

**Buildings, Safety Engineering
& Environmental Department**

January 28, 2019

Honorable City Council:

Re: Recommendation for Deferral.
Address: 16189 Parkside. Name:
Detroit Land Bank Authority. Demolition
ordered: March 26, 2013 (J.C.C.
page 518).

In response to the request for a deferral
of the demolition order on the property noted
above, the Buildings, Safety Engineering
and Environmental Department (BSEED)
submits the following information:

A special inspection conducted on
January 23, 2019 revealed the building is
secured and appears to be sound and
reparable.

The owner has paid all taxes and is
current.

The proposed use of the property is
owner's use and occupancy.

This is the first deferral request for this
property.

Therefore, it is recommended that the
demolition order be deferred for a period
of six months subject to the following
conditions:

1. A permit for rehabilitation work shall
be applied for within ten (10) business
days from the date that notice was pro-
vided to the applicant of the City Council
decision.

2. BSEED will schedule a progress
inspection within forty-five (45) calendar
days from the date of the rehabilitation
permit to determine whether substantial
progress has been made. Thereafter, the
owner must submit to BSEED detailed
inspection reports, with photos showing
evidence of the work completed, every
forty-five (45) calendar days, for the dura-
tion of the rehabilitation work, to demon-
strate that substantial progress has been
made during the approved time frame for
rehabilitation.

3. The building shall have all imminently
hazardous conditions immediately cor-
rected and be maintained and securely
barricaded until rehabilitation is complete.
Rehabilitation work is to be completed
within six (6) months, at which time the
owner will obtain one of the following from
this department:

- Certificate of Acceptance related to
building permits
- Certificate of Approval as a result of a
Housing Inspection
- Certificate of Compliance, required for
all rental properties

4. The owner shall not occupy or allow
occupancy of the structure without a cer-
tificate (as outlined above).

5. The yards shall be maintained clear
of overgrown vegetation, weeds, junk and
debris at all times.

6. Prior to seeking a permit extension,
the owner must contact BSEED and
request to extend the deferral period.

We recommend that utility disconnect
actions cease to allow the progress of the
rehabilitation.

At the end of the deferral period, the
owner must contact this department to
arrange an inspection to evidence that
conditions of the deferral have been satis-
fied and that there has been substantial
progress toward rehabilitation. If the build-
ing becomes open to trespass or if condi-
tions of the deferral are not followed, the
deferral may be rescinded by the City
Council at any time and we may proceed
with demolition without further notice. In
addition, pursuant to the Property Mainte-
nance Code we will issue a Blight Viola-
tion Notice.

Any request exceeding three (3) deferrals
must be made by petition to City
Council through the office of the City
Clerk.

Respectfully submitted,
DAVID BELL
Director

By Council Member Benson:

Resolved, That resolutions adopted on
September 17, 2018 (J.C.C. pages
_____), May 21, 2018 (J.C.C. pages
_____), October 21, 2014 (J.C.C. pages
2175-2176), January 22, 2018 (J.C.C.
pages ____), July 15, 2014 (J.C.C. page
1825), November 13, 2015 (J.C.C. page
2112), May 14, 2018 (J.C.C. pages
____), June 28, 2016 (J.C.C. pages
1432-1433), March 27, 2017 (J.C.C.
pages ____), October 25, 2011 (J.C.C.
page 2430) and March 26, 2013 (J.C.C.
page 518) 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 danger-
ous structures, only, at 13242 Chicago,
12515 E. Seven Mile, 8345 Van Dyke,
1530 Springwells, 1850 E. McNichols,
19151 Avon, 5254 Stanton, 20510
Gilchrist, 4384 Three Mile Drive, 3987
Lawton and 16189 Parkside for a period
of six (6) months, in accordance with the
eleven (11) foregoing communications.

Adopted as follows:

Yeas — Council Members Ayers,
Benson, Castaneda-Lopez, McCalister,
Jr., Sheffield, Spivey, Tate, and President
Jones — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

January 21, 2019

Honorable City Council:

Re: Petition No. 296 — PM Environmental
on behalf of Barrick Enterprises 40,
request for installation of two perman-
ent monitoring wells and two soil
gas sampling points within the alley
south of 1830 East 8 Mile Road.

