

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

RECEIVED
MAR 31 2010

DEPARTMENTAL REFERENCE COMMUNICATION

Friday, March 26, 2010

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.

DPW - CITY ENGINEERING DIVISION PLANNING AND DEVELOPMENT DEPARTMENT
BUILDINGS & SAFETY ENGINEERING

237 *Marathon Petroleum Company, requesting encroachment for truck entrance at 1025 Oakwood.*

267.26

March 18, 2010

The Honorable City Council
Attn: Office of the City Clerk
200 Colman A. Young Municipal Center
2 Woodward Avenue
Detroit, Michigan 48226

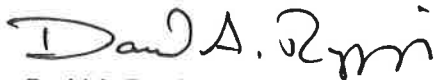
Re: Encroachment Request for Truck Entrance at 1025 Oakwood
Marathon's DHOUP Expansion, City of Detroit

The Honorable City Council:

On behalf of Marathon Petroleum Company we are requesting the City of Detroit to approve an encroachment for the proposed truck entrance to be located on Oakwood between Pleasant and Sanders. The attached plan is sheet 2 of the approved site plan for the Detroit Coker Project, B&SE Case 89-07. Various City departments including Planning, Building & Safety Engineering, Traffic Engineering and City Engineering have reviewed and approved this concept for the truck entrance. This approach will provide a staging area where multiple trucks can pull off the roadway and out of existing traffic while being cleared for security. The proposed approach will prevent the potential for trucks to backup in the slow lane of traffic on Oakwood causing a safety concern.

All truck traffic entering will approach the site on Oakwood from Schaefer and Dix Roads and when leaving the site all trucks will turn left onto Oakwood out from the smaller exit drive then proceed to Dix and Schaefer Roads. Trucks will not be allowed to turn right leaving the site.

Respectfully Submitted,



David A. Rzyzi, P.E.
Senior Project Manager

The Mannik & Smith Group Inc.
65 Cadillac Square
Suite 2200
Detroit, MI 48226

ATTACHMENT

THE MANNIK & SMITH GROUP, INC.



September 16, 2010

Honorable City Council:

RE: Petition No. 237 - Marathon Petroleum Company, requesting encroachment of a non-standard approach for a truck entrance at 1025 Oakwood.

Petition No. 237 of "Marathon Petroleum Company" request for the approval for a non-standard approach on the south side of Oakwood Avenue, 83 feet wide, between South Dix, 66 feet wide and Pleasant Avenue, 50 feet wide. This approach will provide a staging area where multiple trucks can pull off the roadway and out of existing traffic while being cleared for security. The approach will also prevent trucks to backup in the slow lane of traffic on Oakwood causing a safety concern.

It is necessary to seek City Council approval for the waiver of a non-standard condition within the public right-of-way.

This petition was referred to the City Engineering Division – DPW for investigation (utility clearances) and report. This is our report.

All other city departments and privately owned utility companies reported that they have no objections to the requested changes in public rights-of-way.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,

Manilal Patel, Interim City Engineer
City Engineering Division – DPW

NRP/

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

BY COUNCIL MEMBER _____

Whereas, Marathon Petroleum Company seeks a variance from the City of Detroit requirements that curb cuts not exceeds 30 feet in width; and be it further

RESOLVED, the City Engineering Division – DPW is hereby authorized and directed to issue permits to Marathon Petroleum Company and or the Mannik & Smith Group Inc. for a curb cut; lying Northerly of and abutting the North line of Lots 2 and 3 all in the “Hunter’s Subdivision” of that part of P.C. 37 between Fort Street Boulevard and Michigan Central Railroad, Ecorse (now City of Detroit), Wayne County, Michigan as recorded in Liber 24, Page 54, plats, Wayne County Records, to maintain a non-standard commercial driveway curb cut opening being 80.87 feet wide within Oakwood Avenue, 83 feet wide;

PROVIDED, that the petitioner/property owner shall file with the Finance Department and/or City Engineering Division – DPW an indemnity agreement approved by the Law Department, saving, defending, and protecting the City of Detroit from and all claims which may arise there from. Also, the petitioner/property owner shall be required by the Law Department in conjunction with the Finance Department – Risk Management Division to present proof of financial capability (bonds and insurance; the City of Detroit shall be named as co-insured therein) to pay any claims, damages or expenses that may arise as a result of the installation, maintenance or use of an existing non-standard commercial driveway within the public streets rights-of-way. To protect the City in the event of petitioner’s default, a surety bond in a penal sum sufficient to pay the City of Detroit’s cost to remove or alter the non-standard curb opening (if such removal or alteration becomes necessary) shall be maintain by Marathon Petroleum Company, also said surety bond shall be maintained in perpetuity (with no expiration date) by Marathon Petroleum Company. The Petitioner shall be unable to obtain a release from said surety bond as long as the non-standard commercial driveway exists within the public right-of-way of Oakwood Avenue, 83 feet wide. The City Engineering Division – DPW shall be responsible for determining the amount of said surety bond, and then to transmit the information to the Finance Department; and be it further

PROVIDED, that such use of public property shall be under the rules and regulations of the City Engineering Division – DPW in conjunction with the Traffic Engineering Division – DPW; and further

PROVIDED, that the property owned or leased by the petitioner and adjoining the herein above described part of the public street right-of-way shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total area of said Northern and Southern public sidewalks space; and further

PROVIDED, all cost for the maintenance, permits and use of the existing non-standard commercial driveways within public street right-of-way shall be borne by the petitioner; and further

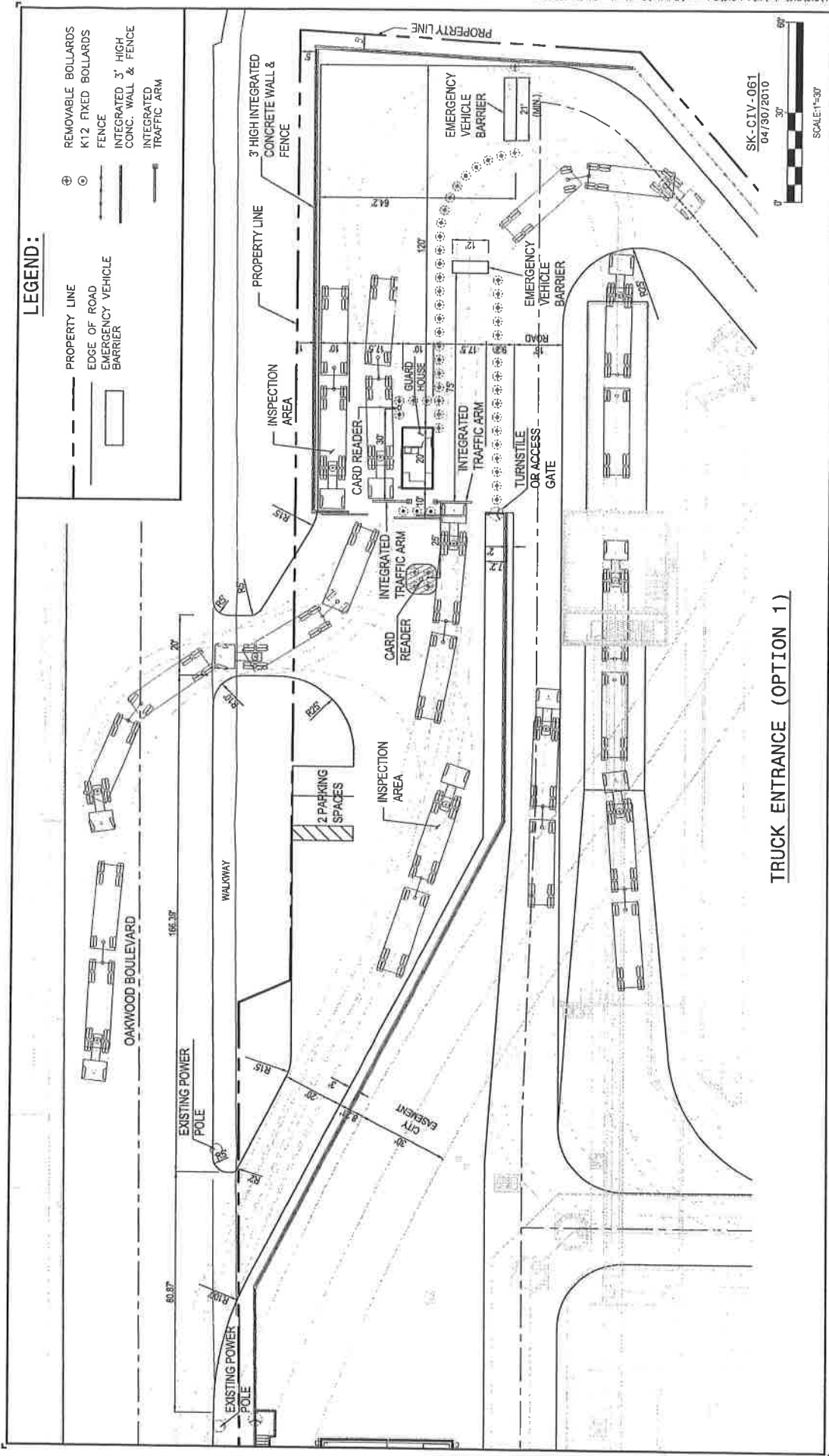
PROVIDED, the construction, placement, and maintenance of the non-standard commercial driveways within public sidewalk space shall be subject to City Permits and inspection. Further, the petitioner shall pay all costs to maintain the non-standard commercial driveways abutting property owned or leased by Marathon Petroleum Company. The petitioner, Marathon Petroleum Company, 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 risen out of the installation and maintenance of a non-standard commercial driveway within public street rights-of-way. The installation and maintenance of said encroachment shall comply with the rules and regulations of the City Engineering Division – DPW and the Traffic Engineering Division – DPW; and further

PROVIDED, said permission to use the above described public rights-of-way space may be rescinded at any time by the Department of Public Works; and further

PROVIDED, the installation and maintenance of any non-standard driveways referred to herein shall be construed as acceptance of this resolution by the permittee; and further

PROVIDED, that the non-standard driveway permit(s) 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;



LEGEND:

- REMOVABLE BOLLARDS
- ⊕ K12 FIXED BOLLARDS
- FENCE
- INTEGRATED 3' HIGH CONC. WALL & FENCE
- INTEGRATED TRAFFIC ARM
- PROPERTY LINE
- EDGE OF ROAD
- EMERGENCY VEHICLE BARRIER

SK-CIV-061
04/30/2010
30'
SCALE: 1"=30'

TRUCK ENTRANCE (OPTION 1)

WRITTEN ACCEPTANCE OF THE TERMS AND CONDITIONS _____
OF DETROIT CITY COUNCIL
RESOLUTION PETITION NUMBER 237,
ADOPTED _____

Marathon Petroleum Company LLC ("Permittee") with an address of 1300 South Fort Street, Detroit, Michigan 48217-1294, does hereby accept the terms and conditions of the City Council Resolution granting Petition Number 237, and agrees to comply with its requirements; and further, that pursuant to the said Resolution, Permittee does hereby agree to defend and save harmless the City of Detroit ("the 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(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 encroachment by Permittee's personnel, agents, and employees; and further, that in accordance with 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 9th day of
September, 2010.

Witnessed By:

Matthew J. Kelly

Permittee:

Marathon Petroleum Company LLC

By: CT Case

Title: Division Manager



Approved by Law Department

[Signature]
Corporate Counsel

9/16/10
Date

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

On this 9th day of September, 2010, before me, a Notary Public in and for said County, appeared C. T. Case to me known personally, who being duly sworn, did say that he is the Division Manager for the Michigan Refining Division of Marathon Petroleum Company LLC and that the Written Acceptance of the Terms and Conditions of the City Council Resolution Petition No.237 was signed on behalf of said limited liability company by authority of its Board of Managers.

Spencer
Notary Public

GRANDOLYN C. SPENCER
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Jan 20, 2016
ACTING IN COUNTY OF Blaine

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Witnessed By:

Matthew J. Kelly

Permittee:

Marathon Petroleum Company LLC

By: *CT Case*

Title: *Division Manager*



Approved by Law Department

[Signature]
Corporate Counsel

9/14/10
Date

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

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Spencer
Notary Public

GRANDOLYN C. SPENCER
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Jan 20, 2016
ACTING IN COUNTY OF Blaine