

TRUE COPY CERTIFICATE

Form C of D-16-CR

STATE OF MICHIGAN, } ss.
City of Detroit

CITY CLERK'S OFFICE, DETROIT

I, *Janice M. Winfrey*

, City Clerk of the City of Detroit, in said
RESOLUTION

State, do hereby certify that the annexed paper is a TRUE COPY OF _____

adopted (passed) by the City Council at session of
November 8, _____

17
20

and approved by Mayor

November 15, _____

17
20

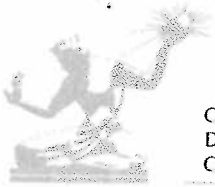
as appears from the Journal of said City Council in the office of the City Clerk of Detroit, aforesaid;
that I have compared the same with the original, and the same is a correct transcript therefrom, and of the
whole of such original.

In Witness Whereof, I have hereunto set my hand
and affixed the corporate seal of said City, at
12th

Detroit, this _____

day of December _____ A.D. 20 17

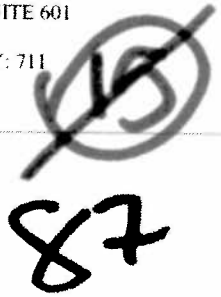
Janice M. Winfrey
CITY CLERK



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION



COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, SUITE 601
DETROIT, MI 48226
PHONE: (313) 224-3949 · TTY: 711
FAX: (313) 224-3471
WWW.DETROITMI.GOV



October 12, 2017

Honorable City Council:

RE: Petition No. 1303 United States Environmental Protection Agency Great Lakes National Program request for temporary closure and permanent vacationing a portion of Springwells Court located in Delray, Detroit

Petition No. 1303 of United States Environmental Protection Agency, Great Lakes National Program Office request to temporarily close part of Springwells Court, variable width, lying southerly of Aggregate Drive, variable width.

Phase 1 of the request, for temporary closure of Springwells Court, will be addressed in the attached resolution. Phase 2 of the request, for the vacation of Springwells Court will be addressed in a future resolution.

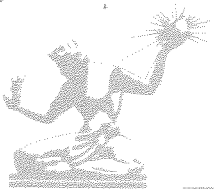
The request is being made as a part of a major clean-up on the Lower Rouge River Old Channel (LRROC) which will serve to improve the quality of Michigan's waters. The U.S. Environmental Protection Agency and Honeywell Inc. have been working cooperatively to remediate coal tar contaminated sediment in the LRROC. Dredging as part of the remedy requires building a permanent bulkhead wall along the shoreline including tiebacks for the wall. Springwells Court is in close proximity to the LRROC and that is the reason for the request. The Economic Development Corporation (EDC) of the City of Detroit are owners of the properties accessed by Springwells Court and the EDC has been involved with the petitioners and approve of the request.

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

Detroit Water and Sewerage Department (DWSD) has no objection to the temporary closure provided certain provisions are met. The DWSD provisions are a part of the attached resolution

All other involved City departments and privately owned utility companies have reported no objections to the temporary closure, provided they have the right to ingress and egress at all times to their facilities. Provisions protecting the rights of the utilities and the City are a part of this resolution.

ENTERED OCT 30 2017 MTF RCL (310)



The resolution for phase 2, coming in the near future, will address the permanent vacation and tieback encroachment including provisions for relocating or rerouting of the utility facilities in the area.

Provisions protecting all utility and city owned assets in the Springwells Court are a part of the attached resolution

I am recommending adoption of the attached resolution.

Respectfully submitted,

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

/JMK

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

BY COUNCIL MEMBER _____

Benson

RESOLVED, The City Engineering Division – DPW is hereby authorized and directed to issue a permit to United States Environmental Protection Agency or their assigns to temporary close part of Springwells Court, variable width, lying southerly of Aggregate Drive, variable width on a temporary basis for five (5) years to expire April 1, 2020. The part of Springwells Court described as land in the City of Detroit, Wayne County, Michigan being: Springwells Court, variable width lying southerly of and adjoining the southerly line of Lots 9 and 10 and lying northerly of and adjoining the northerly line of Lot 7 and part of Lot 6 and lying easterly of and adjoining the easterly line of Lot 8 “Amended Plat of the vacated portions of Lots 13 to 19 inclusive, of William Dwrights Subdivision of the Fronts of Private Claims 267, 270 and 268” and the vacated portions of Lots 95 to 101, inclusive, of Crawford’s Fort Tract, being Private Claim 270, the East part of Private Claim 267, and the West part of Private Claim No.268, and parts of Private Claims 67 and 267” as recorded in Liber 121, Pages 62-69 of Plats, Wayne County Records; and being further described as all that part of Springwells Court lying easterly of the easterly line of said Lot 8 and lying westerly of the easterly line of said Lot 10 extended southerly to a point in the northerly line of said Lot 6 of the above said “Amended Plat” as recorded in Liber 121, Pages 62-69 of Plats, Wayne County Records.

PROVIDED, That the petitioner shall file with the Finance Department and/or City Engineering Division – DPW an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the 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 temporary public street closing; and

PROVIDED, the property owned by the petitioner and adjoining the temporary public street closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the street; and

PROVIDED, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public street closing, and

PROVIDED, that no buildings or other structures of any nature whatsoever (except necessary line fence), shall be constructed on or over the public rights-of-way. The petitioner shall observe the rules and regulations of the City Engineering Division – DPW. The City of Detroit retains all rights and interests in the temporarily closed public rights-of-way. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public rights-of-way. Further, the petitioner shall comply with all specific conditions imposed to ensure unimpeded 24-hour-per-day access to the City and utility companies; and

PROVIDED, the petitioner's fence, gate and barricade installations shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles and must only be installed in such a way to not prohibit pedestrian traffic within the sidewalk space; and

PROVIDED, that this resolution does not permit the storage of materials, displays of merchandise, or signs within the temporarily closed public rights-of-way. Further, the placement of materials, merchandise, or signs on any adjacent temporary area is prohibited; and

PROVIDED, that if there is still a need for access from any of the abutting property owners to said temporary closed street, access shall and must be maintained for those properties; and

PROVIDED, that the Detroit Water and Sewerage Department (DWSD) forces shall have free and easy access to the water main and sewer facilities at all times to permit proper operation, maintenance and if required, alteration or repair of the water main and/or sewer facilities. Free and easy access shall mean that no structures or storage of materials will be allowed upon the temporarily closed street to hinder the movement of maintenance equipment; and further

PROVIDED, that where a fence is placed across the temporarily closed portion of a street then a gate must be 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 DWSD ingress and egress at any time to and from the temporarily closed street. The minimum dimensions of the gate or gates shall provide 15 feet 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 the petitioner waives all claims for damages, and further

PROVIDED, that at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division – DPW by the petitioner at the petitioner's expense; and

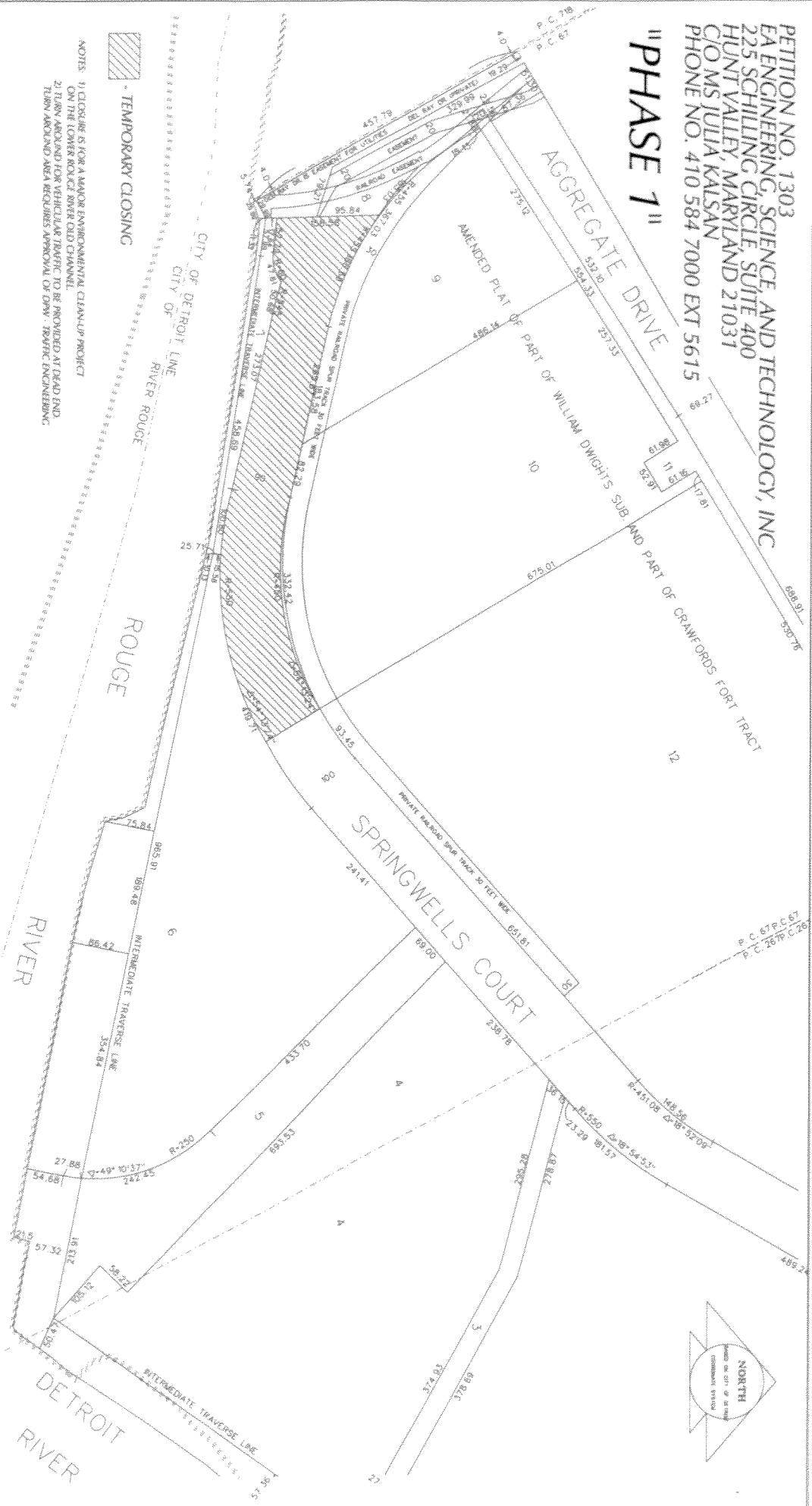
PROVIDED, that this resolution is revocable at the will, whim or caprices of the Detroit City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

PROVIDED, that this permit shall not be assigned or transferred without the written approval of the Detroit 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. 1303
 EA ENGINEERING, SCIENCE, AND TECHNOLOGY, INC
 225 SCHILLING CIRCLE, SUITE 400
 HUNT VALLEY, MARYLAND 21031
 C/O M/S JULIA KALSAN
 PHONE NO. 410 584 7000 EXT 5615

"PHASE 1"



NOTES: 1) CLOSING IS FOR A MAJOR ENVIRONMENTAL CLEANUP PROJECT
 ON THE LOWER ROUGE RIVER OLD CHANNEL
 2) TRAIL AROUND FOR VEHICULAR TRAFFIC TO BE PROVIDED AT DEAD END
 TURN AROUND AREA REQUIRES APPROVAL OF DEPVT. TRAFFIC ENGINEERING

REQUEST TO TEMPORARILY CLOSE SPRINGWELLS COURT VARIABLE WIDTH

A	DESCRIPTION	DATE	BY	FOR
	DESIGNED			
	CHECKED			
	APPROVED			

DATE	03-01-17
BY	J. KNOLL
FOR	APPROVED

CARTO 1F & 10D	
CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	07-01
SERIAL NO.	X 1303

(FOR OFFICE USE ONLY)

87

ADOPTED AS FOLLOWS
COUNCIL MEMBERS

		YEAS	NAYS
Janee	AYERS	✓	
Scott	BENSON	✓	
Raquel	CASTANEDA-LOPEZ	✓	
*George	CUSHINGBERRY, JR.	✓	
Gabe	LELAND	<i>left</i>	<i>tabee</i>
Mary	SHEFFIELD	✓	
Andre	SPIVEY	✓	
James	TATE	✓	
Brenda	PRESIDENT JONES	✓	
*PRESIDENT PRO TEM			
		8	0