Petition No. 296 of PM Environmental
on behalf of Barrick Enterprises #40

whose address is 1830 East 8 Mile Road, Detroit, Michigan, request permission to install and maintain two (2) monitoring wells, and two (2) soil gas sampling points. The encroachments will be in the east-west alley, 20 feet wide, and the north-south alley, 16 feet wide in the block of Winchester Avenue, 50 feet wide, East Eight Mile Road, 204 feet wide, Marx Avenue, 75 feet wide and Dequindre Street, 66 feet wide. The purpose of the bored well is to monitor the existence or extent of soil contamination from leaking underground fuel storage tanks (a.k.a. "L.U.S.T.").

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

The Division of Environmental Affairs of the Buildings, Safety Engineering and Environmental Department (BSEED) is responsible for developing and implementing a coordinated and comprehensive environmental policy for the City of Detroit, including soil remediation from leaking underground fuel storage tanks. To ensure public safety BSEED will review the petitioner's environmental activities prior to the issuance of city permits. A Right-of-Entry is required by BSEED prior to contractor field activity.

Soil borings and monitoring well installations are equivalent to an "open cut" in a public street or alley. Necessary permits have to be obtained for any street or alley opening, backfill, surface restoration, barricade, or occupancy of city rights-of-way to install monitoring wells. The City Engineering Division — DPW will require the permit applicant to secure a right-of-entry approval from the Division of Environmental Affairs of BSEED.

It is the responsibility of "PM Environmental" to give reasonable and proper notice to any abutting property owner(s) before commencing any open cut or boring operations within public rights-of-way.

The enforcement of fire safety regulations and building codes is the responsibility of the Fire Marshal and BSEED. Generally, the Fire Marshal and BSEED report no objections to the placement and maintenance of permanent L.U.S.T. monitoring well encroachments within public rights-of-way.

DTE Energy — MichCon Gas Company reports involvement but no objections provided that the installer contact MISS DIG at 1 800 482-7171; and provided that any removal or relocation of gas facilities be done at project expense.

The Public Lighting Department (PLD) and Public Lighting Authority (PLA) report no involvement.

Traffic Engineering Division — DPW reports involvement, but no objections provided that the grade shall be maintained in original condition with flush covers on the monitoring wells.

The Water and Sewerage Department (DWSD) reports involvement, but no objections to the proposed encroachments for monitoring well installation provided that the petitioner follow DWSD provisions for encroachments. The DWSD encroachment provisions are a part of the attached resolution.

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

Finally, the City Engineering Division — DPW requires "PM Environmental" to submit certified "as built" drawings, a map and survey, showing the exact location of the petitioner's completed permanent L.U.S.T. monitoring well installations within public rights-of-way.

In accord with Detroit Code (Sec. 50-1-9), there is an appropriate resolution, granting the encroachment petition, attached for consideration by your Honorable Body.

Respectfully submitted,
RICHARD DOHERTY, P.E.

City Engineer

City Engineering Division — DPW
By Council Member Benson:

Whereas, The Environmental Affairs Division of Building, Safety Engineering and Environmental Department (BSEED) is responsible for developing and implementing a coordinated and comprehensive environmental policy for the City of Detroit, including soil remediation from leaking underground fuel storage tanks. To ensure public safety BSEED will review the petitioner's environmental activities prior to the issuance of city permits; also

Whereas, The State of Michigan requires that all underground storage tanks 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, Any L.U.S.T. can contaminate soil and diminish the value of surrounding properties, including public rights-of-way. The taxpayers of Detroit invested substantial capital in the acquisition, site preparation, insurance, and maintenance of public rights-of-way. Finally, it is in the interests of public health, safety, and welfare to detect the presence of hazardous materials and/or soil contamination from L.U.S.T.(s); therefore be it

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Barrick Enterprises #40" and/or their assigns at the site of 1830 East 8 Mile Road, Detroit, Michigan to install and maintain one (2) monitoring wells, and two (2) soil gas sampling points encroaching within the public rights-of-way for the purpose of detecting and providing remediation of hazardous materials

and/or soil contamination from any leaking underground storage tank (L.U.S.T.); said public right-of-way being nearby or adjoining property described as follows:

Land in the City of Detroit, Wayne County, Michigan being part of the east-west alley, 20 feet wide, and the north-south alley, 16 feet wide, in the block of Winchester Avenue, 50 feet wide, East Eight Mile Road, 204 feet wide, Marx Avenue, 75 feet wide and Dequindre Street, 66 feet wide, also lying northerly of the northerly line, and westerly of the westerly line of Lot 20, "Thompson Woods Subdivision of the East 1/2 of the Northeast 1/4 of Section 1, T.1S., R.11E. Greenfield Township, Wayne County, Michigan" as recorded in Liber 36, Page 45 of Plats, Wayne County Records. Encroachments further described as:

1) One (1) — Monitoring well in the southerly portion of east-west alley and lying approximately 36 feet west of the east line and 2 feet north of the north line of above said Lot 20.

