

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, June 07, 2007

To: The Department or Commission Listed Below

From: Janice M. Winfrey, Detroit City Clerk

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

CITY PLANNING COMMISSION DPW - CITY ENGINEERING DIVISION
PLANNING AND DEVELOPMENT DEPARTMENT WATER & SEWERAGE DEPARTMENT

1672 Groundwater & Environmental Services, Inc. (GES)/Shell Oil, Right of Way (ROW) permit for installation of three (3) monitoring wells at 9645 Jefferson Avenue at Pennsylvania Road.

540
LVM 495

RECEIVED
JUN 11 2007

N/JEFFERSON
PARKVIEW/PENN.

CEO
TED
NOEL



Groundwater & Environmental Services, Inc.

1672

10381 Citation Drive, Suite 500 • Brighton, Michigan 48116 • (810) 227-0002 • (810) 227-0008

May 9, 2007

City Clerk Office
City of Detroit
200 Coleman A. Young Municipal Center
2 Woodward Avenue
Detroit, Michigan 48226

RE: Request to Petition City Council
Installation of Monitoring Wells at
9645 Jefferson Avenue
Detroit, Michigan

To whom it may concern:

Groundwater & Environmental Services, Inc. (GES), on behalf of Shell Oil Products (Shell), is requesting a petition number for the Right-of-Way (ROW) permit intended for Jefferson Avenue, and Pennsylvania Road, adjacent to the above referenced address. GES would like to install one (1) monitoring well in the western ROW of Pennsylvania Road, and two (2) monitoring wells in the northern ROW of Jefferson Avenue, per the attached site plan. GES will not need to close any portion of the affected roadways in order to complete the proposed ROW work. Therefore, please find enclosed a Certificate of Insurance, meeting all city requirements, a site map with proposed monitoring well locations, and a monitoring well detail diagram. GES proposes to commence work effective July 1, 2007. This work is being performed as part of an on-going environmental investigation, therefore the monitoring wells will need to remain in place for approximately 5 - 10 years. Upon completion of the monitoring wells, groundwater samples will be collected for analysis on a biannual basis. All monitoring wells will be properly abandoned when they are no longer required.

Should you require any additional information, please contact Jeff Berntsen, Project Manager, at (810) 227-0002, ext. 120.

