

Melvin Murray. Date ordered removed: December 5, 1990 (JCC pp. 2708-10).

In response to the request for a rescission of the demolition order on the property noted above, we submit the following information:

A special inspection revealed the building is secured and appears to be sound and repairable.

Therefore, it is recommended that the demolition order be deferred subject to the following conditions:

1. The building shall be maintained, securely barricaded until rehabilitation is complete.
2. The yards shall be maintained clear of weeds, junk and debris at all times.
3. If the building becomes open to trespass, we are authorized to request the Department of Public Works to proceed with demolition without further hearings.

Respectfully submitted,

DOUGLAS V. WHITE

Deputy Director

By Council Member Ravitz:

Resolved, That resolution adopted December 5, 1990 (JCC pp. 2708-10) for the removal of dangerous structures at various locations, be and the same is hereby amended for the purpose of deferring the removal order for dangerous structure at 15037 Joy, only, in accordance with the foregoing communication.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.

### City Engineering Department

September 28, 1993

Honorable City Council:

Re: Petition No. 3538. Superior Environmental Corporation. Requesting permission to install and maintain a gasoline recovery/vapor extraction piping system and three permanent monitoring (and/or recovery) wells encroaching within public rights-of-way in the vicinity of a former Total Station site located at 10840 Fenkell between Meyers and Manor.

Petition No. 3538 of "Superior Environmental Corporation" requests permission to install and maintain a gasoline recovery/vapor extraction piping system and three permanent monitoring (and/or recovery) wells within the east-west public alley (20 feet wide; in the block bounded by Meyers Road, Manor, Fenkell, and Keeler Avenues), Meyers Road (86 feet wide), and Manor Avenue (60 feet wide) in the vicinity of a former

Total Station site (address: 10840 Fenkell). The purpose of the proposed piping system and bored wells is to monitor and remove soil contamination from leaking underground fuel storage tanks (aka "L.U.S.T.").

The Fire Department — Fire Marshal Division has made an investigation of the former Total Station (#2555; Owner: "Total Petroleum, Incorporated") site. The Fire Marshal has detected the presence of flammable liquid (gasoline) seeping into the test holes, and will require plan review of the proposed remedial system.

The encroachment petition was referred to the City Engineering Department for investigation and report. This is our report:

The installation of the proposed piping system will require an open-cut trench (excavation about 4.00 feet width by 4.00 feet depth) around three sides of the site. Also, soil borings and monitoring well installations are equivalent to an "open cut" in a public street or alley. Necessary permits will have to be obtained for any street or alley opening, backfill, surface restoration, barricade, or occupancy of City rights-of-way to install the piping system and monitoring wells.

The enforcement of fire safety regulations and building codes are the responsibility of the Fire Marshal and Buildings and Safety Engineering Department. However, the Fire Marshal and Buildings and Safety Engineering Department have reported no objections to the placement and maintenance of the piping system or permanent L.U.S.T. monitoring well encroachments within public rights-of-way.

The Water and Sewerage Department (DWSD) will require a minimum vertical clearance of five feet, and a minimum horizontal clearance of five feet between the existing DWSD sewer (within the public alley) and the proposed encroachments.

All other involved City departments and privately-owned utility companies have requested the petitioner make use of "Miss Dig" facilities before any excavation, soil borings or permanent monitoring wells are installed in public (street or alley) rights-of-way.

Finally, the City Engineering Department will require "Superior Environmental Corporation" to submit certified "as built" drawings, a map and survey, showing the exact location of each of the petitioner's completed piping system and permanent L.U.S.T. monitoring well installations within public rights-of-way.

In accord with the City Council policy adopted on June 6, 1990 (J.C.C. pgs. 1325-26) and Detroit Code (Sec. 50-1-9), an appropriate resolution, granting the

encroachment petition, is attached for consideration by your Honorable Body.

Respectfully submitted,  
 CLYDE R. HOPKINS  
 Director

By Council Member Cleveland:

Whereas, City Council has adopted a resolution (June 6, 1990 — J.C.C. pgs. 1325-26) urging the Michigan Department of Natural Resources and Environmental Protection Agency ("MDNR") to investigate, inspect, and remedy all environmental problems in the City of Detroit to ensure public safety; also

Whereas, The State of Michigan requires that all underground storage tanks shall be registered and inspected for leaks. Also, the "State" has mandated the replacement of leaking tanks including removal (and proper disposal) of contaminated soil; also

Whereas, The owners of certain suspected leaking underground storage tanks ("L.U.S.T.") have been required by MDNR to place L.U.S.T. monitoring wells "permanently (meaning more than thirty days, or other long-term duration)" on privately-owned property, and within dedicated public rights-of-way; also

