



Yeas — Council Members Benson, Durhal, III, Johnson, Santiago-Romero, Tate, Waters, Whitfield-Calloway and President Sheffield — 8.  
Nays — None.

**Department of Public Works  
City Engineering Division**

October 20, 2023

Honorable City Council:  
Re: **Petition No. x2023-358**, Diversified Fuels Properties, request for encroachment within West Grand Blvd., adjacent to the property commonly known as 2019 West Grand Blvd., for the installation of monitoring wells.  
**Petition No. x2023-358**, Diversified Fuels Properties, request for encroachment

within West Grand Blvd., 150 ft. wide, wide, adjacent to the property commonly known as 2019 West Grand Blvd., for the installation of monitoring wells.

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

The request was approved by the Solid Waste Division — DPW, and City Engineering Division — DPW, Traffic Engineering Division.

Detroit Water and Sewerage Department (DWSD) reports being involved, but they have no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution.

All other involved City Departments,

including the Public Lighting Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting all utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
RICHARD DOHERTY, P.E.

City Engineer  
By Council Member Santiago-Romero:

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Diversified Fuels Properties or their assigns to install and maintain various encroachments within West Grand Blvd., further described as: Land in the City of Detroit, Wayne County, Michigan;

1. Monitoring Wells (x3), into the northerly part of West Grand Blvd., between West Grand River and Dexter Blvd., lying southerly of and adjacent to lot 1 and lots 19 through 23 of "Ernst Kern Subdivision" as recorded in Liber 64, Page 48 of Plats, Wayne County Records. Three (3) monitoring wells are proposed to be installed within West Grand Blvd.

a. Installed approx. 13 ft. south of the southerly property line of 2019 West Grand Blvd. and approx. 13 ft. east from the south-west corner of the parcel.

b. Installed approx. 58 ft. south of the southerly property line of 2019 West Grand Blvd., within the median of West Grand Blvd., and approx. 80 ft. west from the south-east corner of the parcel.

c. Installed approx. 58 ft. south of the southerly property line of 2019 West Grand Blvd., within the median of West Grand Blvd., and approx. 44 ft. west from the south-east corner of the parcel.

Provided, That if there is any cost for the removing and/or rerouting of any utility facilities, it shall be done at the expense of the petitioner and/or property owner; and be it further

Provided, That access is maintained to all fire department connections, and be it further

Provided, That by approval of this petition 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 times, DWSD, its agents or employees, shall have the right to enter upon the right-of-way to maintain, repair, alter, service, inspect, or install its facilities. All costs 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 costs 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 be it further

Provided, That all construction performed under this petition shall not be commenced until after (5) days written notice to DWSD. Seventy-two (72) hours' notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one call system; and be it 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 be it 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 costs incident to the repair, replacement or relocation of such broken or damaged DWSD facilities; and be it further

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

Provided, Diversified Fuels Properties or their assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division — DPW prior to any public right-of-way construction; and further

Provided, That the necessary permits shall be obtained from the City Engineering Division — DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Diversified Fuels Properties or their assigns, and further

Provided, That all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments shall be borne by Diversified Fuels Properties or their assigns. Should damages to utilities occur Diversified Fuels Properties or their assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

Provided, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the