Sincerely,

Anne Herrera
Environmental Scientist

Enclosure

Cc: Bill Hischke - DEA

2007 MAY 10 P 2:14
DETROIT
CITY CLERK



LEGEND

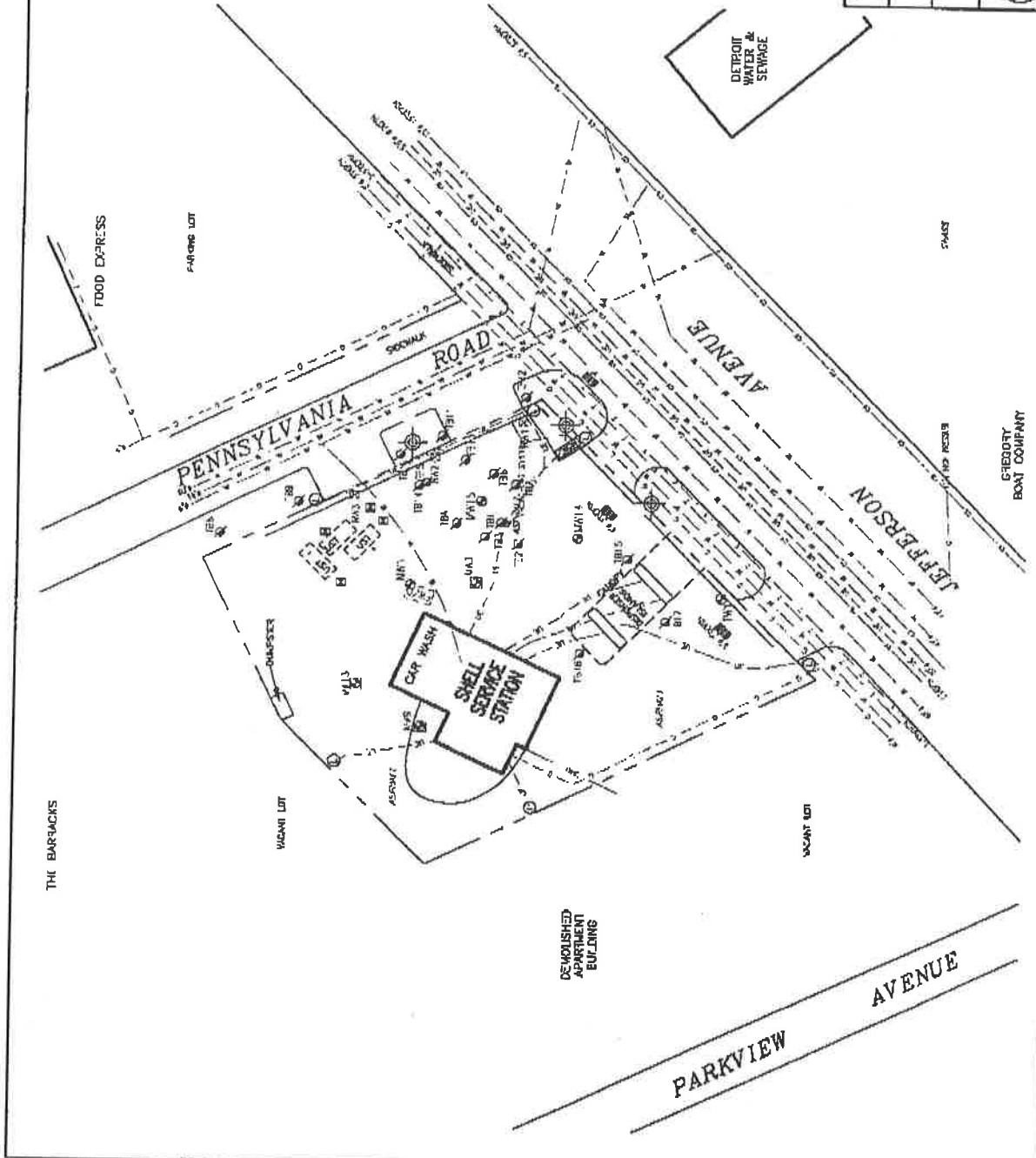
- FORMER WASTE DE TANK
- CATCH BASIN
- SUMP WELL
- RECOVERY WELL
- MONITORING WELL
- DESTROYED MONITORING WELL
- UNDERGROUND COMBINED SEWER LINE
- UNDERGROUND WATER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND ELECTRIC LINE
- TELEPHONE LINE
- PROPOSED MONITORING WELL LOCATIONS

