



October 19, 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 vacate part of Springwells Court, variable width, lying southerly of Aggregate Drive, variable width; also for a subsurface encroachment consisting of seawall tie-backs and a dead-man wall.

Phase 2 of the request, for vacation of Springwells Court and encroachment in Springwells Court, will be addressed in the attached resolution. Phase 1 of the request, for the temporary closure of Springwells Court was previously addressed in a 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 EDC has requested certain provisions that are included in the attached resolution.

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 vacation and encroachment provided certain provisions are met. The DWSD provisions are a part of the attached resolution.

Public Lighting Authority (PLA) reports being involved and estimates a cost of \$3,723 for the removal of the street lighting in the vacation area. A provision for removal of PLA facilities at cost to be borne by the petitioner is a part of the resolution.



AT&T reports being involved and does not object provided the petitioner remove the AT&T facilities in the vacation area. A provision for removal of AT&T facilities at cost to be borne by the petitioner is a part of the resolution.

DTE Energy – Electric Division (DTE) reports being involved and estimates a cost of \$24,173.31 for the removal of the electric facilities in the vacation area. A provision for removal of DTE facilities at cost to be borne by the petitioner is a part of the resolution.

All other involved City departments and privately owned utility companies have reported no objections to the vacation and encroachment. Provisions protecting the rights of the utilities and the City are a part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Doherty".

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

/JMK

Cc: Ron Brundidge, Director – DPW
Mayor's Office – City Council Liaison
Will Taminga – Economic Development Corporation

BY COUNCIL MEMBER _____

RESOLVED, that 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 part of Lot 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 Dwights 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 a line more particularly described as follows: Commencing at the southeasterly corner of above said Lot 10; thence along the southerly line of Lot 10 a distance of 127.03 feet along the arc of a curve, concave to the north, with a delta of $16^{\circ}10'27''$, a radius of 450.00 feet and a long chord of 126.61 which bears $S68^{\circ}32'24''W$ to the point of beginning; thence $S13^{\circ}22'22''E$ 94.06 feet to a point on the north line of above said Lot 6 and the point of ending.

Be and the same is hereby vacated (outright) as public right-of-way to become part and parcel of the abutting property, subject to the following provisions:

PROVIDED, that petitioner/property owner make satisfactory arrangements with any and all utility companies for cost and arrangements for the removing and/or relocating of the utility companies and city departments services or granting of easements if necessary, and further

PROVIDED, that the petitioner contact DTE Energy to make arrangements for removing and/or rerouting their electric services. The estimated cost is 24,173.31 dollars to be borne by the petitioner or their assigns, and further

PROVIDED, that the petitioner contact AT&T to make arrangements for removing and/or rerouting their services. The cost to be borne by the petitioner or their assigns, and further

PROVIDED, that the petitioner contact Public Lighting Authority to make arrangements for removing the existing street lighting and their feeds. The estimated cost is 3,723 dollars to be borne by the petitioner or their assigns, and further

PROVIDED, that the petitioner shall design and construct proposed sewers and or water mains and to make the connections to the existing public sewers and or water mains as required by Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed sewers and or water mains, and further

PROVIDED, that the plans for the sewers and or water mains shall be prepared by a registered engineer; and further

PROVIDED, that DWSD be and is hereby authorized to review the drawings for the proposed sewers and or water mains and to issue permits for the construction of the sewers; and further

PROVIDED, that the entire work is to be performed in accordance with plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD; and further

PROVIDED, that the entire cost of the proposed sewers and or water mains construction, including inspection, survey and engineering shall be borne by the petitioner; and further

PROVIDED, that the petitioner shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as the department deems necessary to cover the costs of these services; and further

PROVIDED, that the petitioner shall grant to the City a satisfactory easement for the sewers and or water mains, and further

PROVIDED, that the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City, and further

PROVIDED, that the petitioner shall provide a one (1) year warranty for the proposed sewers and or water mains, and further

PROVIDED, that upon satisfactory completion, the sewers and or water mains shall become City property and become part of the City system. And any existing sewers and or water mains that were abandoned shall belong to the petitioner and will no longer be the responsibility of the City; and further

PROVIDED, that the petitioner shall construct a new cul-de-sac for Springwells Court traffic. The cul-de-sac design shall be subject to the approval of DPW – Traffic Engineering Division; and the construction shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the petitioner or their assigns, and further

PROVIDED, that any construction in the public rights-of-way such as removal and construction of new pavement, driveways, curbs and sidewalks shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the abutting owner(s), their heir or assigns; and further

PROVIDED, that the petitioner shall extend subsurface utilities required for the future development of Lots adjacent to the vacated portion of Springwells Court as required by the EDC of the City of Detroit, and further

PROVIDED, that the petitioner shall install any subsurface storm water drainage facilities in said Lot 7 or 1661 Springwells Court, so that it can be developed in the future, as required by the EDC of the City of Detroit including submitting the necessary drawings for such improvements subject to the approval of the EDC, 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 also RESOLVED, that the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to United States Environmental Protection Agency, Great Lakes National Program or their assigns to install and maintain an encroachment consisting of tiebacks and dead-man wall in Springwells Court, variable width, said part of Springwells Court more particularly described as: land in the City of Detroit, Wayne County, Michigan being part of Springwells Court and more particularly described as follows: Commencing at the southeast corner of Lot 10 "Amended Plat of the vacated portions of Lots 13 to 19 inclusive, of William Dwights 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; thence along the southerly line of Lot 10 a distance of 127.03 feet along the arc of a curve, concave to the north, with a delta of $16^{\circ}10'27''$, a radius of 450.00 feet and a long chord of 126.61 which bears $S68^{\circ}32'24''W$; thence $S13^{\circ}22'22''E$ 70.63 feet to the point of beginning; thence $S13^{\circ}22'22''E$ 23.46 feet to the southerly line of Springwells Court, variable width, thence along said southerly line of Springwells Court along a curve 115.07 feet, concave to the north, with a delta of $11^{\circ}59'13''$, a radius of 550.00 feet, and a long chord of 114.86 feet which bears $N71^{\circ}46'00''E$; thence $S83^{\circ}28'00''W$ 115.27 feet to the point of beginning.

PROVIDED, that if there is any cost for the removing and/or rerouting of any utility facilities, it shall be done at the expense of the petitioner and/or property owner; and be it further

PROVIDED, By approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the right-of-way, and at all times, DWSD, its agents or employees, shall have the right to enter upon the right-of-way to maintain, repair, alter, service, inspect, or install its facilities. All costs incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection caused by the encroachment shall be borne by the petitioner. All costs associated with gaining access to DWSD's facilities, which could normally be expected had the petitioner not encroached into the right-of-way, shall be borne by DWSD; and be it further

PROVIDED, that all construction performed under this petition shall not be commenced until after (5) days written notice to DWSD. Seventy-two (72) hours' notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one call system; and be it further

PROVIDED, that construction under this petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the discretion of DWSD, be borne by the petitioner; and be it further

PROVIDED, that if DWSD facilities located within the right-of-way shall break or be damaged as the result of any action on the part of the petitioner, then in such event the petitioner agrees to be liable for all costs incident to the repair, replacement or relocation of such broken or damaged DWSD facilities; and be it further

PROVIDED, that the petitioner shall hold DWSD harmless for any damages to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

PROVIDED, that United States Environmental Protection Agency, Great Lakes National Program or their assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division – DPW prior to any public right-of-way construction; and further

PROVIDED, that the necessary permits shall be obtained from the City Engineering Division – DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by United States Environmental Protection Agency, Great Lakes National Program or their assigns, and further

PROVIDED, that all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments shall be borne by United States Environmental Protection Agency, Great Lakes National Program or their assigns. Should damages to utilities occur United States Environmental Protection Agency, Great Lakes National Program Estate or their assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

PROVIDED, that no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed 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; and further

PROVIDED, that United States Environmental Protection Agency, Great Lakes National Program or their assigns shall file with the Department of Public Works – City Engineering Division an indemnity agreement in form approved by the Law Department. The agreement shall 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 the faithful or unfaithful performance of United States Environmental Protection Agency, Great Lakes National Program or their assigns of the terms thereof. Further, United States Environmental Protection Agency, Great Lakes National Program or their assigns shall agree to pay all claims, damages or expenses that may arise out of the use, repair and maintenance of the proposed Encroachments; and further

