



## Legislation Text

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**File #:** 13-0370, **Version:** 1

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### Resolution to Approve a Grant of Easement through Riverside Park to DTE Electrical Company for Electrical Utility Service **(8 Votes Required)**

There is a resolution before you to approve a grant of easement to DTE Electrical Company (DTE) for the construction and maintenance of an electrical utility service located in Riverside Park.

In February 2012, PAC recommended allowing DTE to plant 23 trees in Riverside Park to satisfy the Conflicting Land Use Buffer section of Chapter 62 of the City Code. DTE has indicated a need to construct a new substation, to be called Buckler Substation, at their Ann Arbor Service Center property at 984 Broadway to provide a necessary increase in electrical power in the downtown area to address the increased community utility needs. The Buckler Substation abuts Riverside Park.

DTE's construction of the substation and related infrastructure is slated to begin in the summer of 2013. Total construction time is anticipated to be 4 - 6 months, but activity will be intermittent with gaps needed to coordinate activity. The placement of new utility poles, removal of old utility poles, and overhead lines require that an easement be granted, so that construction and future maintenance can occur. Currently utility poles and overhead lines exist on Riverside Park - the proposed construction replaces the existing utility poles with new ones, and generally impacts the park in a similar manner to existing conditions.

As part of the project, 15 trees will need to be removed by DTE. The trees proposed for removal are generally of poor quality and have been deformed over the years due to trimming necessary for the existing utility poles. The tree removal work will likely be performed by a DTE contractor, Davey Tree, under the direction of DTE facilitator and arborist. When the 15 trees are cut down, branches will be chipped and removed from site. The trees will be cut at ground level. The stumps will be ground down below grade by a landscape contractor.

The installation of replacement trees is expected to be performed at the same time as the trees for the "buffer" area near Buckler Substation are planted. The location of replacement trees was developed by City staff (Amy Kuras, Landscape Architect IV, and Kerry Gray, Certified Arborist). In addition to replanting trees, DTE Energy will also pay the City \$23,800 per the tree Canopy Loss Ordinance. This payment will be earmarked for future improvements to Riverside Park.

The terms, conditions, and locations of the grant of easement have been reviewed and approved by all required City service areas. The Parks Advisory Commission, at its March 19, 2013, recommended approval of the grant of easement to DTE.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Reviewed by: Colin Smith, Parks & Recreation Services Manager and Sumedh Bahl, Community Services Area Administrator

Approved by: Steven D. Powers, City Administrator

Whereas, DTE Electrical Company is the owner of the property commonly known as the Ann Arbor Service Center which abuts Riverside Park;

Whereas, DTE Electrical Company has determined that construction of the Buckler Substation at their Ann Arbor Service Center is necessary to meet community energy demands;

Whereas, DTE Electrical Company has requested an easement for the construction and maintenance of a electrical utility service located in Riverside Park;

Whereas, Utility poles and overhead line exist in Riverside Park and the construction of new utility poles and overhead lines are part of the construction of the new substation;

Whereas, DTE has agreed under the terms of the proposed easement to plant replacement trees of type and quality identified by the City Forester and landscape them to City specifications and pay in accordance with the requirements of the tree Canopy Loss Ordinance the sum of \$23,800.00 to be used for future improvements at Riverside Park;

Whereas, The required City service areas have reviewed the request and recommend approval of the grant of easement; and

Whereas, The Park Advisory Commission recommended approval of the easement between the City and DTE Electrical Company under the terms stated above at their March 19, 2013 meeting;

RESOLVED, That the City of Ann Arbor hereby approve said grant of easement for the construction and maintenance of an electrical utility service located in Riverside Park, said easement being more particularly described as follows:

#### **15-FOOT WIDE POLE LINE EASEMENT**

A Pole Line Easement being part of the Southwest  $\frac{1}{4}$  of Section 21 and the Northwest  $\frac{1}{4}$  of Section 28, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan, described as:

Commencing at the intersection of the centerline of Broadway Street (100 feet wide) and the centerline of vacated Canal Street (30 feet wide); thence South 58° 32' 16" East, 255.03 feet, along the centerline of vacated Canal Street (30 feet wide); thence South 28° 33' 34" West, 63.51 feet, along the Westerly line of an Alley 25 feet wide, thence South 58° 44' 00" East, 470.02 feet, along the Northerly line of Canal Street and its extension westerly to said Westerly line of an Alley 25 feet wide, thence South 31° 16' 00" West, 16.50 feet, to the Southerly line of Canal Street and the POINT OF BEGINNING; thence South 58° 44' 00" East, 913.72 feet, along the Southerly line of Canal Street; thence South 31° 16' 00" West, 15.00 feet, thence North 58° 44' 00" West, 5.56 feet, thence South 26° 26' 04" West, 22.64 feet, thence North 63° 33' 56" West, 8.00 feet, thence North 26° 26' 04" East 23.32 feet, thence North 58° 44' 00" West, 230.18 feet, thence South 34° 33' 29" West, 34.45 feet, thence South 38° 03' 03" West, 127.34 feet; thence South 39° 07' 48" West, 128.26 feet; thence North 86° 17' 28" West, 44.36 feet, thence North 03° 42' 32" East, 8.00 feet; thence South 86° 17' 28" East, 31.64 feet, thence North 39° 07' 48" East, 128.97 feet; thence North 38° 03' 03" East, 126.74 feet, thence North 34° 33' 29" East, 33.13 feet, thence North 58° 44' 00" West, 658.46 feet; thence North 44° 32' 00" East, 15.41 feet to the Point of Beginning.  
;and

RESOLVED, That the Mayor and City Clerk be authorized to execute the grant of easement in the form approved by the City Attorney.