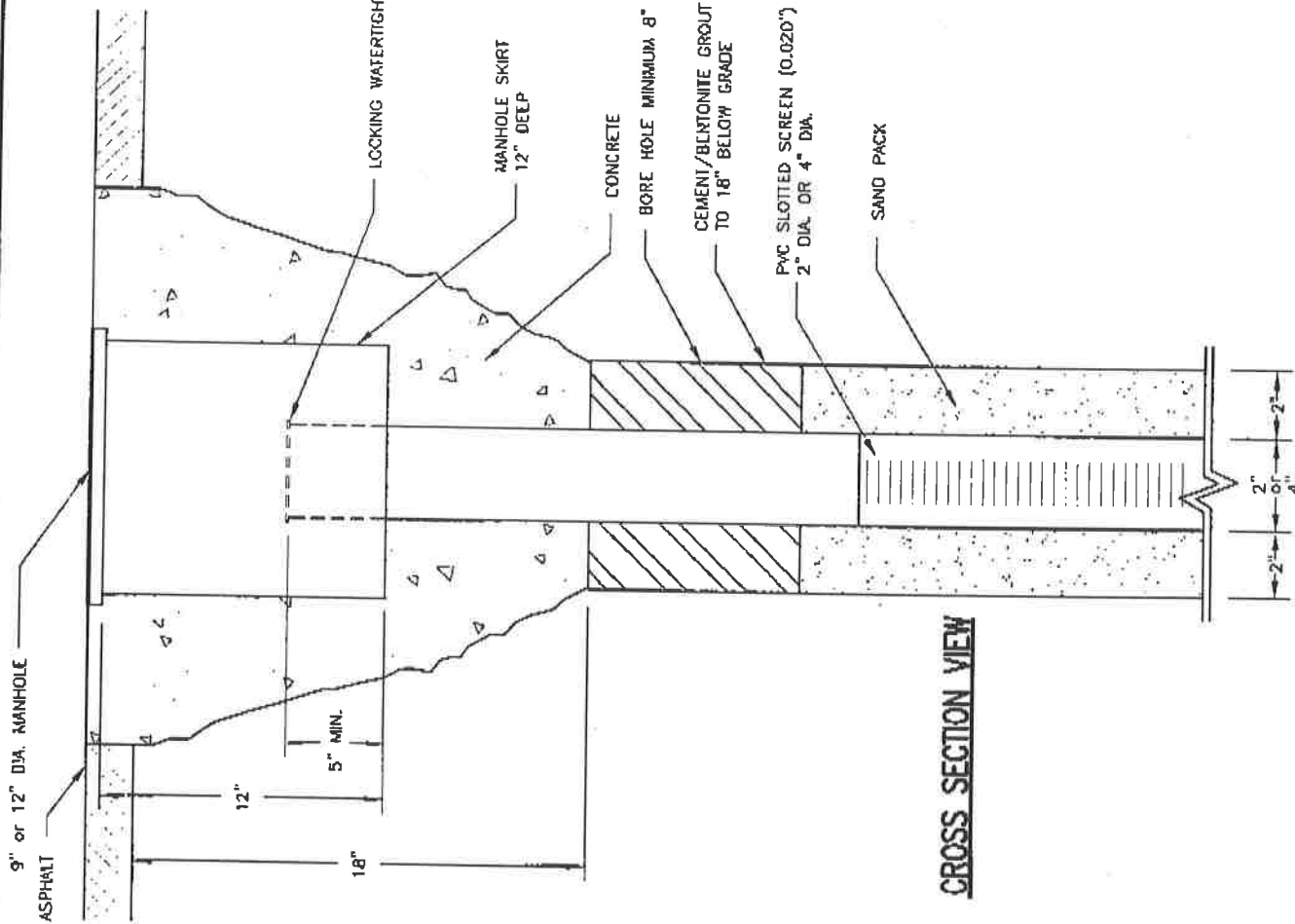
PROJECT NO.	SM
CITY	Detroit
CLIENT	DETROIT WATER & SEWERAGE
DATE	03-06-2007
SCALE IN FEET	0 60
FIGURE	1

PROPOSED MONITORING WELL LOCATIONS

SHELL SERVICE STATION #137933
 WIC # 221-2450-3604
 9645 JEFFERSON AVENUE
 DETROIT, MICHIGAN

Groundwater & Environmental Services, Inc.
 12081 CITATION DR. SUITE 500 BRIGHTON, MICHIGAN 48116





TYPICAL SPECIFICATIONS FOR MONITORING WELL HEAD DETAIL

NOT TO SCALE

ACORD CERTIFICATE OF LIABILITY INSURANCE

OP ID TIC MAIL (MM/DD/YYYY)
 GROUN-1 04/18/07

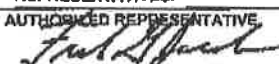
PRODUCER Insurance Solutions & Services 720 King Georges Post Road Fords NJ 08863 Phone: 732-738-6080 Fax: 732-738-6081	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.												
INSURED Groundwater & Environmental Services Inc. 10381 Citation Dr., Suite 500 Brighton MI 48116	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:80%;">INSURERS AFFORDING COVERAGE</th> <th style="width:20%;">NAIC #</th> </tr> <tr> <td>INSURER A: Zurich American Insurance Co.</td> <td>16535</td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> </table>	INSURERS AFFORDING COVERAGE	NAIC #	INSURER A: Zurich American Insurance Co.	16535	INSURER B:		INSURER C:		INSURER D:		INSURER E:	
INSURERS AFFORDING COVERAGE	NAIC #												
INSURER A: Zurich American Insurance Co.	16535												
INSURER B:													
INSURER C:													
INSURER D:													
INSURER E:													

