

**City of Detroit**  
OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Tuesday, March 18, 2008*

*To: The Department or Commission Listed Below*

*From: Janice M. Winfrey, Detroit City Clerk*

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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.

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DPW - CITY ENGINEERING DIVISION

**2341** *Dome Pipeline Petroleum Corp./Kinder Morgan Energy Partners LP, request partial assignment of permit and transfer of encroachment approval, relative to the maintenance and operation of pipeline under the streets of Detroit.*

*Ext 105*

*2341*

LAW OFFICES  
**SIMON, GALASSO & FRANTZ, PLC**

363 W. BIG BEAVER ROAD, SUITE 300  
TROY, MICHIGAN 48084  
Telephone 248-720-0290  
Facsimile 248-720-0291  
www.sgfattorneys.com  
Kfrantz@sgfattorneys.com

*Ext. 114  
900am*

8300 Bridgepoint Parkway  
Building One, Suite 410A  
Austin, Texas 78730  
Telephone: 512-372-8240  
Facsimile: 512-372-8247

March 4, 2008

Hon. City Council  
Two Woodward Ave.  
Suite 200, City Clerk's Office  
Coleman A. Young Municipal Center  
Detroit, Michigan 48226

Re: Partial Assignment of Permit - Transfer of Encroachment Approval

Dear Sir/Madam,

Our firm represents Dome Petroleum Corp., a Canadian corporation whose former subsidiary, Dome Pipeline Corporation, operates and maintains an underground pipeline in the City of Detroit. The pipeline carries liquified hydrocarbons under the streets of Detroit pursuant to a permit granted by the Department of Public Works pursuant to a resolution of the Common Council adopted November 28, 1972 (JCC pages 2893 - 94) approving Petition No. 5463, as amended by a resolution of the Common Council on February 20, 1973 (JCC pages 390 - 1). This permit is recorded at Liber 18272, page 678, of the Wayne County Register of Deeds.

Dome Petroleum sold its Dome Pipeline subsidiary on March 15, 2007 to Kinder Morgan Energy Partners LP, a Delaware corporation headquartered in Houston, Texas. Dome Pipeline's name was changed to Kinder Morgan Cochin LLC following the sale.

One of the terms of the sale of Dome Pipeline (now Kinder Morgan Cochin) was that certain of its assets were to be assigned and/or partially assigned back to Dome Petroleum. The permit to maintain and operate the pipeline under the Detroit streets is one of the assets to be partially assigned. In effect, the two companies will share the pipeline and its permit. This is possible because the "pipeline" is actually two 12.75 inch pipes.

The permit specifically states that it "shall not be assigned or transferred without the written approval of the Common Council." The purpose of this letter is to officially request permission from the Common Council to allow the partial assignment of the permit.

2008 MAR 12 P 12:25  
DETROIT  
CITY CLERK



Letter to Detroit City Council  
Re: Assignment of Permit  
Date: March 4, 2008  
Page 2

Please provide me with whatever information I need in order to obtain this partial assignment. If it will be necessary to obtain a new resolution from the Common Council, will it be necessary to schedule the matter on the Council's docket, and to appear personally? Is there an official procedure to be followed by this type of request?

Very truly yours,

**SIMON, GALASSO & FRANTZ, PLC**

A handwritten signature in cursive script, appearing to read "Kenneth G. Frantz". The signature is written in dark ink and is positioned above the printed name.

Kenneth G. Frantz

Transaction Report

Send

Transaction(s) completed

No.	TX Date/Time	Destination	Duration	P. #	Result	Mode
206	MAR-19 08:38	DEPARTMENT OF PUBLIC WORKS	0'00'21"	004	OK	N ECM

## FAX TRANSMITTAL

### Office of the City Clerk

Coleman A Young Municipal Center  
Two Woodward Avenue, Suite 200  
Detroit, Michigan 48226

Telephone: (313) 224-2070 Fax (313) 224-2075

*Wednesday, March 19, 2008*

*No. of Pages 4*

**FROM:** *Ms. Jessie Robertson, Junior Assistant City Council Committee Clerk*

**SUBJECT:** *Petition #2341, Dome Pipeline Petroleum Corp./Kinder Morgan Energy Partners LP, request partial assignment of permit and transfer of encroachment approval, relative to the maintenance and operation of pipeline under the streets of Detroit.*

**FAX TO THE FOLLOWING DEPARTMENT(S):**

Ms. Cathy Square, Director

DPW - City Engineering Division

(313) 224-1464



May 18, 2010

Honorable City Council:

RE: Petition No. 2341 – Dome Petroleum Corp. and Kinder Morgan Cochin LLC request partial assignment of permits, transfer of encroachment maintenance and operation of pipeline under the streets of Detroit.

Petition No. 2341 of “Dome Petroleum Corp. and Kinder Morgan Cochin LLC” request for a re-naming and/or transfers of encroachment for partial assign of permits, encroachment maintenance and operation of pipeline under certain rights-of-way. Also, will submit a more detail account of all encroachment areas.

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

On November 28, 1972 – JCC Pgs. 2893-2894 and February 20, 1973 – JCC Pgs. 390-391 City Council adopted the resolutions for two pipelines (12-3/4 inch pipes) carrying liquid hydrocarbons from Edmonton and Alberta, Canada for use in the United States. Under those pasts adopted resolutions Dome Pipeline Corporation was the sole responsible company of the encroachment and the permit holder. Dome Petroleum Corp. sold its Dome Pipeline subsidiary on March 15, 2007 to Kinder Morgan Energy Partners LP, a Delaware corporation. Dome Pipeline’s name was changed to Kinder Morgan Cochin LLC following the sale. One of the terms of the sale was that certain assets were to be partially assigned to Dome Petroleum Corp. from Kinder Morgan Cochin LLC.

Necessary permits were obtained from the City Engineering Division – DPW - Permit Bureau in accordance with terms and provisions of Petitions approved on November 28, 1972 – JCC Pgs. 2893-2894 and February 20, 1973 – JCC Pgs. 390-391.

An appropriate resolution for the transfer of encroachment status and additional of encroachment sites is attached for consideration by your Honorable Body.

