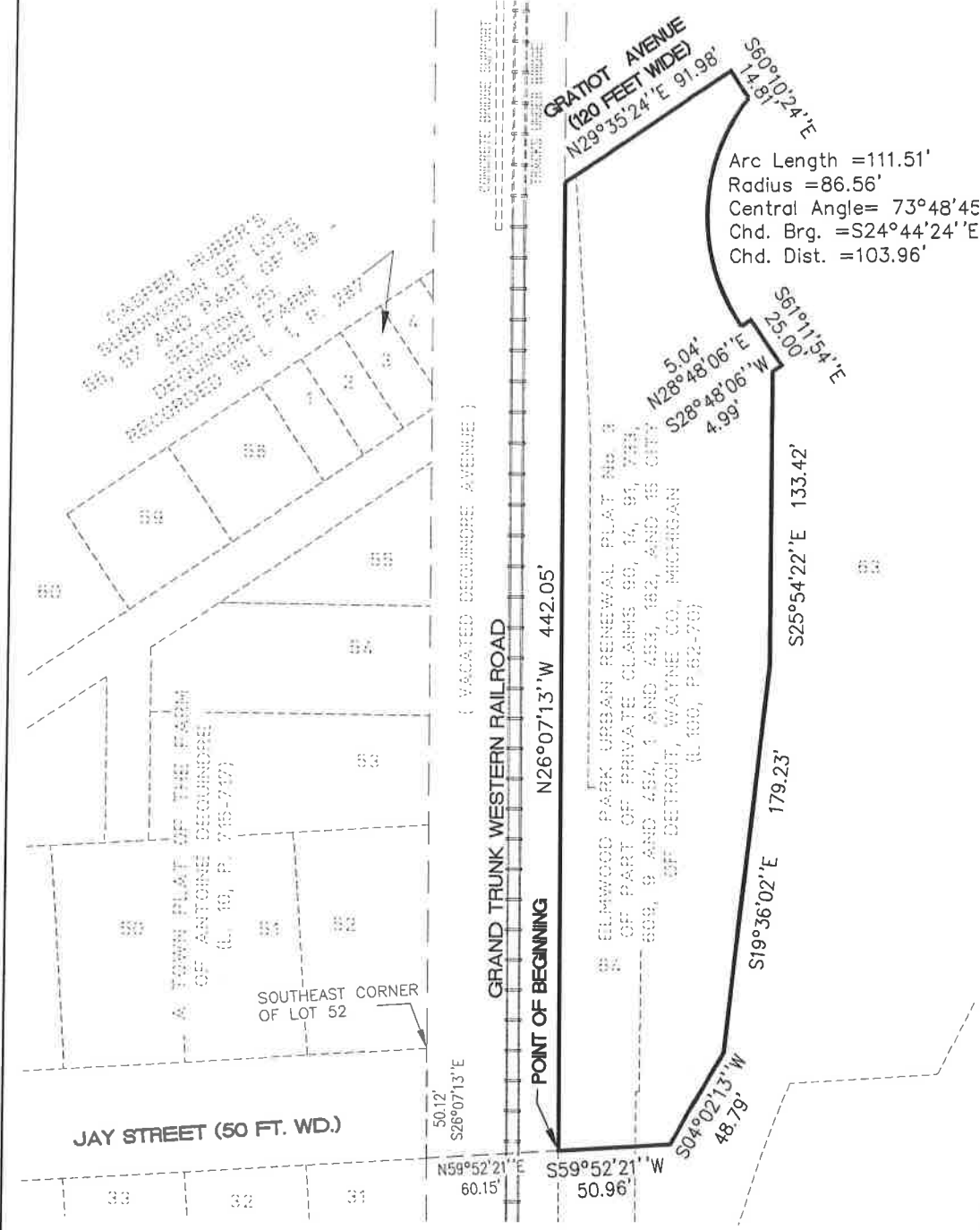
PROVIDED, That the "Encroachment" permit shall not be assigned or transferred without the written approval of the City Council; and further

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

FINALLY, The owner ("Permit tee") and/or their contractor, 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 installing the public right-of-way encroachments; subject to city specifications, permits and inspections. 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 the City Council resolution. City Engineering Division - DPW shall record (or cause to be recorded) one copy of the "appendix" in the Wayne County Register of Deeds.



# EASEMENT EXHIBIT "A"



*38462.182 59 ft.  
 or (0.88297 Ac)*

CLIENT: JJR  
 ADDRESS: 110 MILLER AVENUE  
 CITY, STATE & ZIP: ANN ARBOR, MI 48104  
 CITY: DETROIT P.C.: 8, 17, 90 COUNTY: WAYNE  
 DATE: 09/15/05 DRAWN BY: D.B.GREEN  
 JOB NO.: 05-140 SHEET NO.: 2 OF 2  
 SCALE: 1" = 60'

BOOK/PAGE: N/A  
 Sep 16, 2005 - 3:14pm  
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LEGAL DESCRIPTION: SEE SHEET 1 OF 2

MARTIN C. DUNN PROFESSIONAL SURVEYOR #30081

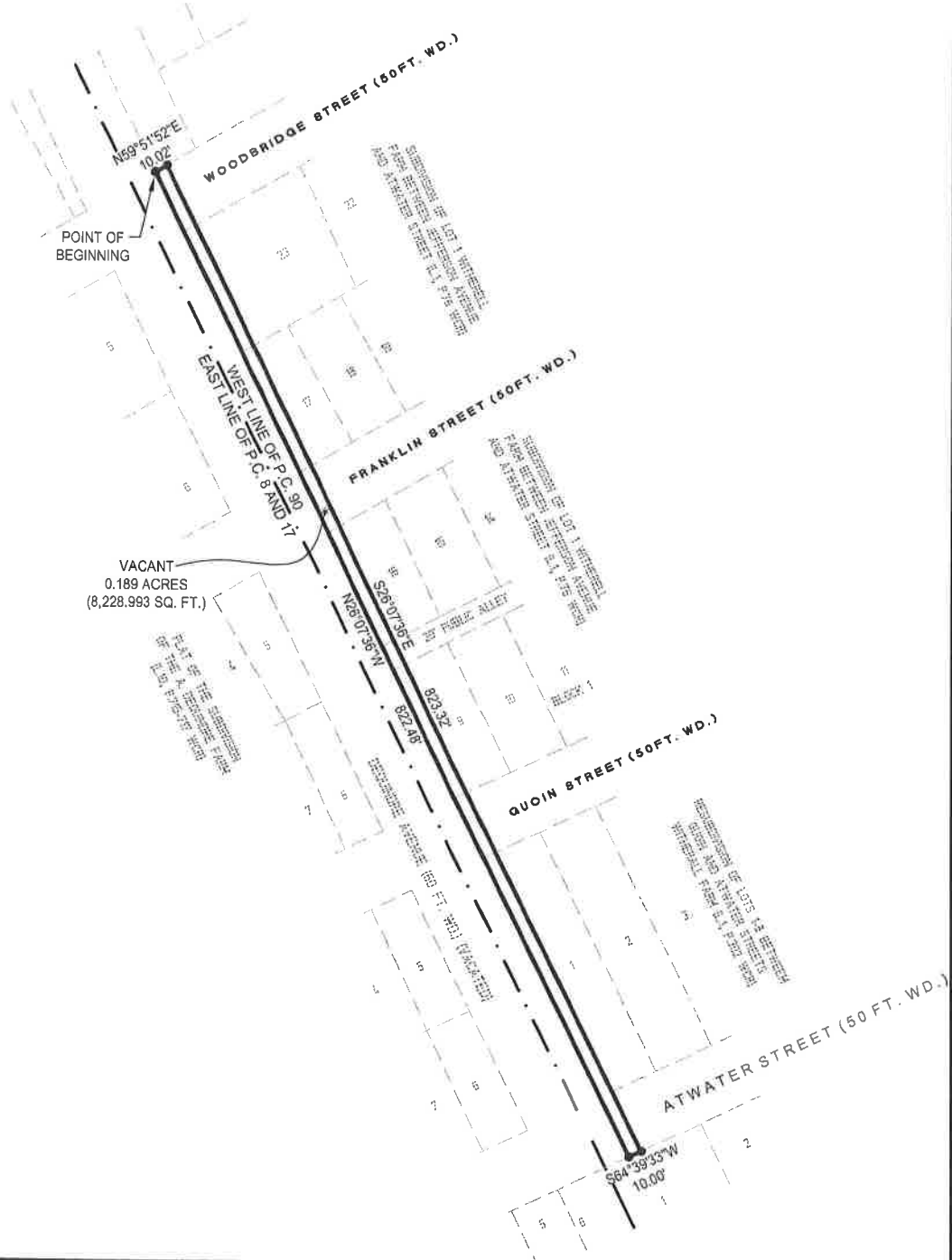
# METCO

SERVICES, INC.

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



# SKETCH OF DESCRIPTION



CLIENT: LEWIS & MUNDY, P. C.  
ADDRESS: 660 WOODWARD, SUITE 2490 FIRST NATIONAL BUILDING  
CITY, STATE & ZIP: DETROIT, MICHIGAN 48226  
CITY: DETROIT P.C.: 90 COUNTY: WAYNE  
DATE: 05/15/06 DRAWN BY: CSD  
JOB NO.: 06-058 SHEET NO.: 2 OF 2  
SCALE: 1" = 100'  
BOOK/PAGE: N/A



May 18, 2006 - 9:35am  
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LEGAL DESCRIPTION: SEE SHEET 1 OF 2  
  
MARTIN C. DUNN, PROFESSIONAL SURVEYOR #30081