

WEDNESDAY AUGUST 14, 1990

THIS IS SUBJECT TO

Department of Public Works
City Engineering Division
July 24, 1995

Honorable City Council:

Re: Petition No. 848, Toltest, Inc. (together with Clark Refining & Marketing, Inc.). Requesting permission to install and maintain 4 permanent monitoring wells encroaching within public alley right-of-way in the vicinity of a Clark Store No. 554 Located at 15880 Livernois.

Petition No. 848 of "Toltest, Inc. (together with Clark Refining & Marketing, Inc.)" requests permission to install and maintain four permanent monitoring wells within the north-south public alley, 15 feet wide, in the block bounded by Livernois, Petoskey, Midland and Puritan Avenues in the vicinity of a Clark Store No. 554 (addresses: 15880 Livernois). The purpose of the bored wells 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:

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 monitoring wells.

It is the responsibility of "Toltest (Environmental Consultants), Inc." to give reasonable and proper notice to the other abutting property owners (addresses: 15895-97, 15889-91, 15883, 15877, 15871, 15865, 15859 and 15853 Petoskey Avenue) before commencing any (permitted) 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 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 permanent L.U.S.T. monitoring well encroachments within public rights-of-way.

The Ameritech/Michigan Bell Telephone Company, Detroit Edison Company, Public Lighting Department, and the Water and Sewerage Department have reported facilities in the area.

The Public Lighting Department (PLD) will require a minimum vertical clearance of one foot and a minimum horizontal clearance of three and one-half feet between PLD lighting, electrical power circuits facilities, including poles) and the proposed permanent monitoring wells.

The 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 facilities) and the proposed permanent monitoring wells.

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

Finally, the City Engineering Division-DPW will require "Toltest, Inc." 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 the City Council policy adopted on June 6, 1990 (J.C.C. pgs. 1325-26) and Detroit Code (Sec. 50-1-9), there is an appropriate resolution, granting the encroachment petition, for consideration by your Honorable Body.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

By Council Member Tinsley-Williams:

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, It is required by the State of Michigan 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, the owners of certain sus-

pected 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

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

Finally, the City Engineering Division-DPW will require "Toltest, Inc." 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 the City Council policy adopted on June 6, 1990 (J.C.C. pgs. 1325-26) and Detroit Code (Sec. 50-1-9), there is an appropriate resolution, granting the encroachment petition, for consideration by your Honorable Body.

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Whereas, It is required by the State of Michigan 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, 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. 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 "Clark Refining & Marketing, Inc., owners of the Clark Store No. 554 at 15880 Livernois Avenue" and/or "Toltest (Environmental Consultants), Inc." to install and maintain four monitoring wells encroaching within public alley right-of-way for the purpose of detecting the presence 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 Lots 399 thru 404, except that part taken for the widening of Livernois Avenue, of "Ford View Subdivision of Lot 5, Plan of East Half of Southeast Quarter, the Southwest Quarter and West Half of Southeast Quarter of Section 15, Town 1 South, Range 11 East, Greenfield Township," as recorded in Liber 29, Page 63, Plats, Wayne County Records;

Encroachments to consist of four "permanently (meaning more than thirty days, or other long-term duration)" installed L.U.S.T. monitoring wells; being nearby or adjoining the above described property, within the following public right-of-way.

4 wells — north-south public alley, 15 feet wide, in the block bounded by Livernois, Petoskey, Midland and Puritan Avenues.

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 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

NOTE:
NO PETN. DRAWING. FOUND

CARTO 90-F

AUG. 4, 1995

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