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR	ADD'L	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	X	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	GLO3671386	07/01/06	07/01/07	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPOP AGG \$ 1,000,000 Emp Ben. 1,000,000
A	X	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	BAP3671392	07/01/06	07/01/07	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
	X	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
A		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WC3671385	07/01/06	07/01/07	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A		Pollution	PEC9104858	07/01/06	07/01/07	Occ \$1,000,000 Agg \$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 The Certificate Holder is included as Additional Insured with the exception of Workers Compensation with respects to the operations of the Insured. Additional Insured status subject to written contract requirements.
 *10 days for non-payment of premium.

CERTIFICATE HOLDER GES0585 City of Detroit Dept of Environmental Affairs 600 Woodward Ave., Suite 1800 Detroit MI 48226	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL *30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE 
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September 18, 2008

Honorable City Council:

RE: Petition No. 1672 - Groundwater & Environmental Services, Inc. (GES)/ Shell Oil, request permission to encroach with three (3) monitoring wells in the area of Pennsylvania, Parkview, and East Jefferson.

Petition No. 1672 of "Groundwater & Environmental Services, Inc. (GES)/ Shell Oil" whose address is 10381 Citation Drive, Suite 500, Brighton, Michigan 48116 request permission to install and maintain three (3) monitoring well within Pennsylvania Avenue, 60 feet wide, and East Jefferson Avenue, 120 feet wide in the area of Pennsylvania Avenue, 60 feet wide, Parkview Avenue, 60 feet wide and north of East Jefferson Avenue, 120 feet wide at 9645 East Jefferson. 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 Department of Environmental Affairs (DEA) 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 DEA will review the petitioner's environmental activities prior to the issuance of city permits. A Right-of-Entry is required by DEA 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 approval of project plans from the Department of Environmental Affairs.

It is the responsibility of "Groundwater and Environmental Services Inc. (GES)/Shell Oil" 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 Buildings and Safety Engineering Department. Generally, the Fire Marshal and Buildings and Safety Engineering Department report no objections to the placement and maintenance of permanent L.U.S.T. monitoring well encroachments within public rights-of-way.

DTE Energy – Gas Division (DTE) reports involvement, but no objections provided that the proposed encroachments must be at least a minimum of 3 feet away from our existing gas facilities, also must be free from any obstruction(s) for DTE's equipment to do any repairs and/or relocation of DTE's existing gas facilities in the near future.

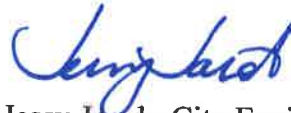
The Water and Sewerage Department (DWSD) reports involvement, but no objections provided the proposed encroachments for monitoring well installation provide a minimum clearance. The petitioner must follow DWSD provisions.

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 " Groundwater and Environmental Services Inc. (GES)/Shell Oil " 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,



Jessy Jacob, City Engineer
City Engineering Division - DPW

NRP:

Cc: Alfred Jordan, Director – DPW
Mayor's Office - City Council Liaison

BY COUNCIL MEMBER _____

Whereas, The Department of Environmental Affairs (DEA) 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 DEA 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 " Groundwater and Environmental Services Inc. (GES)/Shell Oil " at the site of 9645 East Jefferson Avenue, Detroit, Michigan to install and maintain three (3) monitoring wells encroaching within the public rights-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 adjacent to and adjoining Lots A and B in the "Brandon's Subdivision" of that part of Private Claims 337 & 275 between Jefferson Avenue and Mack Street and west of the east line of Cadillac Boulevard also the South 34 feet of that Part of Private Claim 257 between Jefferson Avenue and Mack Street, Hamtramck (now City of Detroit), Wayne County, Michigan as recorded in Liber 9, Page 32, Plats, Wayne County Records;

1 – Monitoring well on the West side of Pennsylvania Avenue, 60 feet wide north of East Jefferson Avenue, 120 feet wide.

2 – Monitoring wells on the North side of Jefferson Avenue, 120 feet wide, between Pennsylvania Avenue, 60 feet wide, and Parkview Avenue, 60 feet wide.

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 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 installation(s), 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 "Groundwater and Environmental Services Inc. (GES)/Shell Oil" 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, Said encroaching L.U.S.T. monitoring well installations shall be according to the specifications of the Public Lighting Department (PLD). Monitoring wells drilling equipment shall use "care and caution" to clear PLD overhead power lines; PLD requires the installer to maintain a minimum ten feet horizontal clearance at all times. The proposed permanent monitoring wells are not allowed to be built over PLD facilities (maintain a minimum of 3.00 feet horizontal clearance from any underground PLD facilities and/or manholes). The fixed encroachments shall not hinder movement of PLD maintenance equipment; 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). DWSD requires free and easy access to water main and/or sewer facilities at all times to permit proper operation, maintenance, alteration or repair of DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes (and any other DWSD facilities). The proposed permanent monitoring wells are not allowed to be built over DWSD facilities or hinder movement of DWSD maintenance equipment; 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 and Safety Engineering 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 resolution(s), 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, 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

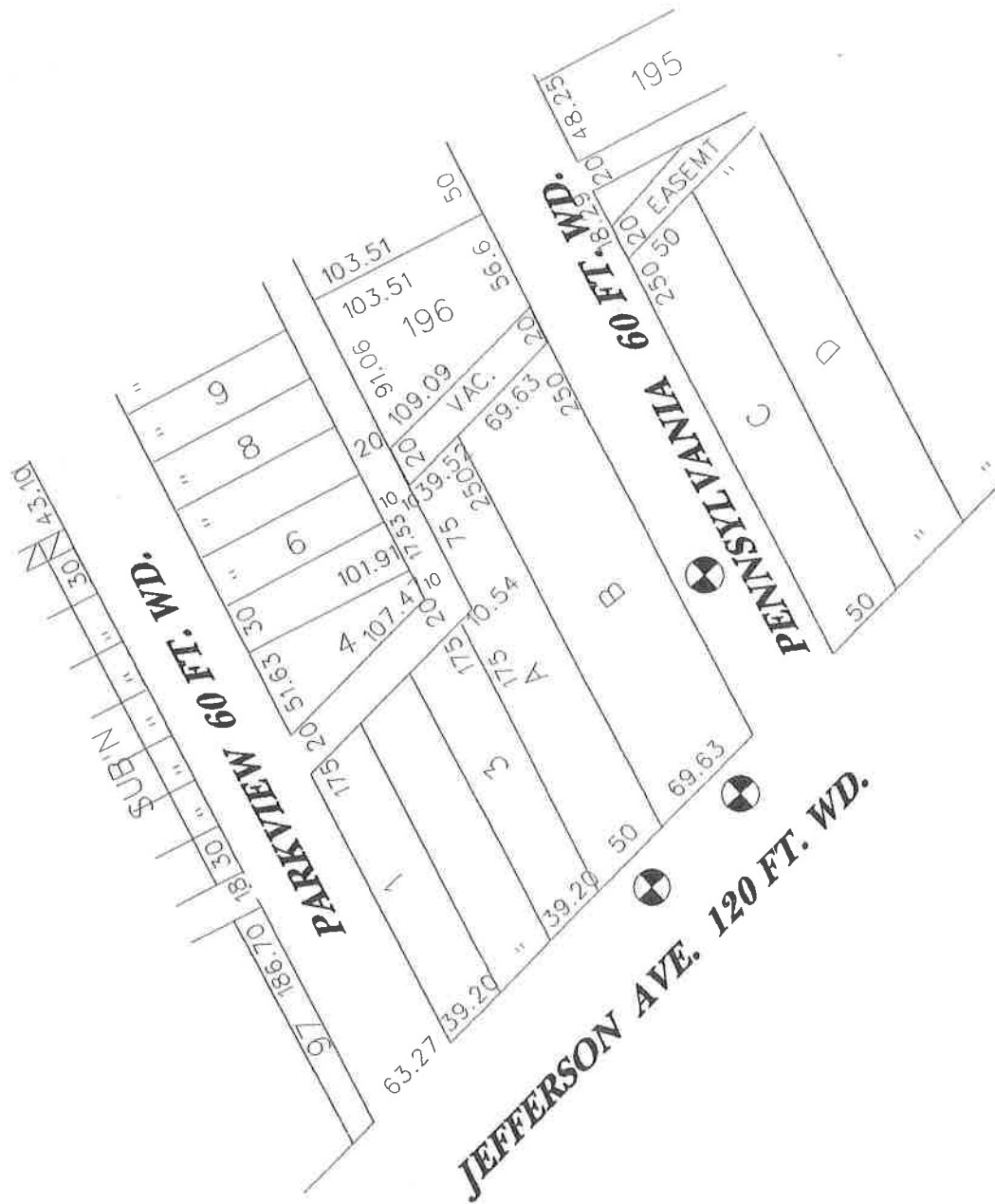
PROVIDED, The filing of the indemnity agreement and the securing of the necessary permit(s) referred to herein shall be construed as acceptance of this resolution by the permittee; and further

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; and be it further

RESOLVED, The petitioner, " Groundwater and Environmental Services Inc. (GES)/Shell Oil", shall submit "as built" drawing(s) sealed by a professional engineer or surveyor registered in the State of Michigan to the City Engineering Division - DPW within 30 days after obtaining the necessary "encroachment" permit to install three (3) 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(s)" 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(s)" 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.

GROUNDWATER & ENVIRONMENTAL SERV., INC.
10381 CITATION DR., SUITE 500
BRIGHTON, MI 48116
c/o ANNE HERRERA
PHONE NO. 810- 227-0002, EXT. 120



-AREA OF ENCROACHMENT
(WITH MONITORING WELLS)

(FOR OFFICE USE ONLY)

CARTO 54 C

B					
A					
	DESCRIPTION	DRWN	CHKD	APPD	DATE
	REVISIONS				
	DRAWN BY ahb				
	DATE 6/18/07				
	CHECKED				
	APPROVED				

REQUEST TO ENCROACH INTO JEFFERSON AVE.
AND PENNSYLVANIA WITH MONITORING WELLS.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x1672.dgn



RECEIVED
JUL 11 2008

WRITTEN ACCEPTANCE OF THE TERMS AND CONDITIONS OF DETROIT CITY COUNCIL RESOLUTION NUMBER 1672, ADOPTED _____.

Equilon Enterprises, LLC d/b/a Shell Oil Products US (“Permittee”), whose address is 17 Junction Drive, PMB #399, Glen Carbon, Illinois 62034, by and through Kevin Dyer, its Staff Project Manager, does hereby accept the terms and conditions of the City Council Resolution granting Petition Number 1672 in connection with Permittee’s request to install and maintain three (3) permanent monitoring wells encroaching within public rights of way, 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, claims, losses, damages, or expenses (including without limitations, reasonable 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 arise out of the maintenance of the monitoring wells 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.

RECEIVED
AUG 5 2008



Wherefore, we have hereunto set our hands on this 8 day of July, 2008.

Witnessed By:

Permittee: Equilon Enterprises, LLC d/b/a Shell Oil Products US

[Signature]
Project Manager

By: [Signature]
Iis: Project Manager

Approved by Law Department

[Signature]

Corporation Council

8-1-08

Date