Whereas, Any L.U.S.T. can contaminate soil and diminish the value of surrounding properties, including public rights-of-way. The taxpayers of Detroit have invested substantial capital in the acquisition, site preparation, insurance, and maintenance of public rights-of-way. Further, it is in the interests of public health, safety, and welfare to detect the presence of hazardous material and/or soil contamination from L.U.S.T.(s); also

Whereas, "Superior Environmental Corporation" has been contracted to "open cut" parts of public rights-of-way to install a gasoline recovery piping system at a former Total Station site (Location: 10840 Fenkell between Meyers Road and Manor Avenue). The piping system has been proposed to remove free phase gasoline in the soil on site and petroleum contaminated soils in the public alley located behind the station; also

Whereas, The Fire Department — Fire Marshal Division has made an investigation of the former "Total Station (#2555; Owner; Total Petroleum, Incorporated, Marketing Division, 28001 Citrin Drive, Romulus, MI 48174)" site. The Fire Marshal has detected the presence of flammable liquid (gasoline) seeping into test wells, and will require plan review of the proposed remedial system; therefore be it

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "Total Petroleum, Inc." and/or "Superior Environmental Corp." to install and maintain a buried gasoline recovery/vapor extrac-

tion piping system and (not to exceed) three monitoring (and/or recovery) wells encroaching within public rights-of-way for the purpose of detecting and removing hazardous materials and/or soil contamination from any leaking underground storage tank (L.U.S.T.); said public rights-of-way being nearby or adjoining property described as follows:

Lots 85 thru 94 of "College Crest Subdivision of part of the West thirty acres of South sixty acres of West Half of Southeast Quarter of Section 17, Town 1 South, Range 11 East (Greenfield Township)", City of Detroit, Wayne County, Michigan as recorded in Liber 49, Page 29, Plats, Wayne County Records;

Encroachment to consist of installing and maintaining a privately-owned underground gasoline recovery/vapor extraction piping system (subject to Fire Marshal review and approval of plans submitted by the petitioner; containing non-encased direct burial PVC conduit pipes, plastic liners, screens, pea gravel or stone) and no more than three "permanently (meaning more than thirty days, or other long-term duration)" installed L.U.S.T. monitoring (and/or recovery) wells, being nearby or adjoining the above described property, within the following public rights-of-way:

1 well (#7; also part of the proposed piping system installed in a restored "open-cut" trench about 4.00 feet width by 216.00 feet length by 4.00 feet depth) — S. side of the east-west public alley, 20 feet wide, in the block bounded by Meyers Road, Manor, Fenkell, and Keeler Avenues; and

1 well (#2; also part of the proposed piping system installed in a restored "open-cut" trench about 4.00 feet width by 90.00 feet length by 4.00 feet depth) — E. side of Meyers Road, 86 feet wide, north of Fenkell Avenue; and

1 well (#6; also part of the proposed piping system installed in a restored "open-cut" trench about 10.00 feet width by 10.00 feet length by 4.00 feet depth) — W. side of Manor Avenue, 60 feet wide, north of Fenkell Avenue;

Provided, That nothing in this resolution shall be construed as giving any authority, permission or grant to the permittee for any part of the encroaching piping system and the L.U.S.T. monitoring wells to be placed upon the surface or underground rights of privately-owned property. Enforcement of violations of fire safety regulations and building codes are the responsibility of the Fire Marshal and the Buildings and Safety Engineering Department. The petitioner shall apply to the Buildings and Safety Engineering Department for approval and permits to place any piping system or monitoring wells on privately-owned property (if necessary); and further

Provided, It is the intention of this resolution to authorize the City Engineering Department (prior to the issuance of "encroachment" permits) to act in behalf of the city and require the permit applicant to perform any reasonable task to protect public property interests including, but not limited to, the submission of engineering plans (containing construction details and distances from property lines) of the proposed encroaching piping system and each L.U.S.T. monitoring well. Also, the City Engineering Department may require the permit applicant to secure approval(s) of said plans from Wayne County, the State of Michigan, any city departments (including commissions, authorities, corporations, councils, boards, contractors, and agencies whenever applicable) and/or utility companies; whether Wayne County, the State of Michigan, city departments and/or utility companies are specifically enumerated in this resolution or not; and further

Provided, Said piping system and L.U.S.T. monitoring well encroachment(s) shall be installed and maintained under the rules and regulations of the City Engineering Department, the department of Buildings and Safety Engineering, and the Fire Marshal in accord with Detroit Code Section 50-1-9 and 10; and further

Provided, Whenever it becomes necessary to open-cut, drill, bore, jack, occupy or barricade public rights-of-way for construction or monitoring well installation, such work shall be according to detailed permit application drawings (to be submitted by the petitioner or their assigns, subject to city department review and stamp approvals) prior to any public right-of-way construction; and further

