



# Detroit Water and Sewerage Department

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## Legislation Details (With Text)

<b>File #:</b>	20-0236	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Contract, Real Estate Easement	<b>Status:</b>	Approved	<b>In control:</b>	Office of the General Counsel
<b>On agenda:</b>	9/16/2020	<b>Final action:</b>	9/16/2020		
<b>Title:</b>	The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to Issue an Easement Encroachment Permit to Fort Gratiot Charter Township for Parcel No. 74-20-204-0010-000 (East Montevista Dr. Fort Gratiot, MI 48059), and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.				
<b>Indexes:</b>	Board of Water Commissioners				
<b>Code sections:</b>					
<b>Attachments:</b>	1. 20-03 Easement.pdf				

Date	Ver.	Action By	Action	Result
9/16/2020	1	Board of Water Commissioners	approved	Pass

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **Issue an Easement Encroachment Permit to Fort Gratiot Charter Township for Parcel No. 74-20-204-0010-000 (East Montevista Dr. Fort Gratiot, MI 48059)**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

### Agenda of September 16, 2020

#### Item No. 20-0236

Proposed Contract No. DWSD 20-03 Project Length:

Indefinite

Amount: N/A

**TO:** The Honorable  
Board of Water Commissioners City of Detroit,  
Michigan

**FROM:** Gary Brown, Director  
Water and Sewerage Department

**RE:** Approval and Issuance of DWSD Easement Encroachment Permit No. 20-03

### MOTION

Upon recommendation of Debra Pospiech, General Counsel of the Board of Water Commissioners for the City of Detroit ("the BOWC"), the BOWC authorizes the Director to **Issue an Easement Encroachment Permit to Fort Gratiot Charter Township for Parcel No. 74-20-204-0010-000 (East Montevista Dr. Fort Gratiot, MI 48059)**, for the purpose of constructing and maintaining a pedestrian walkway/bike-path, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

### JUSTIFICATION

DWSD routinely allows other public and private entities to access easements owned by DWSD in order to complete their operations or access their property. In order to obtain DWSD's consent, an Easement Encroachment Permit must be issued by DWSD, which contains applicable conditions and indemnification provisions that the permittee must agree to.

#### **BACKGROUND**

Fort Gratiot Charter Township ("FGCT") wishes to construct and maintain a pedestrian walkway and bike-path along DWSD's easement near the Lake Huron Water Treatment Plant. FGCT requested a permit to encroach upon DWSD's easement for these purposes, and DWSD's engineers have reviewed and approved said plans. FGCT has executed the Easement Encroachment Permit historically used by DWSD for these purposes. Included in the Permit requirement is proof of insurance naming the City of Detroit as an additional insured, an agreement that FGCT will hold the City harmless, as well as an agreement that if DWSD has to disturb any property in order to access its infrastructure, DWSD will not be responsible to restore any such property.

While this asset is infrastructure that is currently leased by the Great Lakes Water Authority ("GLWA"), the Lease Agreement does not assign easements owned by DWSD that are outside of the City of Detroit. Therefore, the Great Lakes Water Authority cannot grant the easement access to the applicant until the Lease is appropriately amended. Furthermore, GLWA has no ability to grant a permanent easement encroachment on a leased facility.