

Honorable Body adopt the sale with a Waiver of Reconsideration and authorize the Finance Department Director to execute an agreement to purchase and develop this property with Dogwood Investments, LLC, a Michigan Limited Liability Corporation.

Respectfully submitted,  
HENRY B. HAGOOD

Director of Development Activities  
By Council Member Tinsley-Talabi:

Resolved, That in accordance with the Offer to Purchase and the foregoing communication, the City Finance Director be and is hereby authorized to execute an agreement to purchase and develop the following described property with Dogwood Investments, LLC, a Michigan Limited Liability Corporation, for the amount of \$4,200.00.

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 1, 2, 3, 4, 41, 42 and the North 10 feet of Lot 5; "Stanley and Ackerson Subd." of Out Lots 28 and 29 of 1/4 Section 38, 10,000 Acre Tract, City of Detroit, Wayne County, Michigan. Rec'd L. 25, P. 98 Plats, W.C.R.

and be it further

Resolved, That this agreement be considered confirmed when executed by the Finance Director and approved by the Corporation Counsel as to form.

Adopted as follows:

Yeas — Council Members K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 8.

Nays — None.

**Public Works Department  
City Engineering Division**

July 10, 2002

Honorable City Council:

Re: Petition No. 134. The residents of the Pablo Davis Elder Living Center (P.D.E.L.C.), request for sidewalk installation on the south side of W. Vernor between Woodmere and Riverside Dr.

The petition request for the installation of sidewalk on the south side of W. Vernor between Woodmere and Riverside Dr., was investigated by the City Engineering and Traffic Engineering Divisions of the Department of Public Works.

A feasibility study conducted by the Traffic Engineering Division concluded with a determination that a mid-block crossing creates various safety concerns. In an effort to be of assistance, a request to relocate the bus stop across from the P.D.E.L.C. was made of the Department of Transportation.

The total length of the block, south side W. Vernor between Woodmere to Riverside Dr. (Dearborn) is approximately One Thousand Eight Hundred Seventy Five, feet (1875±). The proposed sidewalk

width is seven feet. The approximate total quantity for sidewalk installation is Thirteen Thousand One Hundred Twenty Five square feet (13,125.0), at current contract prices, the approximate cost to the adjacent property owner, Woodmere Cemetery Association, would be Seventy One Thousand Dollars (\$71,000). This cost includes other miscellaneous items necessary to complete construction.

In an effort to facilitate these petition requests, as well as minimizing the financial impact on the adjacent property owner, Woodmere Cemetery Association, the Department of Public Works recommends the installation of sidewalk on the south side of West Vernor between Woodmere and Riverside Dr. (Dearborn) beginning at the southwest corner of the intersection of W. Vernor and Woodmere, extending west, and ending at a distance of Four Hundred Fifty feet (450). The width is proposed at seven (7) feet. This will provide a safe pedestrian thoroughfare from the Living Center to the bus stop, for the east bound traveling public, as well as providing a safe area while waiting for the public transportation.

The resulting area between the sidewalk termination point and Riverside Dr. (Dearborn) would be posted at both ends. "Pedestrians use sidewalk on other side of street."

I am recommending adoption of the attached resolution.

Respectfully submitted,  
SUNDAY JAIYESIMI  
City Engineer

Department of Public Works  
By Council Member S. Cockrel:

Resolved, That the City Engineering Division — Department of Public Works is hereby authorized and directed to implement Detroit City Code Section 18-12-91 Division 5. "Assessments for Construction of Original Sidewalks or Driveways" adjacent to the North side of Woodmere Cemetery within the South side of West Vernor Highway, 66 feet wide between Woodmere Avenue, 86 feet wide, and the Dearborn City Line.

Adopted as follows:

Yeas — Council Members K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 8.

Nays — None.

**Department of Public Works  
City Engineering Division**

July 1, 2002

Honorable City Council:

Re: Petition No. 312 — BP Products North America, Inc./Delta Environmental Consultants, Inc., requesting to encroach in the area of Woodbine, Six Mile and Telegraph to conduct environmental assessment of BP facility at 17101 Telegraph Rd.