Provided, The removal, backfill and surface replacement of any public rights-of-way pavement (or berm area) must conform to the current published City Engineering Department "Standard Paving Specifications" (including but not limited to Divisions 5, 6 and 16); and further

Provided, Said piping system and L.U.S.T. monitoring well installations shall be according to the specifications of the Water and Sewerage Department (DWSD), including the minimum vertical clearance of five feet and a minimum horizontal clearance of five feet between the DWSD sewers and the proposed encroachments; and further

Provided, All costs for the construction, maintenance, permits and use of the encroaching piping system and L.U.S.T. monitoring wells shall be borne by the petitioner. Should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installation; and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located in the public rights-of-way, by the acceptance of this permission, the owners for themselves, their heirs or assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Department at the owner's expense; and further

Provided, That any encroaching L.U.S.T. monitoring well shall be installed and maintained with a secure frame and cover, so as to fit flush within the public sidewalk, berm, or pavement grade. All public rights-of-way shall be maintained safe and convenient for public travel. The petitioner shall be liable for all claims, demands, costs, damages, expenses, and causes of action of every kind and character arising in favor of any person, or other legal entity on account of personal injuries or death or damage to property caused by or claimed or alleged to have arisen out of failure to properly install and maintain any encroaching L.U.S.T. monitoring well. The installation and maintenance of said encroachment shall comply with the rules and regulations of the City Engineering Department and the Department of Public Works — Traffic Engineering Division; and further

Provided, The petitioner shall file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims which may arise therefrom. Also, the petitioner shall be required by the Law Department in conjunction with the Finance Department — Risk Management Division to present proof of financial capability (bonds or insurance) to pay any claims, damages or expenses that may arise as a result of piping system and/or L.U.S.T. monitoring well placement, installation or maintenance in public rights-of-way; and further

Provided, That said permittee shall be subject to any tax under the provisions of the General Property Tax Act which may be levied against it pursuant to law; and further

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee 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 Department at the permittee's sole cost and expense; and further

Provided, That said permits issued by the City Engineering Department and/or the Buildings and Safety Engineering Department are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinance(s), or resolution(s), or City policies (governing the placement of encroachments in public rights-of-way) are amended to provide for the levying thereafter, of a fee, charge or rental, to be hereafter determined upon, for the occupancy of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said Charter, or code(s), or ordinance(s), or resolution(s), or policies; also said permittee does hereby bind itself thereunto, and to accept said permits on the conditions hereby imposed, and in the event said permittee shall contest the validity of said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the petitioner shall apply to and become a participating member of the "Miss Dig" organization; and further

Provided, The filing of the indemnity agreement and the securing of the necessary permit(s) referred to herein shall be construed as acceptance of this resolution by the permittee; 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 be it further

Resolved, The petitioner "Total Petroleum, Inc." and/or "Superior Environmental Corp." shall submit "as built" drawing(s) sealed by a professional engineer registered in the State of Michigan to the City Engineering Department within 30 days after the completion of construction. Said "as built" drawing(s) shall furnish a complete means of identifying and ascertaining the precise position of every part of the "encroachment" 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 this City

Council resolution. Said "appendix" shall be recorded by the City Engineering Department in the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.

**City Planning Commission**

October 15, 1993

Honorable City Council:

Re: Submittal of proposed amendment to the Zoning Ordinance to provide for waivers of off-street parking requirements

Attached herewith is the Zoning Ordinance amendment to allow the Buildings and Safety Engineering Department (B&SE) to waive the number of off-street parking spaces required in instances where businesses have minimal parking shortages.

Your Honorable Body held a discussion on this amendment on September 30, 1993 at which time none of the involved City departments expressed any objections.

The amendment has been updated to reflect the City's current organization plan by indicating the Department of Public Works, Traffic Engineering Division rather than the Department of Transportation as one of the agencies with which the B&SE would consult on parking waiver requests. The attached proposed amendment has been approved as to form by the Law Department.

The City Planning Commission staff is submitting this proposed amendment for Your introduction and the scheduling of the required public hearing.

Respectfully submitted,  
MARSHA S. BRUHN,  
Director

By Council Member Cleveland:

**AN ORDINANCE to amend Chapter 61 of the 1984 Detroit City Code by amending Sections 47.0102, 47.0104 and 47.0111 of Ord. 390-G, the Official Zoning Ordinance, to provide a procedure whereby the Buildings and Safety Engineering Department may waive certain off-street parking requirements, subsequent to the making of certain findings.**

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

**Section 1.** Chapter 61 of the 1984 Detroit City Code be amended by amending Sections 47.0102, 47.0104 and 47.0111 of Ord. 390-G, the Official Zoning Ordinance as follows: