

Department of Public Works
City Engineering Division
May 2, 1997

Honorable City Council:

Re: Petition No. 2538. Soil and Materials Engineers, Inc. [SME] Requesting permission to install and maintain two monitoring well(s) encroaching within public rights-of-way in the vicinity of the Federal Reserve Bank address: 160 W. Fort, east of Shelby. Petition No. 2538 of "Soil and Materials Engineers, Inc. [SME] (for the Federal Reserve Bank of Chicago)" requests permission to install and maintain one monitoring well within Shelby Street (60 feet wide); also one monitoring well within the east-west public alley (20 feet wide; in the block bounded by Shelby, Griswold and W. Fort Streets, and W. Lafayette Boulevard (a/k/a "Federal Court")) in the vicinity of the Federal Reserve Bank Building (address: 160 W. Fort). The purpose of the bored wells is to detect soil contaminants 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:

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 "Soil and Materials Engineers, Inc." to give reasonable and proper notice to the other abutting property owners (addresses: 137-47 and 131 W. Lafayette Boulevard; 719 and 751 Griswold Street) 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 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, Comcast Cablevision, Detroit Edison Company, Worldcom, Inc., Public Lighting Department, and the Water and Sewerage Department reported facilities in the area.

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

The Water and Sewerage Department (DWSD) requires 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 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 "Soil and Materials Engineers, 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 Everett:

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 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 suspected leaking underground storage tanks ("L.U.S.T.") have been required by the Michigan Department of Environmental Quality 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 the "Federal Reserve Bank of Chicago" (Bldg. address: 160 W. Fort Street, Detroit, MI 48226) and/or "Soil and Materials Engineers, Inc." to install and maintain two monitoring wells encroaching within public 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 the western 40.00 feet of Lot 16, Lots 13, 14, and 15, lying easterly of Shelby Street (60 feet wide) and northerly of W. Fort Street (100 feet wide) in the "Map of a tract of land granted by an Act of Congress approved May 20, 1826, to the City of Detroit and the same has been divided into lots and numbered by order of the Common Council of said City by J. Mullett, Surveyor, June, 1831, reduced from said Mullett Plat by John Farmer to a scale of 200 feet to an inch December 1831" as recorded in Liber 5, Page 218, City Records;

Encroachment to consist of two "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 rights-of-way:

1 well — east side of Shelby Street, 60 feet wide, between W. Fort Street and W. Lafayette Avenue; and

1 well — east-west public alley, 20 feet wide, in the block bounded by Shelby, Griswold and W. Fort Streets, and W. Lafayette Boulevard (a/k/a "Federal Court");

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 well 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 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 the proposed encroaching L.U.S.T. monitoring wells. 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, 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 L.U.S.T. monitoring well encroachment 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 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 (including, if necessary, adjustments or removals); and further

Provided, It is the responsibility of "Soil and Materials Engineers, Inc." to give reasonable and proper notice to the other abutting property owners (addresses: 137-47 and 131 W. Lafayette Boulevard; 719 and 751 Griswold Street) before commencing any (permitted) open cut or boring operations within public rights-of-way; and further

Provided, Said encroaching L.U.S.T. monitoring well installations shall be according to the specifications of the Public Lighting Department (PLD), including the minimum vertical clearance of one foot and a minimum horizontal clearance of three and one-half feet between PLD traffic signal conduit, handholes, poles, and street lighting conduit (and any other PLD facilities) and the proposed permanent monitoring well encroachments; and further

Provided, Said encroaching 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 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 or shutoffs (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 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(s); 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 expenses; 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 encroachment 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 an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims that 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 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 Division — DPW at the permittee's sole cost and expense; 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, the "Federal Reserve Bank of Chicago" (Bldg. address: 160 W. Fort Street, Detroit, MI 48226) and/or "Soil and Materials Engineers, Inc.", shall submit "as built" drawing(s) sealed by a professional engineer registered in the State of Michigan to the City Engineering Division — DPW within 30 days after obtaining the necessary "encroachment" permit to install two proposed monitoring wells. 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 Division — DPW in the Wayne County Register of Deeds.