2) One (1) — Monitoring well in the easterly portion of the north-south alley and lying approximately 7 feet south of the north line and 3 feet west of the west line of above said Lot 20.

3) One (1) — Soil Gas well in the southerly portion of east-west alley and lying approximately 38 feet west of the east line and 2 feet north of the north line of above said Lot 20.

4) One (1) — Soil Gas well in the southerly portion of east-west alley and lying approximately 70 feet west of the east line and 2 feet north of the north line of above said Lot 20.

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 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 is the responsibility of the Fire Marshal and the Buildings, Safety Engineering and Environmental Department (BSEED). The petitioner shall apply to the BSEED 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 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 L.U.S.T. monitoring wells. The City Engineering Division — DPW shall require the permit applicant to secure approval(s) of said plans from the

Department of Environmental Affairs. 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, other city departments (including commissions, authorities, corporations, councils, boards, contractors, and agencies whenever applicable) and/or utility companies; whether Wayne County, the State of Michigan, other city departments and/or utility companies are specifically enumerated in this resolution or not; and further

Provided, Said L.U.S.T. monitoring well encroachments shall be maintained under the rules and regulations of the City Engineering Division — DPW, 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 additional test holes or maintenance of the monitoring well installations), 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 (including, if necessary, adjustments or removals); and further

Provided, It is the responsibility of "Barrick Enterprises #40" and/or their assigns to give reasonable and proper notice to any abutting property owner before commencing any (permitted) open cut or boring operations within public rights-of-way; and further

Provided, That by approval of this petition/request the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the right-of-way, and at all time, DWSD its agent or employees, shall have the right to enter upon the right-of-way to maintain, repair, alter, service, inspect, or install its facilities. All cost incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection caused by the encroachment shall be borne by the petitioner. All cost associated with gaining access to DWSD's facilities, which could normally be expected had the petitioner not encroached into the right-of-way shall be borne by DWSD; and further

Provided, That all construction performed under this petition shall not be commence until after (5) days written notice to DWSD. Seventy-two hours notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one call system; and further

Provided, That construction under this

petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the discretion of DWSD, be borne by the petitioner; and further

Provided, That if DWSD facilities located within the right-of-way shall break or be damaged as the result of any action on the part of the petitioner, then in such event the petitioner agrees to be liable for all cost incident to the repair, replacement, or relocation of such broken or damage DWSD facilities; and further

Provided, The petition shall hold DWSD harmless for any damage to the encroaching device constructed or installed under this petition, which may be caused by the failure of DWSD's facilities; and further

Provided, All costs for the construction, maintenance, permits and use of the encroaching 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 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 petitioner(s) for themselves, their heirs or assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in the removal, if the removal becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Division — DPW at the petitioner's expense; and further

Provided, That the encroaching L.U.S.T. monitoring wells 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 encroachments shall comply with the rules and regulations of the City Engineering Division — DPW and Traffic Engineering Division — DPW; and further

Provided, The petitioner shall file with the Finance Department and/or City Engineering an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims that may arise there from. 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 L.U.S.T. monitoring well(s) 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 encroachments 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 said permits issued by the City Engineering Division — DPW and/or the Buildings, Safety Engineering and Environmental 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 resolutions), or policies of said fee, charge or rental, or upon refusal to pay same, issued permits shall immediately become void; and further

Provided, That the grade shall be maintained in original condition after installation of the wells with flush covers for the holes; and further

Provided, That all construction in the public right-of-way be conducted under permit from DPW City Engineering Division; 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

