



## Legislation Text

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**File #:** 18-1027, **Version:** 1

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### Resolution to Enter an Agreement with DTE Gas Company Regarding Easements for the Allen Creek Railroad Berm Opening Project

This resolution authorizes the City to enter an agreement which provides a temporary construction permit and a timeline and parameters under which DTE will grant permanent easements to the City at 841 Broadway. The permit and easements are necessary for completion of the Allen Creek Railroad Berm Opening Project, which is being constructed partly with state and federal grant funds and will include a drainage culvert and public path under the MDOT railroad berm near the mouth of Allen Creek. The drainage culvert will reduce flooding in the Depot Street area and the path will provide a connection from downtown to the Border-to-Border Trail.

With the understanding that DTE is currently seeking to develop its property at 841 Broadway, DTE and City staff have determined that this agreement is appropriate to delineate the rights and responsibilities of the parties with respect to the temporary construction permit, permanent easements, completed project, and DTE's development.

The final grants of easement will come to City Council for acceptance separately.

Approval of this resolution is recommended.

Prepared by: Michele Yanga, Legal Assistant

Reviewed by: Christopher Frost, Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

Whereas, Completion of the Allen Creek Berm Opening Project requires temporary construction access and permanent easements over DTE Gas Company property at 841 Broadway; and

Whereas, DTE Gas Company has signed an agreement granting the City a temporary construction permit and setting forth the timing and parameters under which DTE Gas Company will grant the permanent easements at 841 Broadway;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the agreement, following approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution.

Sponsored By: Mayor Taylor