

November 14, 2005

Honorable City Council:

RE: Petition No. 3464 – Delta Environmental Consultants Inc., requesting to install and maintain encroachment of seven (7)-monitoring wells in the rights-of-way at 15935 Mack Avenue, an Amoco Service Station.

Petition No. 3464 of “Delta Environmental Consultants Inc.”, at 39810 Grand River Avenue, Suite C-100, Novi, Michigan 48375, requests permission to install and maintain seven (7) monitoring wells within Mack Avenue, 120 feet wide, and Buckingham Avenue, 100 feet wide, at 15935 Mack Avenue. 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 boring and monitoring wells 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 the City rights-of-way to install monitoring wells.

The Detroit Water and Sewerage Department (DWSD) require a minimum vertical and a minimum horizontal clearance from all DWSD facilities, and DWSD provisions for encroachments are part of the attached resolution.

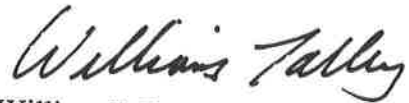
Detroit Edison Gas and Electric Company request that the monitoring wells are not located closer than three feet to the Buckingham Avenue four-inch Cast Iron Gas Main. Precautions must be made to avoid hitting the 12-inch duct run in Mack Avenue for electricity, and the wells must not interfere with the duct run or conduit.

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 the public (street or alley) rights-of-way. Should damages to the utility occur the petitioner shall be liable for all claims and damages to the encroaching installations.

Finally, the City Engineering Division – DPW will require “Delta Environmental Consultants Inc.” to submit certified “as-built” drawings, a map and survey showing exact location of the petitioner’s complete permanent monitoring well installations within the public rights-of-way.

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

Respectfully submitted,

A handwritten signature in cursive script that reads "William Talley".

William Talley, Head Engineer  
City Engineering Division - DPW

NRP/

Cc: James A. Jackson, Director - DPW  
Mayor's Office, City Council Liaison

BY COUNCIL MEMBER: \_\_\_\_\_

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 “Delta Environmental Consultants, Inc.” and/or “BP Products north America, Inc.”, to install and maintain seven (7) permanent monitoring wells encroaching within public rights-of-way for the purpose of detecting the presence of hazardous materials and/or soil contamination from leaking underground storage tanks; said public rights-of-way being nearby or adjoining property described as follows:

Lying within the Northerly side of Mack Avenue, 120 feet wide, and the Easterly side of Buckingham Avenue, 100 feet wide, adjacent to or adjoining Lots 103 through 111, both inclusive, of the “East Detroit Development Co’s Subdivision No. 1 of part of P.C. 379 Grosse Pointe and Gratiot Townships (now City of Detroit) Wayne County Michigan” as recorded in Liber 36 Page 19, 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 Detroit Water and Sewerage Department (DWSD) forces shall have free and easy access to the water main and/or sewer facilities at all times to permit proper operation, maintenance and it required, alteration or repair of the water main and/or sewer facilities. Free and easy access shall means that no structures or storage of materials will be allowed upon the area of encroachment to hinder the movement of maintenance equipment, and further

PROVIDED, That the proposed fence must have a gate installed to permit access for DWSD forces. The gate shall remain unlocked 24 hours a day, unless a guard is stationed near the gate to allow the Detroit Water and Sewerage Department ingress and egress at any time. The minimum dimensions of the gates shall provide 15 foot vertical and 13 foot horizontal clearances for freedom of DWSD equipment movement, and further

PROVIDED, That should the water main and/or sewer facilities be broken or damaged as a result of any action on the part of the petitioner or assigns, then in such event the petitioner or assigns shall be liable for all costs incident to the repair of such broken or damaged water main and appurtenances, and waives all claims for damages, and 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.

PROVIDED, 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.