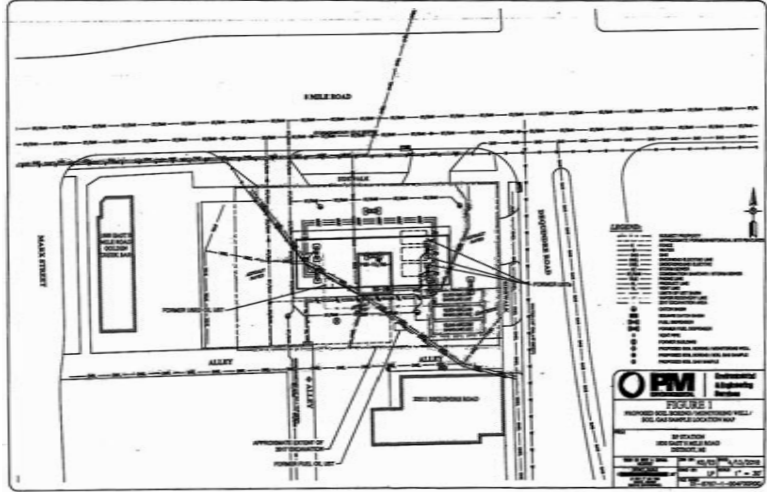
Provided, That the petitioner shall apply to and become a participating member of "Miss Dig" to comply with Michigan Public

Act 53 of 1974, "Protection of Underground Facilities (460.701 - 460.718)"; and further

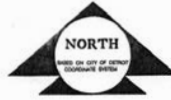
Provided, The filing of the indemnity agreement and the securing of the necessary permit(s) referred to herein shall be construed as acceptance of this resolution by the permittee; and further

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.



PETITION NO. 296
 PM ENVIRONMENTAL
 3340 RANGER RD.
 LANSING, MICHIGAN 48906
 C/O LENA PAPPAS
 PHONE NO. 248 336-9988

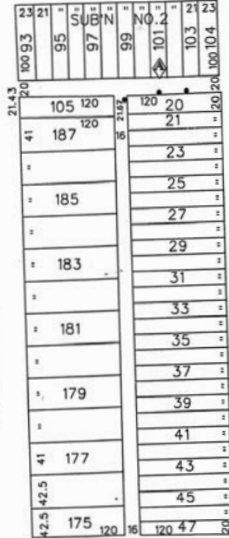


E. EIGHT MILE RD. 204 FT. WD.

"REVISED"

MARX AVE. 75 FT. WD.

DEQUINDRE ST. 66 FT. WD.



WINCHESTER AVE. 50 FT. WD.

REQUEST ENCROACHMENT
 (With Monitoring Wells)

(FOR OFFICE USE ONLY)

CARTO 37 A

B											
A		ADDCING	MONITORING	WELL	WELW	KSM	KSM	100618	REQUEST ENCROACHMENT INTO THE EAST/WEST AND NORTHSOUTH PUBLIC ALLEYS VARIOUS WIDTHS IN THE BLOCK BOUND BY DEQUINDRE ST., WINCHESTER, MARX AVE. AND E. EIGHT MILE RD. (With Monitoring Wells)		
DESCRIPTION		REVISED	CHKD	APP	DATE	CITY OF DETROIT		CITY ENGINEERING DEPARTMENT			
DRAWN BY		WLW	CHECKED	KSM		SURVEY BUREAU					
DATE		05-29-18	APPROVED			JOB NO.		01-01			
						DRWG. NO.		X 296			

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, McCalister, Jr., Sheffield, Spivey, Tate, and President Jones — 8.

Nays — None.

**Department of Public Works
 City Engineering Division**

January 14, 2019

Honorable City Council:

Re: Petition No. 1768 — Bedrock Management LLC, request for 1400 Woodward Hotel Encroachment into Woodward Avenue, John R. Street, Farmer Avenue, and E. Grand River Avenue, all public rights-of-way.

Petition No. 1768 — Bedrock Management Services LLC, request for encroachments with outdoor café, planters,

non-standard paving and trees with grating inclusive of irrigation, also architectural elements including lighting, awnings and canopies above grade. The encroachments are on the east side of Woodward Avenue, 190 feet wide, also on the south side of John R. Street, 60 feet wide, also on the west side of Farmer Street, variable width, also on the north side of East Grand River Avenue, 60 feet wide. All of the encroachments are located in the block of the above four streets.

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

The request is being made for enhancement of the new Shinola Hotel streetscape.

The request was approved by the Solid Waste Division — DPW, and City Engi-