Petition No. 312 of "BP Products North

America, Inc./Delta Environmental Consultants, Inc.," requests permission to install and maintain seven permanent monitoring wells within a public street (Woodbine Ave., 60 ft. wd.); also a north-south public alley (20 feet wide, north of W. McNichols between Telegraph Rd. and Woodbine Ave.) in the vicinity of 17101 Telegraph Road. The purpose of the bored wells is to monitor the existence or extent of soil contamination.

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

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, or occupancy of City rights-of-way to install monitoring wells.

The Detroit Water and Sewerage Department (DWSD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes (and any other DWSD facility) and the proposed monitoring wells.

All other city departments and privately-owned utility companies have requested that the petitioner make use of the "MISS DIG" facilities before any soil borings or permanent monitoring wells are installed in public (street or alley) rights-of-way. Should damage to utilities occur the petitioner shall be liable for all claims and damages to the encroaching installations.

Finally, The City Engineering Division — DPW will require "BP Products North America, Inc./Delta Environmental Consultants, Inc.," to submit certified "as-built" drawings, a map and survey showing the exact location of each of the petitioner's completed permanent monitoring well installations within public rights-of-way.

An appropriate resolution, granting the encroachment, is attached for consideration by your Honorable Body.

Respectfully submitted,  
SUNDAY JAIYESIMI

City Engineer  
City Engineering Division — DPW  
By Council Member Tinsley-Talabi:

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; Therefore Be It

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "BP Products North America, Inc." and/or "Delta Environmental Consultants, Inc.," to install and maintain seven permanent monitoring wells encroaching within public rights-of-way for the purpose of detecting the presence of hazardous materials and/or soil contamination from any leaking underground storage tank; said public rights-of-way being nearby or adjoining property described as follows:

Lying within Woodbine Avenue, 60 feet wide, and the north-south public alley, 20 feet wide, North of West McNichols Road and West of Telegraph Road, adjacent to Lots 120, 121 and 230 of "B. E. Taylor's Grand River-Telegraph Subdivision", lying South of Grand River Ave., being the E. 1/2 of the S.E. 1/4 of Sec. 8, T.1S., R.10E., Redford Twp., Wayne Co., Michigan, as recorded in Liber 58, Page 67 Plats, Wayne County Records;

Encroachment(s) to consist of "permanently (meaning more than thirty days, or other long-term duration) installed monitoring wells within public rights-of-way, nearby or adjacent to the above described property;

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 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 monitoring wells on privately owned property (if necessary); and further

Provided, It is the intention of this resolution to authorize the City Engineering Division — DPW (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 each proposed encroaching monitoring well. Also, the City Engineering Division — DPW may require the permit applicant to secure approval(s) of said plans from Wayne County, the State of Michigan, and city departments (including city 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 monitoring well encroachment(s) shall be installed and maintained under the rules and regulations of the City Engineering Division — DPW, the Fire Marshal and the Buildings and Safety Engineering Department 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 of 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, Said encroaching monitoring well installations shall be according to the specifications of the Detroit Water and Sewerage Department (DWSD), including the minimum vertical clearance of one foot, a minimum horizontal clearance of three and one-half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes or shut-off (and any other DWSD facilities) and the proposed permanent monitoring well encroachments; and further

Provided, All costs for the construction, maintenance, permits and use of the encroaching 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 installations; 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 Division — DPW at the owner's expense; and further

Provided, That any encroaching 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, damages, costs, demands, expenses, and cause 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 monitoring well. The installa-

tion and maintenance of said encroachments shall comply with the rules and regulations of the City Engineering and Traffic Engineering Division(s) — DPW; and further

Provided, That the petitioner shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

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

Provided, That no other 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 Division — DPW at the permittee's sole cost and expense; and further

Provided, That the petitioner shall apply to become a participating member of the "MISS DIG" organization (if necessary); and further

Provided, That said permits issued by the City Engineering Division — DPW 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, The installation and maintenance of the encroachments referred to herein shall be construed as acceptance of this resolution by the permittee; and further

Provided, That the encroachment permits 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.

Adopted as follows:

