



May 4, 2015

Honorable City Council:

Re: Petition No. 512, EnviroSolutions, Inc., request for installation of Permanent Monitoring Wells in the ROW for Huntington Road, West of Property located at 19331 West Seven Mile Road, Detroit, MI.

Petition No.512 of "EnviroSolutions, Inc." whose address is 38115 Abruzzi Drive, Westland, MI, 48185 request permission to install and maintain Three (3) monitoring wells within Huntington Road, 100 feet wide, south of West Seven Mile Road, 120 feet wide and North of Clarita Avenue, 50 feet wide. 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 Division of Environmental Affairs Of the Buildings, Safety Engineering and Environmental Department (BSEED) 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 BSEED will review the petitioner's environmental actives prior to the issuance of city permits. A Right-of-Entry is required by BSEED 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 a right-of-entry approval from the Division of Environmental Affairs of BSEED.

It is the responsibility of "EnviroSolutions, Inc." 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 BSEED. Generally, the Fire Marshal and BSEED report no objections to the placement and maintenance of permanent L.U.S.T. monitoring well encroachments within public rights-of-way.

Traffic Engineering Division – DPW reports involvement, but no objections provided that the grade shall be flush with monitoring wells cover and the grade in original and/or better condition after installation of the monitoring wells.

Michael Duggan. MAYOR



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 "EnviroSolutions 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 Detroit Code (Sec. 50-1-9), there is an appropriate resolution, granting the encroachment petition, attached for consideration by your Honorable Body.

Respectfully submitted,


Richard Doherty, P.E., City Engineer
City Engineering Division - DPW

JK/

Cc: Ron Brundidge, Director – DPW
Mayor's Office - City Council Liaison

Michael Duggan. MAYOR

BY COUNCIL MEMBER _____

Whereas, The Environmental Affairs Division of Building, Safety Engineering and Environmental Department (BSEED) 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 BSEED 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 "EnviroSolutions, Inc." at the site of 19331 West Seven Mile Road, Detroit, Michigan to install and maintain three (3) monitoring wells encroaching within the 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 in the Huntington Road, 100 feet wide, right-of-way, and lying east of Lots 982 and 987, also lying west of Lot 995, all in the "Brookline No. 4 subdivision of the E ½ of the NW ¼ of Section 11, T.1S.,R.10E. Redford Township (Now Detroit), Wayne County, Michigan" as recorded in Liber 43, Page 67 of Plats, Wayne County Records.

3 – Monitoring wells in Huntington Road, 100 feet wide, lying south of West Seven Mile Road, 120 feet wide, and lying north of Clarita Avenue, 50 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, Safety Engineering and

Environmental Department (BSEED). The petitioner shall apply to the BSEED 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 Buildings, Safety Engineering and Environmental Department (BSEED), 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 "EnviroSolutions" 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, Safety Engineering and Environmental 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

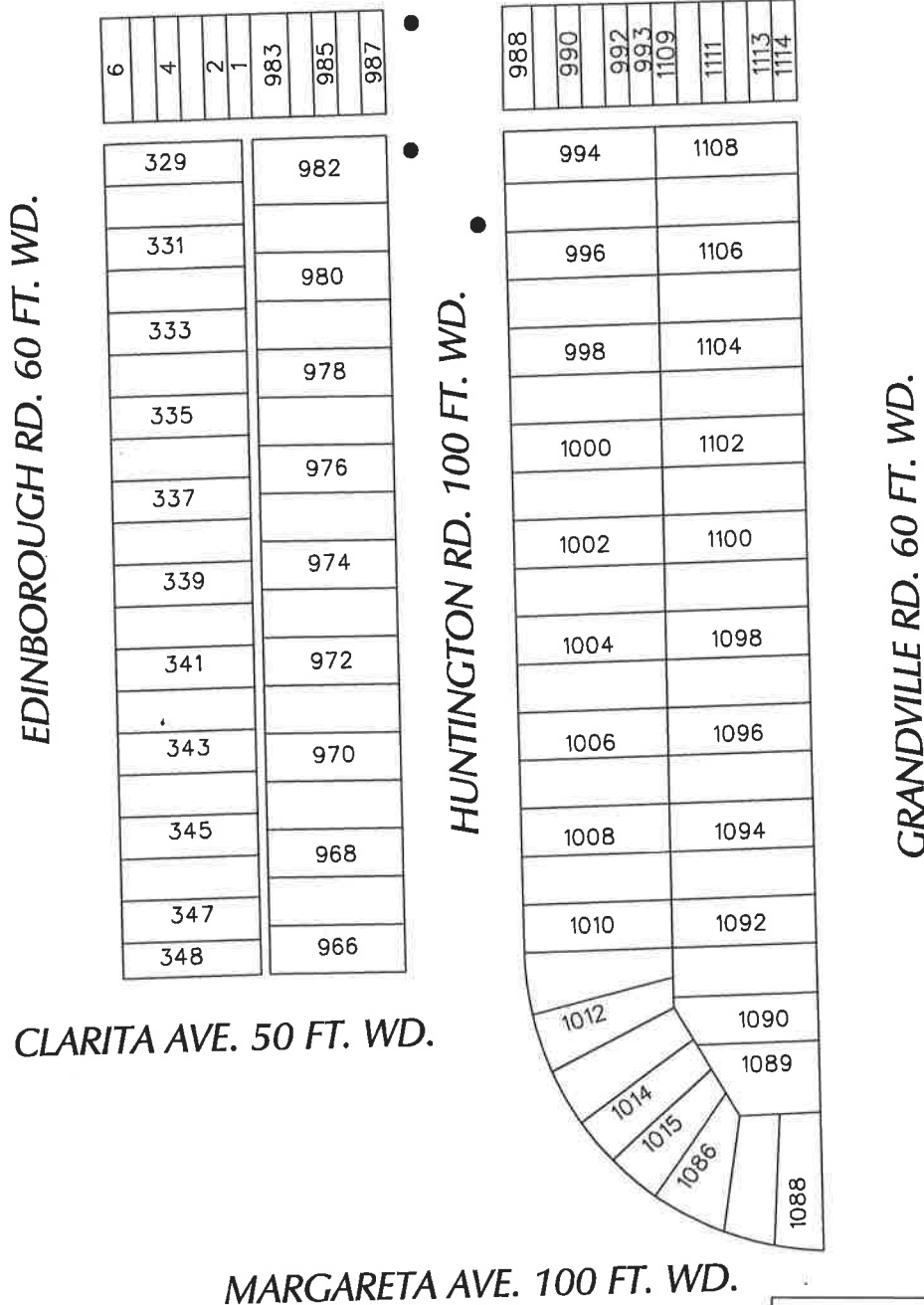
PROVIDED, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and further

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

PETITION NO. 399
 EVNIROSOLUTIONS
 38115 ABRUIZZI DR.
 WESTLAND, MICHIGAN 48185
 C/O GREGORY D. KERNOSEK, P.E.
 734 641-2700



SEVEN MILE RD. W. 120 FT. WD.



EDINBOROUGH RD. 60 FT. WD.

HUNTINGTON RD. 100 FT. WD.

GRANDVILLE RD. 60 FT. WD.

CLARITA AVE. 50 FT. WD.

MARGARETA AVE. 100 FT. WD.

● - AREA OF ENCROACHMENT
 (With Monitoring Wells)

● Monitoring Wells

(FOR OFFICE USE ONLY)

CARTO 114 A

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	CHECKED				
WLW					
DATE	APPROVED				
02-16-15					

REQUEST TO ENCROACH
 INTO A PORTION OF HUNINGTON RD.
 IN THE BLOCK
 EDINBOROUGH, SEVEN MILE RD. W., GRANDVILLE RD.
 MARGARETA AND CLARITA AVE.
 (With Monitoring Wells)

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 512