



Legislation Details (With Text)

**File #:** 11-1219      **Version:** 1      **Name:** 10/3/11 Easement Grant to DTE  
**Type:** Resolution      **Status:** Passed  
**File created:** 10/3/2011      **In control:** City Council  
**On agenda:** 10/3/2011      **Final action:** 10/3/2011  
**Enactment date:** 10/3/2011      **Enactment #:** R-11-426

**Title:** Resolution Approving a Grant of Easement to DTE Energy (MichCon) (8 Votes Required)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. MichCon Gas Line Map - Fuller Park.pdf, 2. Map Michcon Easement 9-21-11.pdf

Date	Ver.	Action By	Action	Result
10/3/2011	1	City Council	Approved	Pass

**Resolution Approving a Grant of Easement to DTE Energy (MichCon) (8 Votes Required)**

DTE Energy (DTE) has requested an easement on Fuller Park property for the installation of a gas main pipe. The installation will require trenching parallel to the pool fence and playing fields, along with boring under the drive entrance to Fuller Pool.

DTE has, in response to Parks and Forestry requests, agree to the following construction and restoration terms in connection with the project:

- Boring, rather than trenching will be used for work at the entrance area to the Fuller Pool Parking lot
- DTE will coordinate its construction schedule , and any need for closure of the sidewalk on the north side of Fuller, with Parks
- No storage or placement of equipment or materials will occur inside the dripline of any City-owned tree
- DTE will pruning of trees will only be done to prevent damage and under the authorization of the Field Operations Forestry Service Unit. No Oak trees may be pruned during (September-November). No roots of City-owned trees greater than 2" in diameter are to be cut without the authorization of the Field Operations Forestry Service Unit.
- DTE will remove to accommodate the gas line tie-in, marked dead Austrian pines (2) and Austrian pines in poor condition (4) and all mulberry trees, buckthorn, poison ivy and other volunteers from vegetation island on the far east end of the Fuller Park extension. Stumps will be removed and the area graded to be suitable for turf and tree planning
- DTE will plant 6 trees of at least 13/4" caliper and of species agreeable to and at specific locations selected by Field Operations Forestry Service Unit
- DTE will contract with a qualified tree service with an ISA Certified Arborist on staff, to trim Walnut trees along Fuller.

Approval of the grant of easement on the terms stated above is recommended.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Steven D. Powers, City Administrator

Whereas, The DTE Energy has requested an easement for the installation of a gas main line to cross a portion of Fuller Park;

Whereas, The terms and conditions of the requested easement has been reviewed and recommended by Parks and Recreation and Field Operations Forestry Services Units;

RESOLVED, That the City of Ann Arbor approve the grant of a permanent easement to The DTE Energy for the construction and maintenance of a 16" gas main line, in, on and over the following described portion of Fuller Park:

**PROPOSED 20' WIDE EASEMENT ("Easement Area")**

Centerline of a Proposed 20 foot wide easement being 10 feet on each side and having a centerline described as follows:

Commencing at the North  $\frac{1}{4}$  corner, as remonumented, of Section 28, T.2S., R.6E., City of Ann Arbor, Washtenaw County, Michigan; thence N87°21'36"E 405.34 feet along the North line of said Section 28; thence N02°38'17"W 30.58 feet to the Northerly right-of-way line of Fuller Rd. (Variable Width) for a PLACE OF BEGINNING; thence continuing N02°38'17"W 26.50 feet; thence N87°21'43"E 1007.91 feet to the Place of Ending, the sidelines of said easement to be shortened or prolonged to meet at angle point intersections, being part of the Northeast  $\frac{1}{4}$  of said Section 28.

RESOLVED, That the terms of the easement include necessary conditions as determined by the Field Operations Forestry Supervisor for the protection, pruning, removal and/or replacement of city-owned trees within the easement area.