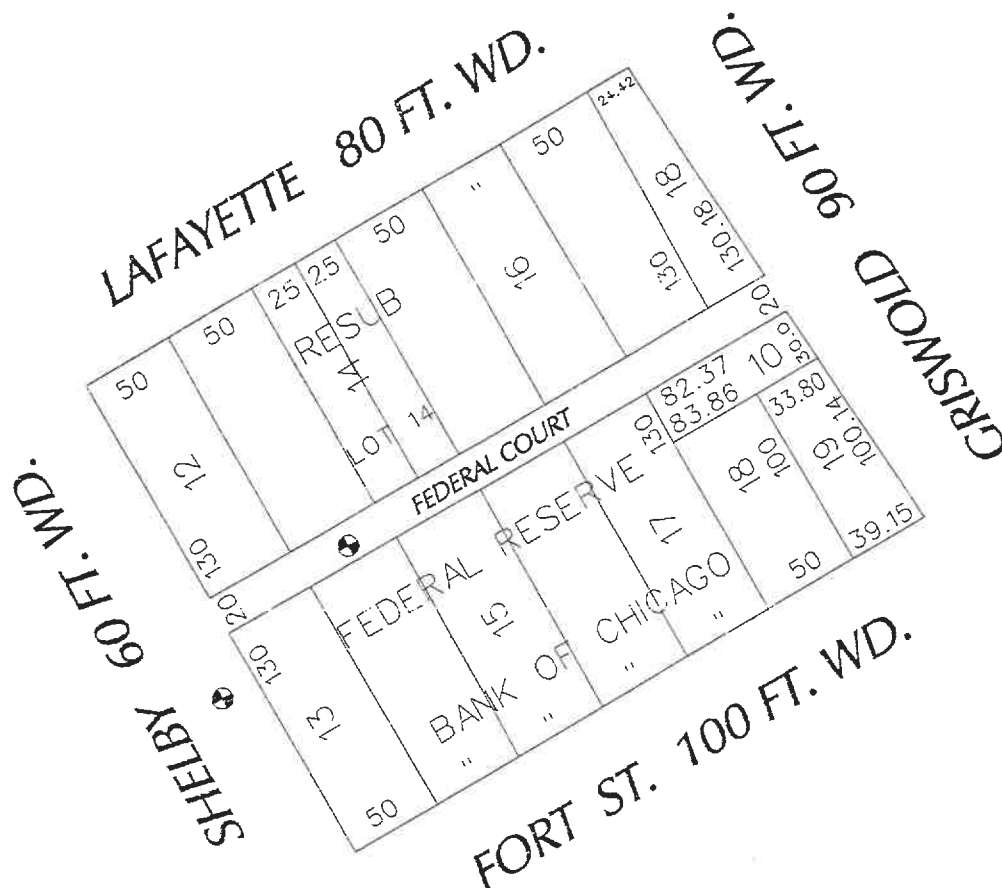
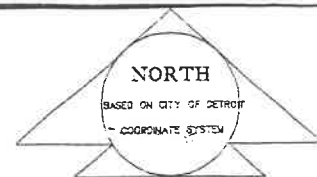
Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Soom, Tinsley-Williams, and President Manafay — 9.

Nays — None.

May 14, 1997
JCC pg.
1067 - 1070

PETITION NO. 2538
 SOIL & MATERIALS/SME
 43980 PLYMOUTH
 C/O DANIEL J. GORKE
 PHONE NO. 313.454.9900
 FAX NO. 313.454.0629



- MONITORING WELL(S)

NOTE: FOR DETAILS OF LOCATION & INSTALLATION OF MONITRING WELL PLEASE CONTACT PETITIONER.
 APPROXIMATE LOCATION OF WELLS FROM ATTATCHED DRAWING

28 CARTO. NO. 28-E
 SCALE : 1"=100'

(FOR OFFICE USE ONLY)

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| DRAWN BY | | CHECKED | | | |
| N. PERRY | | | | | |
| DATE | | APPROVED | | | |
| 10-24-96 | | | | | |

REQUESTED PERMISSION TO INSTALL AND MAINTAIN
 TWO(2) MONITORING WELL(S) WITHIN PUBLIC STREET
 AND ALLEY RIGHTS-OF-WAY IN THE BLOCK BOUNDED
 BY GRISWOLD, SHELBY, FORT AND LAFAYETTE.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. X2538.DGN