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 places upon the surface or underground rights of privately-owned property. Enforcement of violations of fire safety regulations and buildings code is the responsibility of the Fire Marshal and Buildings and Safety Engineering Department. The petitioner shall apply to the Buildings and Safety 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 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 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 city commissions, authorities, corporations, councils, boards, contractors, and agencies whenever applicable) 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 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 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; and further

PROVIDED, That 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 encroaching installations; 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 cost 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 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, 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 wells. The installation 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 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, alley or other public places shall be consider waived by this permission which is granted expressly 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 City Engineering Division – DWP at the permittee 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(s) 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 the public rights-of-ways) are amended to provide for levying thereafter, of 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 dose hereby bind itself thereunto, and 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, 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 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.

**WRITTEN ACCEPTANCE OF THE TERMS AND CONDITIONS OF DETROIT  
CITY COUNCIL RESOLUTION PETITION NUMBER 3464, ADOPTED \_\_\_\_\_**

Atlantic Richfield Company an affiliate of BP Products North America, Inc. ("Permittee") whose address is Post Office Box 352917, Toledo, Ohio, 43635-2917, by and through Kevin Endriss, its Environmental Business Manager does hereby accept the terms and conditions of the City Council Resolution granting Petition Number 3464, and agrees to comply with its requirements; and further, that pursuant to the said Resolution, Permittee does hereby agree to save harmless the City of Detroit ("The City") from any and all liabilities, obligations, penalties, costs, changes, losses, damages, or expenses (including without limitation, fees and expenses of attorneys, expert witnesses and other consultants) which may be imposed upon, incurred by or asserted against the City by reason of the issuance of said permit(s), or the performance or non-performance by the Permittee of the terms of the permit(s) hereof, or that may rise out of the maintenance of the above described easement by Permittee's personnel, agents, and employees; and Further, that in accordance with the said Resolution, a certified copy of the aforementioned City Council resolution will be recorded in the Office of the Register of Deeds of Wayne County by the City Clerk.

Wherefore, we have hereunto set our hands on this \_\_\_\_ day of \_\_\_\_\_, 2005.

Witnessed By:

Permittee: Atlantic Richfield Company an affiliate  
of BP Products North America, Inc.

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Approved as to form and execution:

 \_\_\_\_\_

Name

9/19/05

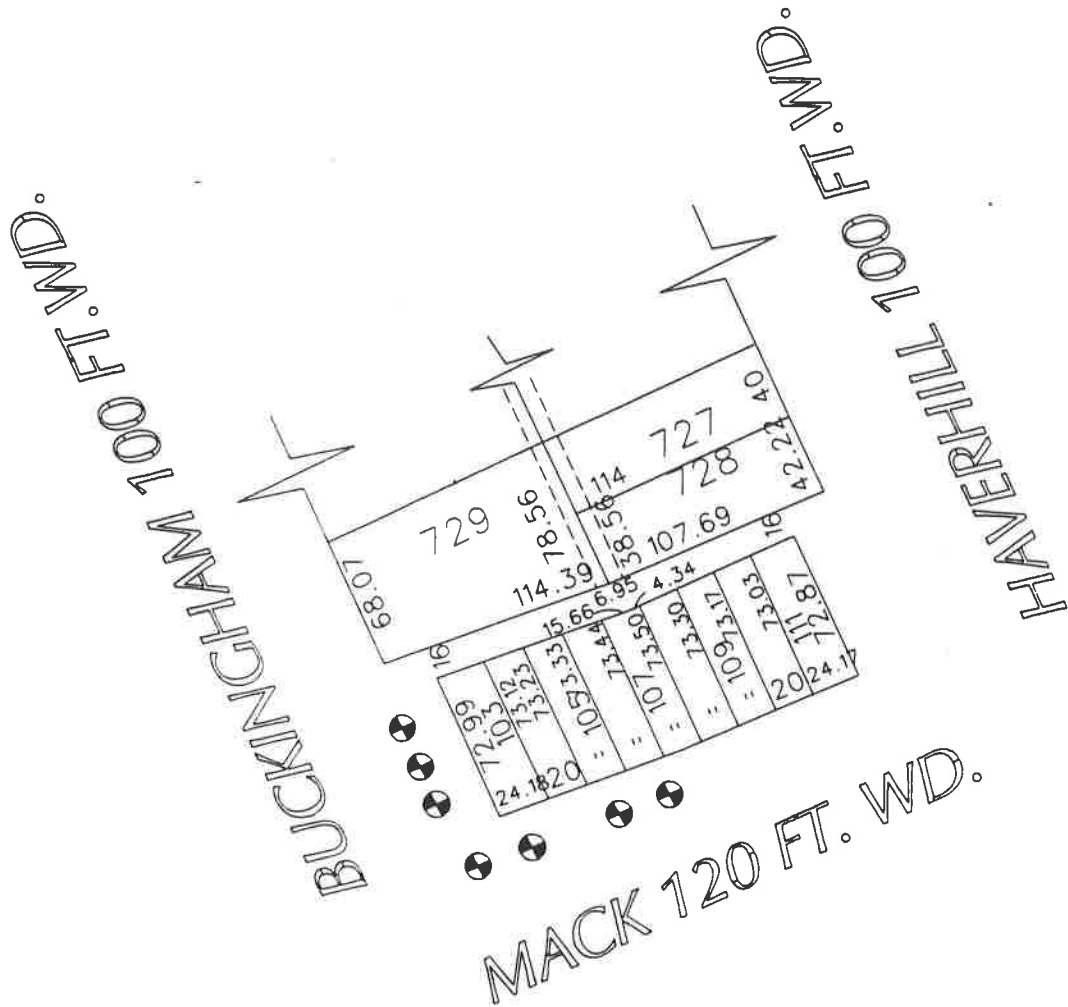
Date:

Title: Environmental Business Manager





PETITION NO. 3464  
 DELTA ENVIRONMENTAL CONSULT.  
 39810 GRAND RIVER - STE. C-100  
 NOVI, MI. 48375  
 c/o BENJAMIN HANSEN  
 PHONE NO. 1-248-699-0249



 - AREA OF ENCROACHMENTS  
 (WITH MONITORING WELLS)

(FOR OFFICE USE ONLY)

CARTO 69 C

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
DATE	APPROVED				
6-15-05					

REQUESTED TO ENCROACH INTO BUCKINGHAM  
 100 FT. WD. AND MACK 120 FT. WD. WITH SEVEN  
 (7) MONITORING WELLS.

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU

JOB NO. 01-01

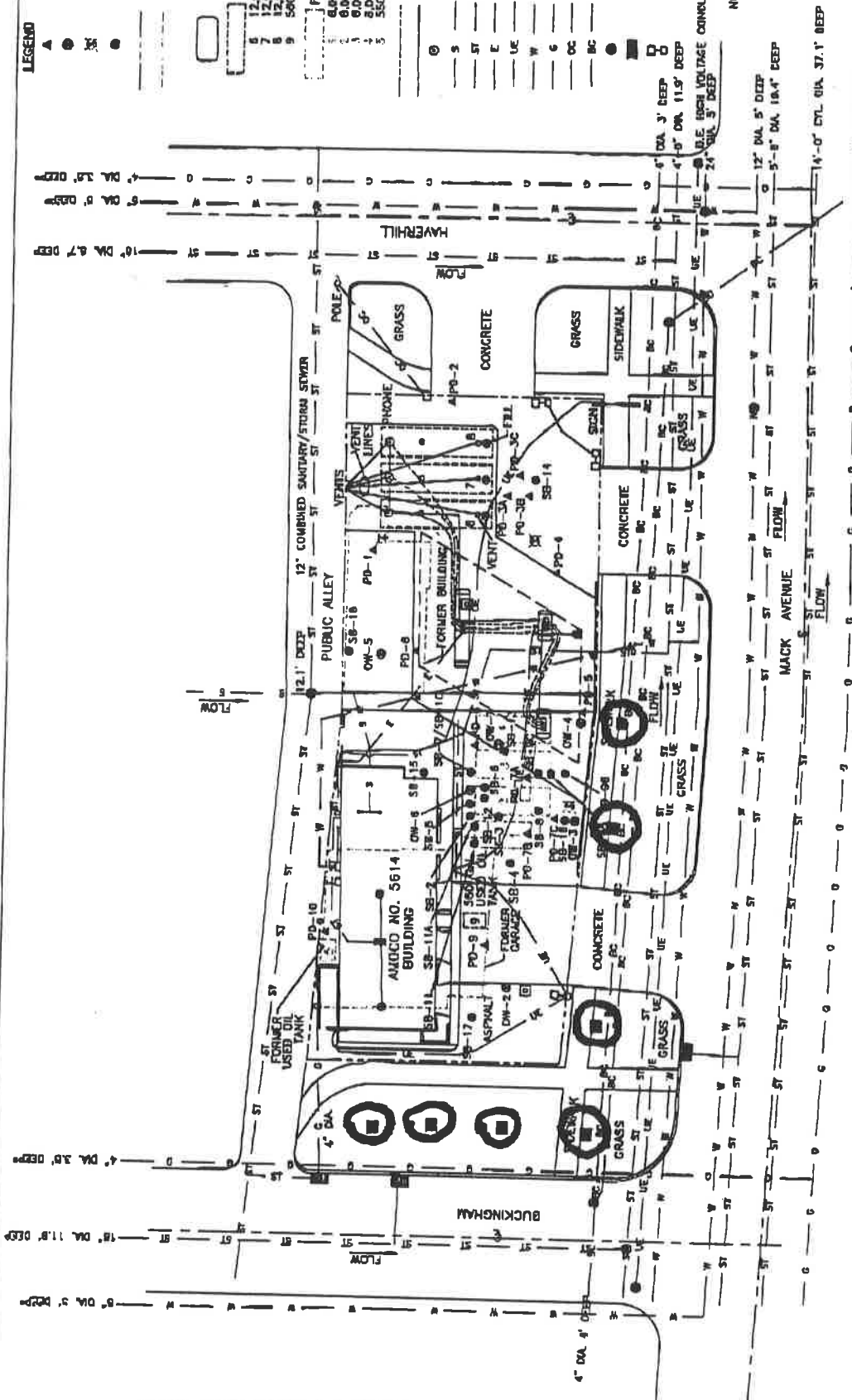
DRWG. NO. x3464.dgn

**LEGEND**

- PD SOIL BORING
- OBSERVATION WELL
- ABANDONED MONITORING WELL
- SOIL BORING
- PROPERTY LINE
- LIGHTER GRAY DASHED LINES INDICATE FORMER SITE FEATURES (REMOVED JUNE 1988)
- PUMP ISLAND
- UNDERGROUND STORAGE TANK
- 12,000 GALLON FIRE-GRADE GASOLINE UST
- 12,000 GALLON MID-GRADE GASOLINE UST
- 12,000 GALLON REGULAR GASOLINE UST
- 500 GALLON USED OIL UST
- FORMER UNDERGROUND STORAGE TANK
- 6,000 GALLON FORMER GASOLINE UST
- 6,000 GALLON FORMER GASOLINE UST
- 6,000 GALLON FORMER GASOLINE UST
- 6,000 GALLON FORMER GASOLINE UST
- 550 GALLON FORMER USED OIL UST

- PRODUCT LINES
- VAPOR RECOVERY STAGE II
- SUB PUMP & VAPOR VALUE
- SANITARY SEWER LINE
- STORM SEWER LINE
- ELECTRIC LINE
- UNDERGROUND ELECTRIC UNC
- WATER LINE
- UNDERGROUND GAS LINE
- DYEWHEAD CABLE LINE
- BURIED CABLE LINE
- MANHOLE
- CATCH BASIN
- LIGHT POLE
- NOTE: \* - ESTIMATED CEPTH
- NOTE: \* - ESTIMATED CEPTH
- NOTE: \* - ESTIMATED CEPTH

NOTE: ALL STORM SEWERS FLOW INTO A COMBINED SANITARY/STORM SEWER SYSTEM



**FIGURE 1**  
SITE MAP  
AMOCO SERVICE STATION NO. 5614  
MACK & HAVERHILL  
DETROIT, MICHIGAN

PROJECT NO.	PREPARED BY	DRAWN BY
CONTRAP-44A	JBH	JB
DATE	REVIEWED BY	FILE NAME
12/1/04		AMCO-07B



PROPOSED OBSERVATION WELL LOCATIONS