Respectfully submitted,

  
Manilal Patel, Interim City Engineer  
City Engineering Division – DPW

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

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

THEREFORE BE IT RESOLVED, That resolutions adopted November 28, 1972 – JCC Pgs. 2893-2894 and February 20, 1973 – JCC Pgs. 390-391 of Dome Pipeline Corporation to install underground pipelines to carry liquid hydrocarbons, including refined products under various streets in the City of Detroit, be and the same is hereby amended for the purpose of transferring the encroachment status/title and any other necessary documents to Dome Petroleum Corp. and Kinder Morgan Cochin LLC, and further be it

RESOLVED, The City Engineering Division – DPW is hereby authorized and directed to issue permits to “Dome Petroleum Corp. and Kinder Morgan Cochin LLC.”, to install and/or maintain previously adopted (on November 28, 1972 – JCC Pgs. 2893-2894 and February 20, 1973 – JCC Pgs. 390-391) resolutions encroachments and the addition of newly found areas of encroachments within public rights-of-way; newly found encroachments in the public rights-of-way being described as follows;

**Right-of-way encroached ---- Cross streets encroachment is between**

Springwells Court	Aggregate and W. Jefferson
W. Jefferson	Springwells Court and Post
Post	W. Jefferson and South St.
Public Alley*	Post and Harrington
(*S. of and adj. Lots 66 & 67	“Larned, DuCharmes, Schmit’s Sub.” L.11, P.77 PWCR)
Harrington	W. Jefferson and South St.
Gould	Harrington and Anderson
Green	Erie and Gould
Cottrell	Erie and Gould
Solvay	Erie and Gould
Crossley	Erie and Gould
Anderson	Erie and Gould
Public Alley*	W. Jefferson and Melville
(*W. of and adj Lots 146 & 147	“McMillan’s Sub.” L.13, p.55 PWCR)
Springwells Ave.	South St. and Burdeno
West End	Burdeno and Thaddeus
Cary	Burdeno and Thaddeus
Sloan	Burdeno and Thaddeus
Thaddeus	Dearborn and Sloan
Public Alley*	Dearborn and Sloan
(East-West Alley in Block Bounded by Thaddeus, Vanderbuilt, Dearborn and Sloan)	

Vanderbuilt	Dearborn and Yale
Public Alley*	Harbaugh and Yale
(East-West Alley in Block Bounded by Vanderbuilt, South St., Harbaugh and Yale)	
South St.	Harbaugh and Yale
Public Alley*	Harbaugh and Yale
(East-West Alley in Block Bounded by South St., Melville, Harbaugh and Yale)	
Melville	Harbaugh and Yale
Harbaugh	Melville and Cedar
Dearborn	Herkimer and Carbon
Carbon	Dearborn and Graham
Dey	Carbon and Barron
Public Alley*	Herkimer and Barron
(* North –South Alley in Block Bounded by Dey, Gates, Carbon and Barron)	
Gates	Carbon and Barron
Public Alley*	Carbon and Barron
(* North –South Alley in Block Bounded by Gates, Forman, Carbon and Barron)	
Forman	Carbon and Barron

Note: Pipeline crosses Rouge River just North of I-75. No City R-O-W involved.

Sanders	Liebold and Patricia (I-75 is above)
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Pipeline Rights-of-way encroachments:

Right-of-way encroached ---- Cross streets encroachment is between

Public Alley*	Liebold and Patricia (I-75 is above)
(* East-West Alley in Block Bounded by Liebold, Patricia, Pleasant and Sanders)	
Patricia	Pleasant and Sanders (I-75 is above)
Pleasant	Patricia and Fort (I-75 is above)
Patricia/Edsel	Gilroy and Toronto
Schaefer	Edsel and Electric
Miami	Edsel and Electric
Downing	Edsel and Electric
Omaha	Edsel and Electric
Visger	Edsel and Electric
Francis	Edsel and Electric
Gleason	Edsel and Electric
Peters	Edsel and Electric
LeBlanc	Edsel and Electric
W. Outer Drive (City line)	Edsel and Electric

Note: Pipeline continues beyond City of Detroit limits

Encroachment(s) to consist of "permanently" (meaning more than thirty days, or other long-term duration) installed within public rights-of-way, nearby the above described rights-of-way;

Provided, That the necessary permits be obtained from the City Engineering Division – DPW - Permit Bureau in accordance with terms and provisions of Petitions approved on November 28, 1972 – JCC Pgs. 2893-2894 and February 20, 1973 – JCC Pgs. 390-391, and further

Provided, that the petitioner(s) shall file with the Finance Department and/or City Engineering Division – DPW a new indemnity agreement representing the transfer and/or addition of new information in a form approved by the City of Detroit Law Department. The agreement shall defend, 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(s) 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 pipelines be installed at least thirty-six (36") inches below the top of streets and where the lines passes other bare utility services that the hydrocarbon line be at least twelve (12") inches away from and below the utility service lines, and

Provided, that said pipelines be maintained and operated at the sole cost and expense of the permittee; and

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 pipelines and all obstructions in connection therewith 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

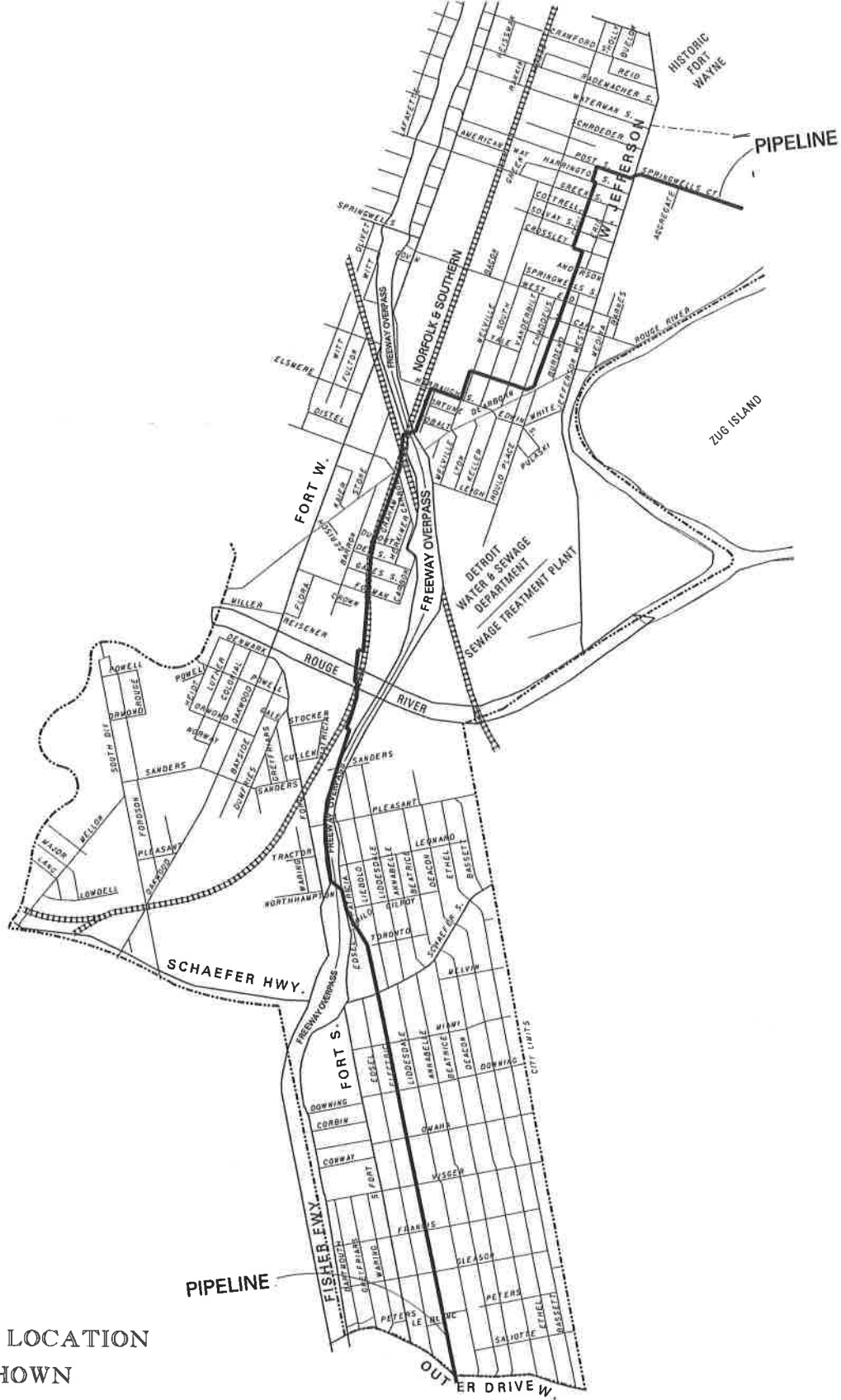
Provided, This resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and further

Provided, That the petitioners must adhere to the terms, conditions, permits, bonds, and provisions of past resolutions (Petition No. 5463 – Dome Pipeline Corporation – approved on November 28, 1972 – J.C.C. Pgs. 2893-94 and February 20, 1973 - J.C.C. Pgs. 390-391), and



**PROVIDED**, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds;



APPROXIMATE LOCATION  
OF PIPELINE SHOWN  
BY HEAVY OUTLINE

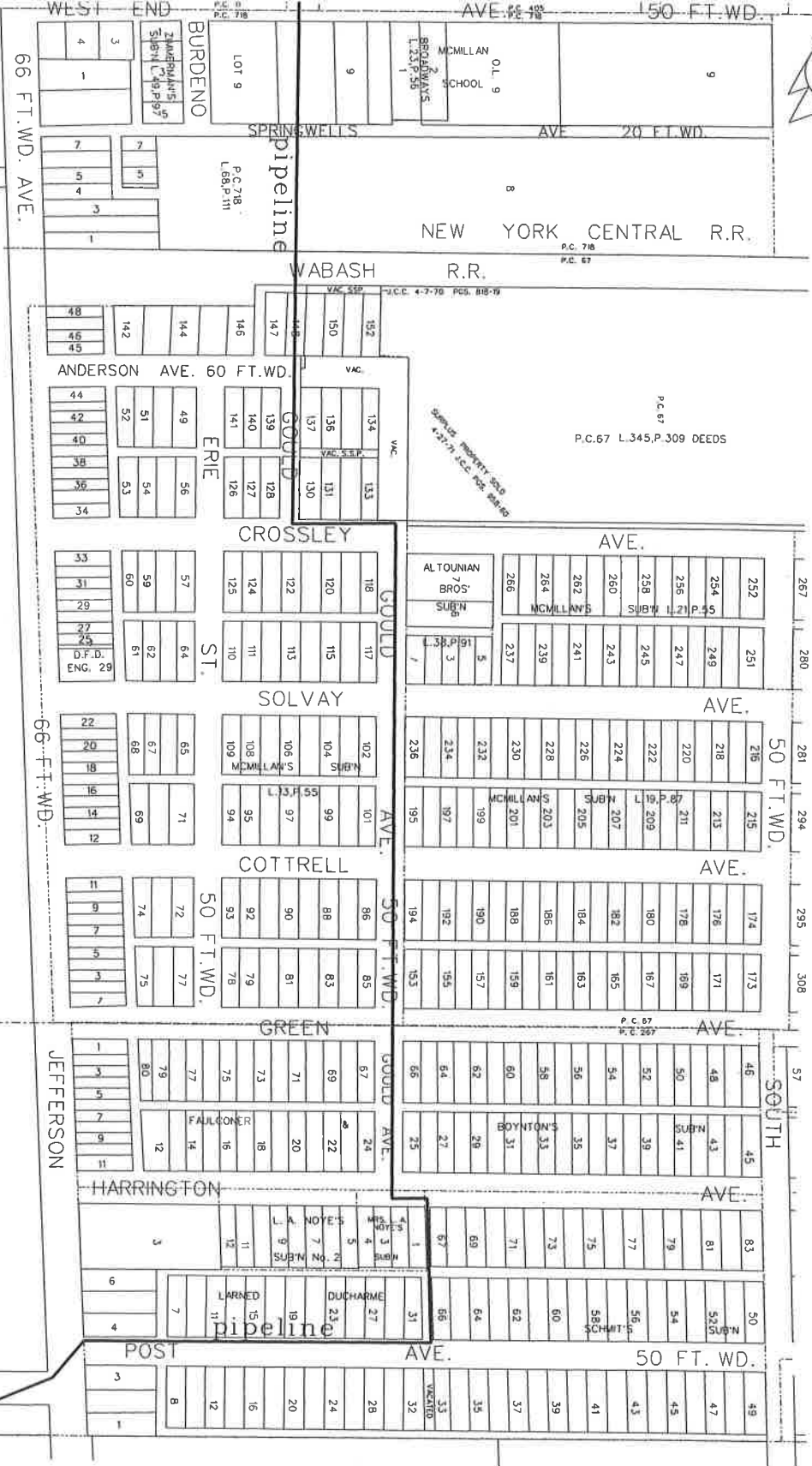
FOR OFFICE USE ONLY

NO SCALE

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DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY Jim Knoll		CHECKED			
DATE July 2009		APPROVED			

# Pipeline Location Map in the City of Detroit

CITY OF DETROIT  
DPW - CITY ENGINEERING DIVISION  
SURVEY BUREAU  
JOB NO. Petition 2341  
DRWG. NO. X-2341 Location Map



D.C.R.R.

SOLVAY PROCESS CO.

THE SOLVAY PROCESS CO.

AGGREGATE

FOR OFFICE USE ONLY

NO SCALE

Sketch of Pipeline Encroachment  
 (Approximate Location)  
 Springwells Court  
 to West End Street

Sheet 1 of 9

**CITY OF DETROIT**  
 DPW - CITY ENGINEERING DIVISION  
 SURVEY BUREAU  
 JOB NO. Petition 2341  
 DRWG. NO. X-2341 Sheet 1

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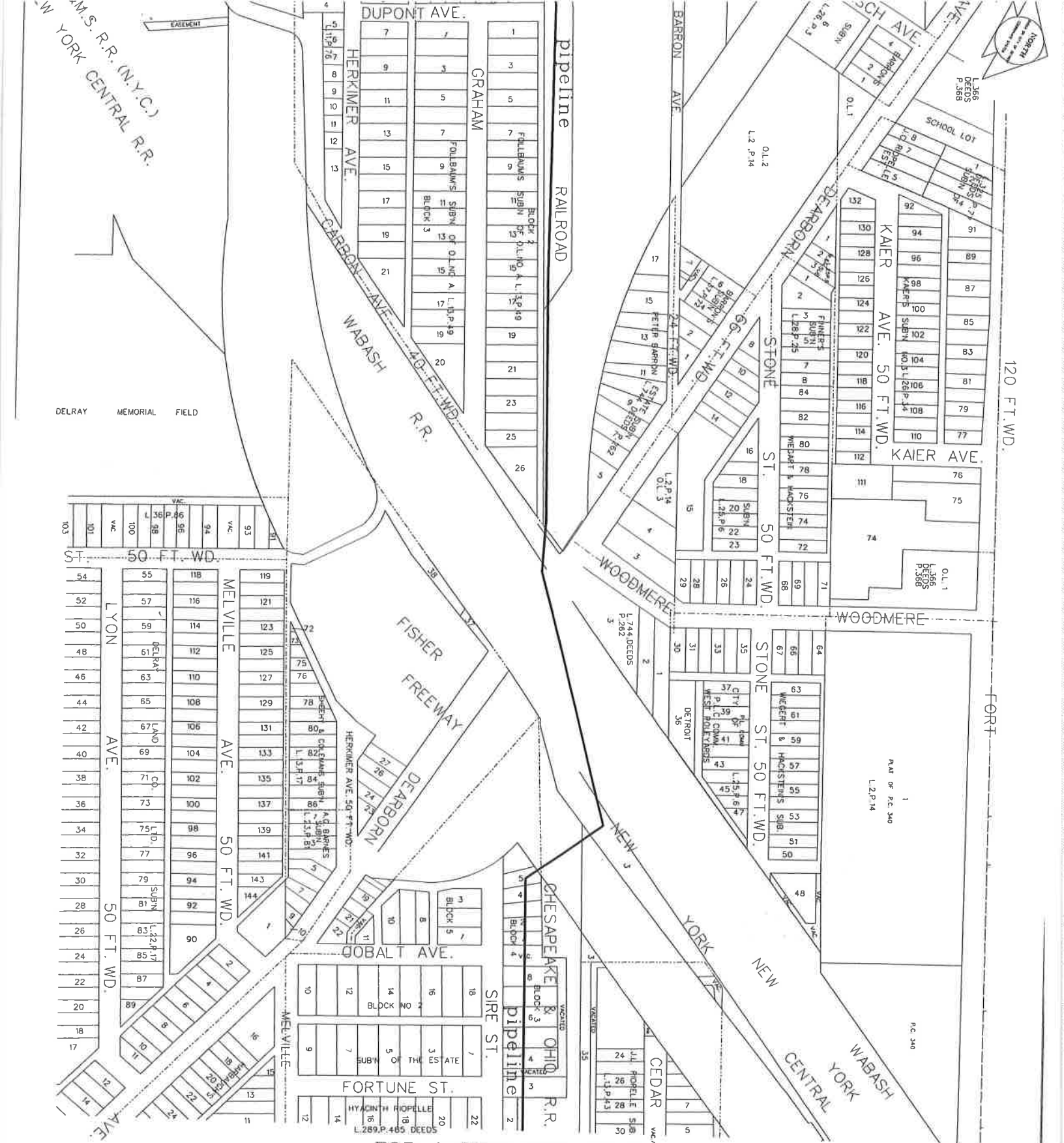
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DRAWN BY Jim Knoll		CHECKED			
DATE July 2009		APPROVED			

Sketch of Pipeline Encroachment  
(Approximate Location)  
West End Street  
to North of Sire St. at Fortune St.  
Sheet 2 of 9

<b>CITY OF DETROIT</b>	
DPW - CITY ENGINEERING DIVISION	
SURVEY BUREAU	
JOB NO.	Petition 2341
DRWG. NO.	X-2341 Sheet 2



FOR OFFICE USE ONLY

NO SCALE

Sketch of Pipeline Encroachment  
(Approximate Location)  
North of Sire St. at Fortune St.  
to North of Graham Ave.  
at Dupont Ave.

CITY OF DETROIT

DPW - CITY ENGINEERING DIVISION

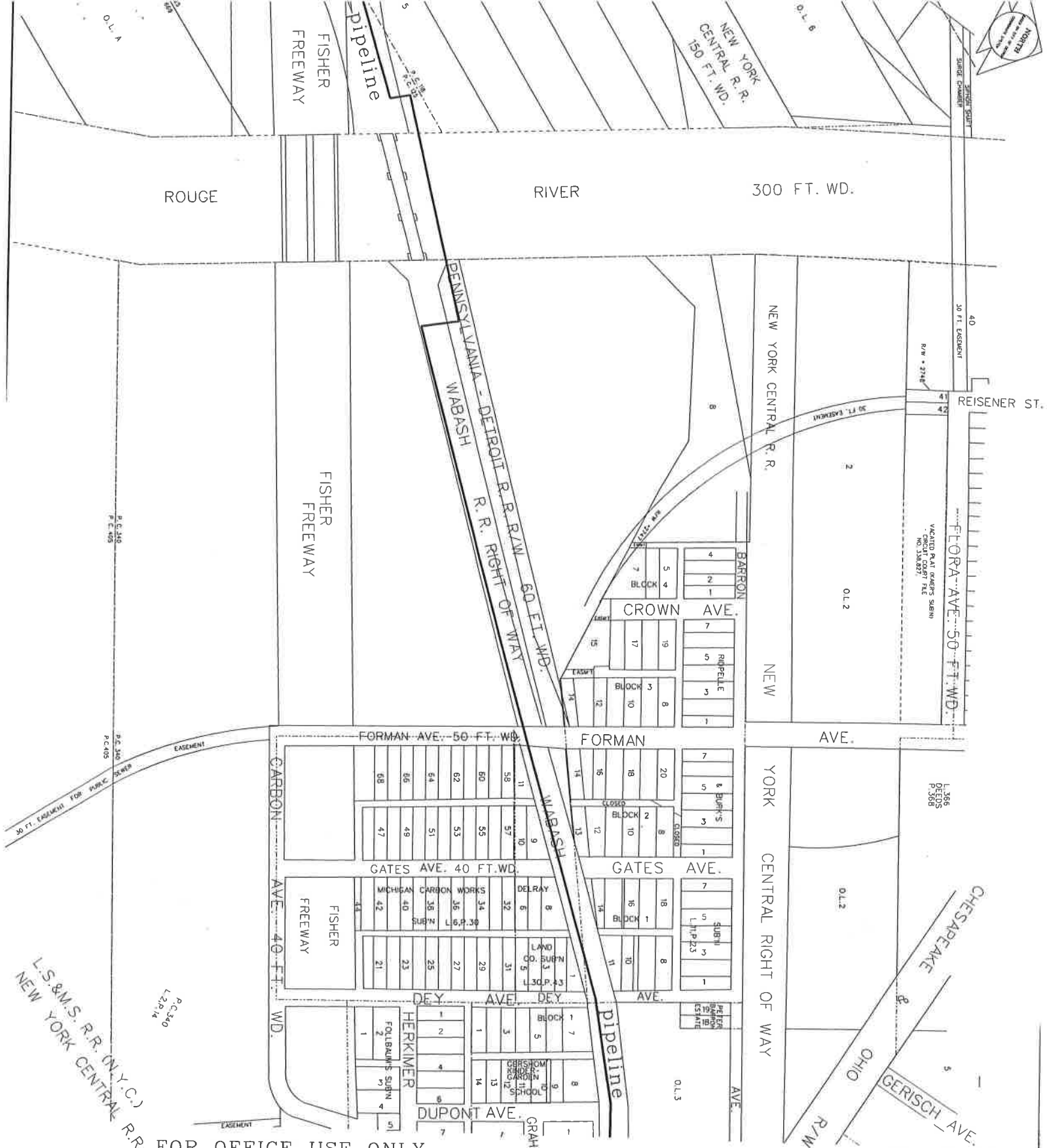
SURVEY BUREAU

JOB NO. Petition 2341

DRWG. NO. X-2341 Sheet 3

Sheet 3 of 9

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Jim Knoll					
DATE	APPROVED				
July 2009					



L.S. & M.S. R.R. (N.Y.C.)  
 NEW YORK CENTRAL R.R.

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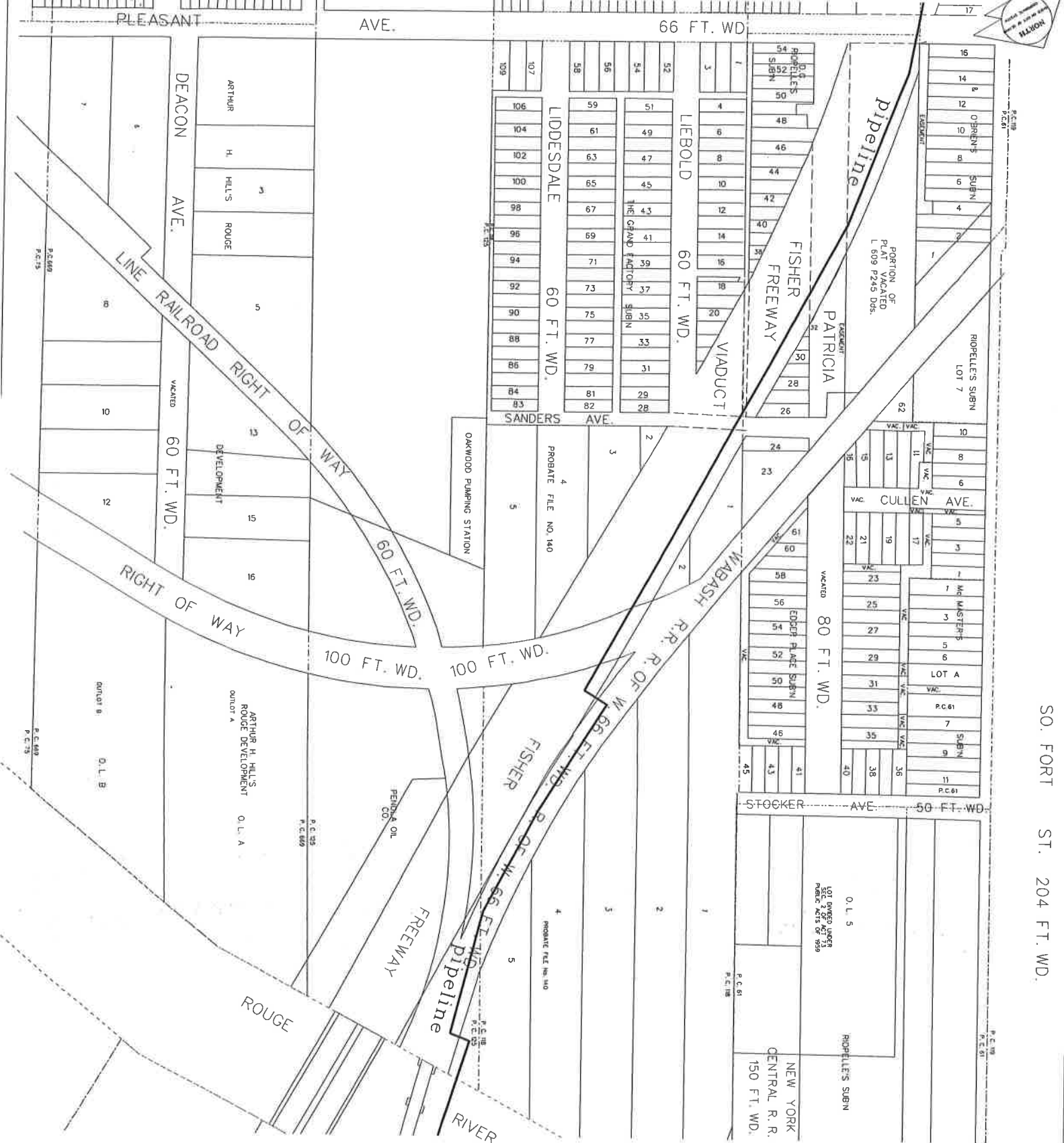
Sketch of Pipeline Encroachment  
 (Approximate Location)  
 North of Graham Avenue  
 at Dupont Ave.  
 to Rouge River

Sheet 4 of 9

**CITY OF DETROIT**  
 DPW - CITY ENGINEERING DIVISION  
 SURVEY BUREAU

JOB NO. Petition 2341

DRWG. NO. X-2341 Sheet 4



FOR OFFICE USE ONLY

NO SCALE

Sketch of Pipeline Encroachment  
(Approximate Location)  
Rouge River  
to Pleasant Avenue

Sheet 5 of 9

**CITY OF DETROIT**  
DPW - CITY ENGINEERING DIVISION  
SURVEY BUREAU

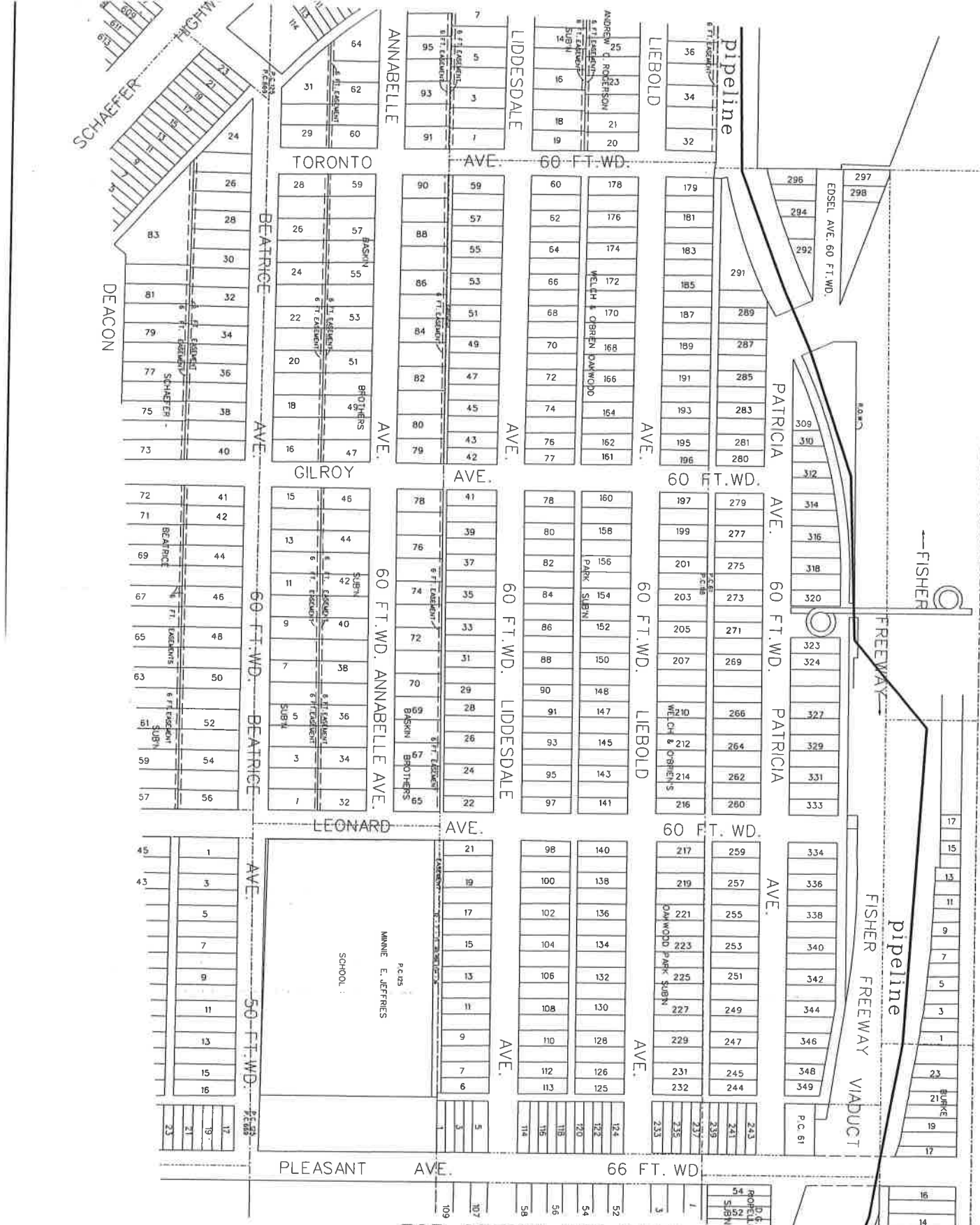
JOB NO. Petition 2341

DRWG. NO. X-2341 Sheet 5

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DATE July 2009		APPROVED			



P.C. 119  
P.C. 61



FOR OFFICE USE ONLY

NO SCALE

Sketch of Pipeline Encroachment  
(Approximate Location)  
Pleasant Avenue  
to Toronto Avenue

Sheet 6 of 9

CITY OF DETROIT  
DPW - CITY ENGINEERING DIVISION  
SURVEY BUREAU

JOB NO. Petition 2341

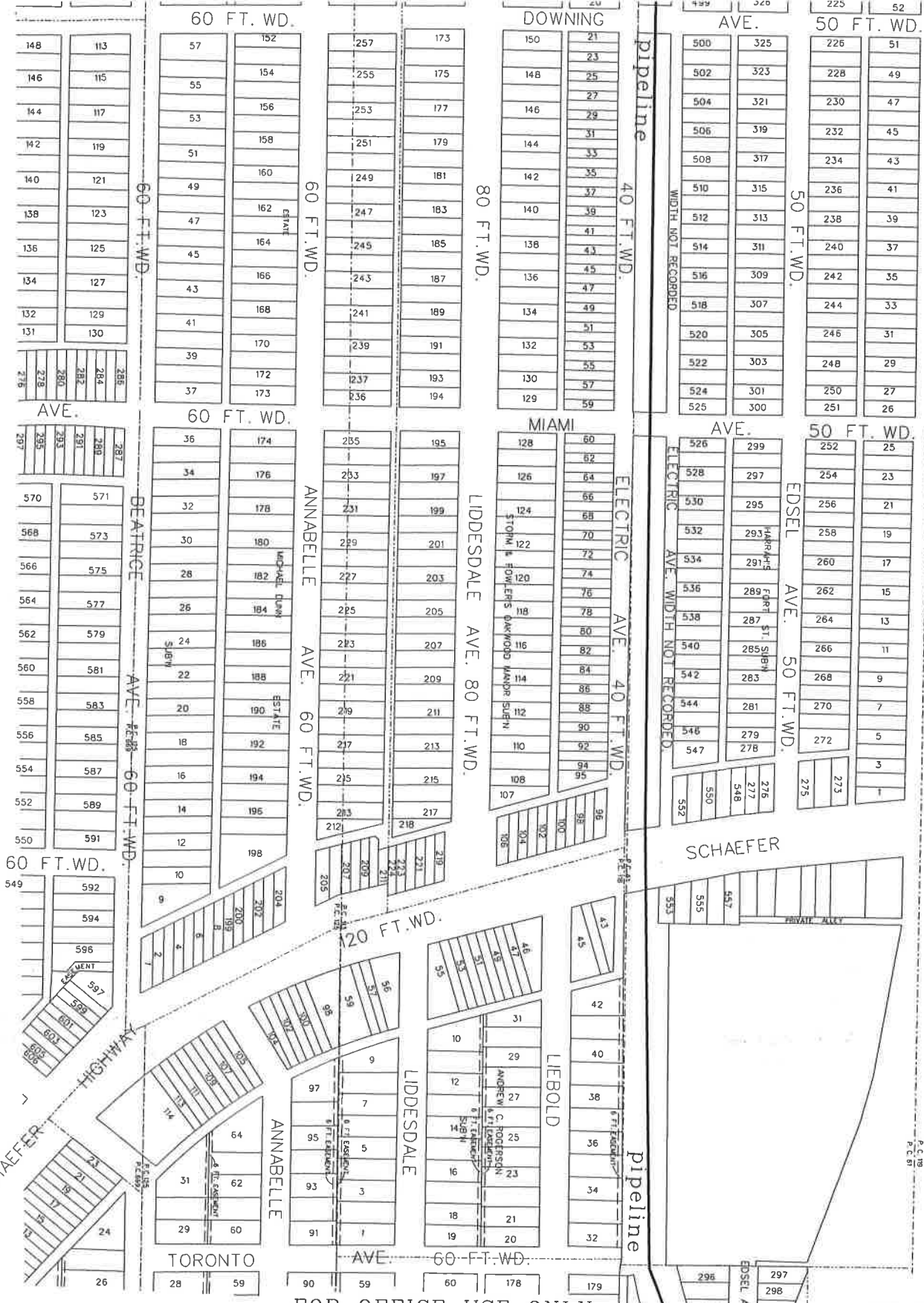
DRWG. NO. X-2341 Sheet 6

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DATE		APPROVED			
Jim Knoll					
July 2009					





FORT 204 FT. WD.



FOR OFFICE USE ONLY

NO SCALE

Sketch of Pipeline Encroachment  
(Approximate Location)  
Toronto Avenue  
to Downing Avenue

Sheet 7 of 9

**CITY OF DETROIT**  
 DPW - CITY ENGINEERING DIVISION  
 SURVEY BUREAU  
 JOB NO. Petition 2341  
 DRWG. NO. X-2341 Sheet 7

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	July 2009				



FOR OFFICE USE ONLY

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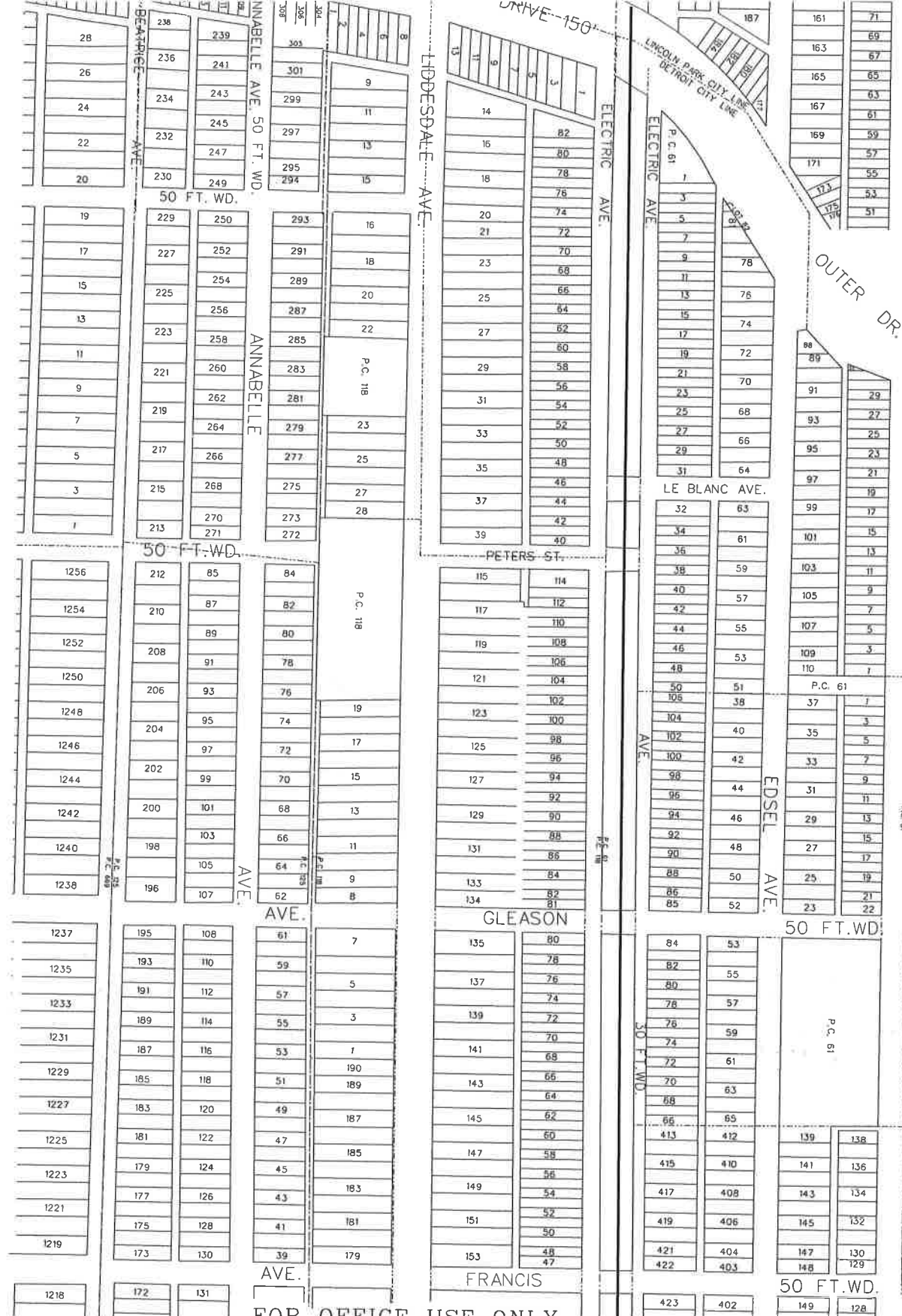
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Jim Knoll					
DATE		APPROVED			
July 2009					

Sketch of Pipeline Encroachment  
 (Approximate Location)  
 Downing Avenue  
 to Francis Avenue  
 Sheet 8 of 9

**CITY OF DETROIT**  
 DPW - CITY ENGINEERING DIVISION  
 SURVEY BUREAU

JOB NO. Petition 2341

DRWG. NO. X-2341 Sheet 8



FOR OFFICE USE ONLY

NO SCALE

Sketch of Pipeline Encroachment  
(Approximate Location)  
Francis Avenue  
to West Outer Drive (City Line)

Sheet 9 of 9

**CITY OF DETROIT**  
DPW - CITY ENGINEERING DIVISION  
SURVEY BUREAU  
JOB NO. Petition 2341  
DRWG. NO. X-2341 Sheet 9

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Jim Knoll					
DATE		APPROVED			
July 2009					

**WRITTEN ACCEPTANCE OF THE TERMS AND CONDITIONS  
OF DETROIT CITY COUNCIL RESOLUTION  
APPROVING PETITION NUMBER 2341  
ADOPTED \_\_\_\_\_, 20\_\_**

Kinder Morgan Cochin, LLC, whose address is 500 Dallas Street, Suite 1000, Houston, Texas 77002 and Dome Petroleum Corp., whose address is 240 4<sup>th</sup> Avenue, S.W., Calgary, Alberta T2P 4H4 (collectively, the "Permittees") hereby accept the terms and conditions of the City Council Resolution granting Petition Number 2341, in the form attached as Attachment A, and agree to comply with its requirements once adopted in the form of Attachment A; and further, that pursuant to the said Resolution, Permittees do hereby agree to defend and save harmless the City of Detroit ("City") from any and all liabilities, obligations, penalties, costs, charges, 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 2341, or the performance or non-performance by the Permittees of the terms of the Permit 2341, or that may arise out of the maintenance of the above described encroachment by Permittees' personnel, agents and employees; and further, that in accordance with the said Resolution, a certified copy of the City Council Resolution on Petition Number 2341 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 \_\_\_\_\_, 20\_\_.


**RECEIVED**  
MAY 04 2010

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Wherefore, we have hereunto set our hands on this \_\_\_\_\_ day of \_\_\_\_\_, 2010

Witnessed By:

Permittee: Kinder Morgan Cochin, LLC

  
\_\_\_\_\_  
DAVID A. PETTY

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

  
\_\_\_\_\_  
James Krohe

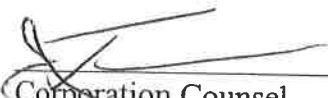
Its: Attorney in Fact

Permittee: Dome Petroleum Corporation

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

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

Approved By Law Department

  
\_\_\_\_\_  
Corporation Counsel

5/5/10  
\_\_\_\_\_  
Date

STATE OF Texas }  
COUNTY OF Harris } ss.

On this 30<sup>th</sup> day of March, 2010, before me, a Notary Public in and for said County, appeared Johnny McGee to me know personally, who being duly sworn, did say that he is the Attorney in Fact of Kinder Morgan Cochin, LLC and that the Written Acceptance of the Term and Conditions of the City Council Resolution Approving Petition No. 2341, adopted on \_\_\_\_\_, was signed on behalf of said corporation be authority of its Board of Directors.



Karla S. Fikac  
Notary Public

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2010, before me, a Notary Public in and for said County, appeared \_\_\_\_\_ to me know personally, who being duly sworn, did say that he is the \_\_\_\_\_ of Dome Petroleum Corp. and that the Written Acceptance of the Term and Conditions of the City Council Resolution Approving Petition No. 2341, adopted on \_\_\_\_\_, was signed on behalf of said corporation be authority of its Board of Directors.

\_\_\_\_\_  
Notary Public

Witnessed By:

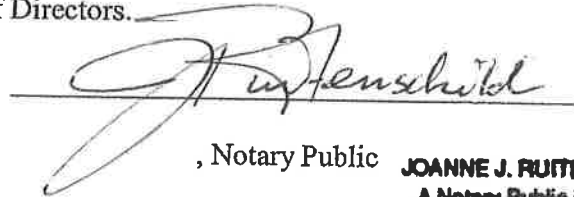
Permittee: **Dome Petroleum Corp.**



By: M. Manser  
Its: President

Province  
~~PROVINCE~~ of Alberta }  
Country }ss.  
~~COUNTRY~~ of Canada }

On this 29<sup>th</sup> day of April, 2010, before me, a Notary Public in and for said County, appeared Mark Manser known to me to be the person described, who being duly sworn, indicated that ~~(s)~~he is the President of Dome Petroleum Corp. and that the Written Acceptance of the Terms and Conditions of Detroit City Council Resolution Approving Petition Number 2341, adopted on \_\_\_\_\_, 2010, was signed on behalf of Dome Petroleum Corp. by authority of its Board of Directors.



, Notary Public **JOANNE J. RUTTENSCHILD**  
A Notary Public in and for  
the Province of Alberta.

My commission expires:

**My Commission expires at the pleasure  
of the Lieutenant Governor in council.**