PROVIDED, that construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

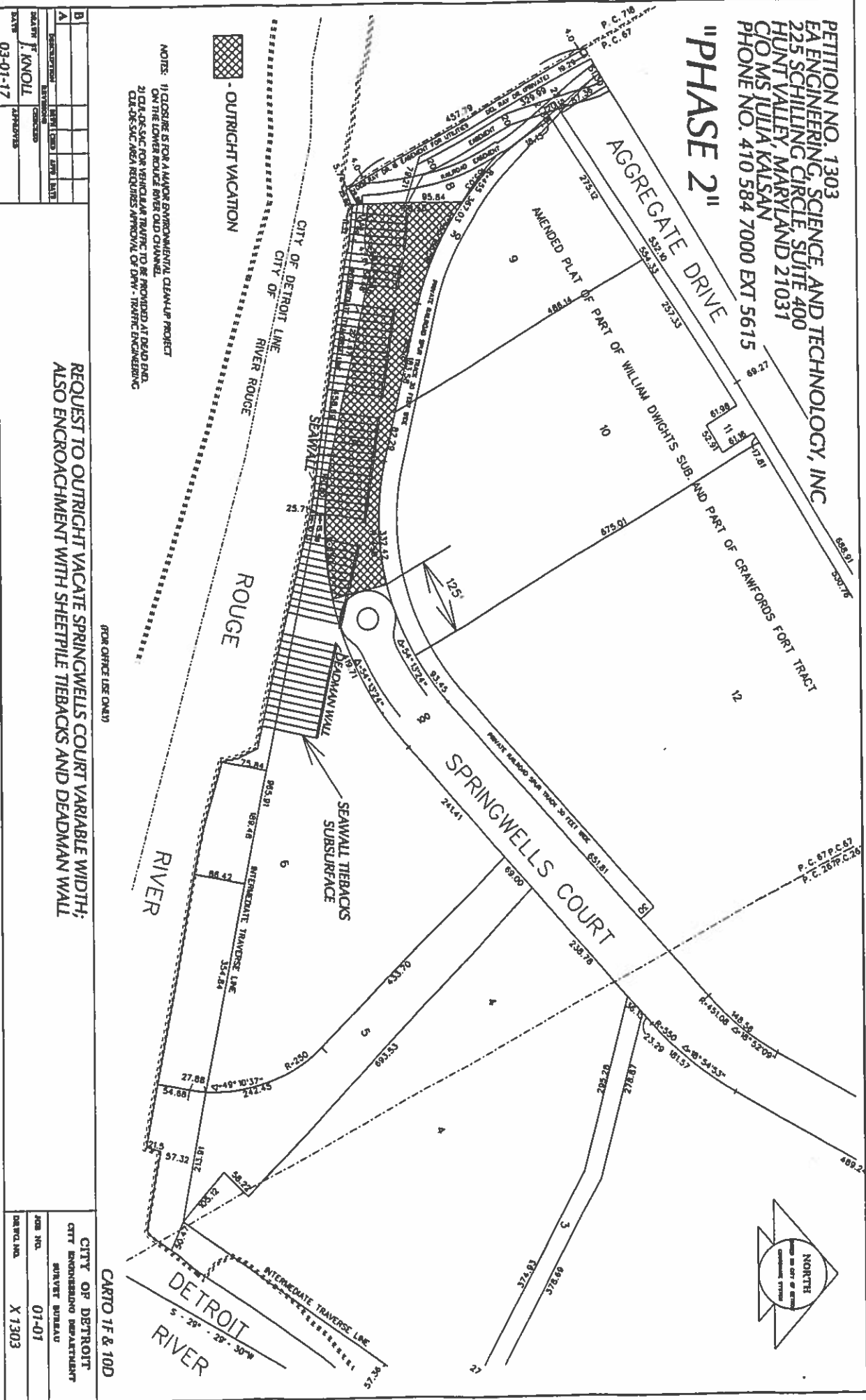
PROVIDED, this resolution for encroachments is revocable at the will, whim or caprice of the City Council, and United States Environmental Protection Agency, Great Lakes National Program acquires no implied or other privileges hereunder not expressly stated herein; and further

PROVIDED, that the encroachment permits 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. 1303
 EA ENGINEERING, SCIENCE, AND TECHNOLOGY, INC
 225 SCHILLING CIRCLE, SUITE 400
 HUNT VALLEY, MARYLAND 21031
 COMS JULIA KALSAN
 PHONE NO. 410 584 7000 EXT 5615

"PHASE 2"



NOTES: 1) REQUIRE FOR A MAJOR ENVIRONMENTAL CLEAN-UP PROJECT
 2) OUT-OF-SPEC FOR PERMITS AND TRAFFIC TO BE MONITORED AT ROAD END.
 3) OUT-OF-SPEC FROM REQUIRES APPROVAL OF DPM - TRAFFIC ENGINEERING

REQUEST TO OUTRIGHT VACATE SPRINGWELLS COURT VARIABLE WIDTH;
 ALSO ENCROACHMENT WITH SHEETPILE TIEBACKS AND DEADMAN WALL

(FOR OFFICE USE ONLY)

B			
A			
DATE	03-01-17	APPROVED	

CITY OF DETROIT CITY ENGINEERING DEPARTMENT RIVER BUREAU	JOB NO. 01-01
DRAWING NO. X 1303	

CARD 1F & 10D