



June 8, 2018

Honorable City Council:

RE: Petition No. 1659 – Honeywell International Inc. and United States Environmental Protection Agency request for temporary street closure of a portion of Medina Street.

Petition No. 1659 – Honeywell International Inc. (“Honeywell”) and the United States Environmental Protection Agency (“USEPA”) (Honeywell and USEPA are collectively referred to as “Petitioner”) request for temporary closure and amended to be for permanent encroachment with tiebacks and anchor wall into part Medina Street, 50 feet wide, between Cary Avenue, 50 feet wide, and Dearborn Avenue, 55 feet wide.

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

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. Honeywell International Inc. and the U.S. Environmental Protection Agency have been working 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. Medina Street is in close proximity to the LRROC and that is the reason for the request.

The request was approved by the Solid Waste Division – DPW, and the Traffic Engineering Division – DPW (TED). TED approves provided that certain conditions are met. The TED conditions are a part of the resolution.

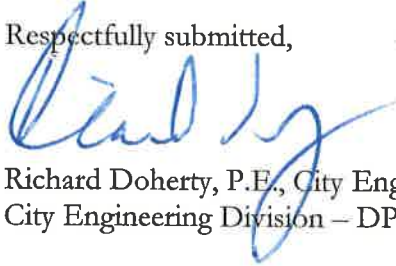
Detroit Water and Sewerage Department (DWSD) reports being involved, but they have no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution.

DTE Electric and Gas services are involved, but they have no objection provided certain conditions and clearances are maintained. Provisions for both DTE Energy electric and gas divisions are made a part of the attached resolution.

All other involved City Departments, including the Public Lighting Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting all utility installations are 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

COUNCIL MEMBER _____

RESOLVED, that the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Honeywell International Inc. (Honeywell) and the United States Environmental Protection Agency (USEPA)(collectively the "Petitioner") or their assigns to install and maintain encroachments with tiebacks and dead man (anchor) wall (collectively, the "Encroachments") in Medina Street, 50 feet wide, between Cary Avenue, 50 feet wide, and Dearborn Avenue, 55 feet wide, and more particularly described as: Land in the City of Detroit, Wayne County, Michigan, being part of Medina Street, 50 feet wide, as deeded to the Village of Delray (Now Detroit) recorded July 18, 1899 in Liber 522, Page 336; also part of Medina as opened and confirmed by Court on August 2, 1921 and referred to Council on August 16, 1921 all lying within the following boundary: Beginning at a point in the westerly line of Lot 68 "Delray Subdivision of part of Lot 7 on Private Claim 45" as recorded in Liber 1, Page 80 of Plats, Wayne County Records, said point being 261.15 feet southerly of the northwesterly corner as measured along the westerly line of said Lot 68; thence N59°45'00"E along the northerly line of Medina Street 125.00 feet; thence N86°04'32"E 77.00 feet; thence S83°45'25"E 27.00 feet to the southerly line of Medina Street; thence S59°45'00"W along the southerly line of Medina Street 215.00 feet; thence N30°15'00" W 50.00 feet to the northerly line of Medina Street and 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 Petitioner; and be it further

PROVIDED, that access is maintained to all fire department connections, and be it further

PROVIDED, that the proposed use does not hinder or impede the operation, maintenance or replacement of DTE Gas Company facilities, and be it further

PROVIDED, that a minimum 10.00 feet of clearance is maintained from the DTE Energy pole for the duration of the project, and be it further

PROVIDED, that Petitioner shall be responsible for obtaining approval from impacted stakeholders. Petitioner shall be responsible to restore the street to its original grade after completion of the installation of the Encroachments . During the construction phase the Petitioner shall install **"Construction Traffic Ahead. Local Traffic Only"** signs for westbound Medina at Cary alerting traffic. Petitioner shall be responsible to provide any remedial/compensatory facilities including parking, ingress/egress facility, and noise abatement to the abutting property owners affected by the closure of the street during the construction phase, and be it further

PROVIDED, that 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 Encroachments shall be borne by Petitioner. All costs associated with gaining access to DWSD's facilities, which could normally be expected had 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 work under this petition which relate to or impact DWSD facilities is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the discretion of DWSD, be borne by 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 Petitioner, then in such event Petitioner shall 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 Petitioner shall hold DWSD harmless for any damages to the Encroachments constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

PROVIDED, Petitioner or its 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 Petitioner or its 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 Petitioner or their assigns. Should damages to utilities occur Petitioner its assigns shall be liable for all incidental repair costs and waives all claims for damages to the Encroachments; and further

PROVIDED, that no other rights in the public streets, alleys or other public place shall be considered waived by this permission; and further

PROVIDED, that Honeywell or its assigns shall file with the Department of Public Works – City Engineering Division an indemnity agreement in the form approved by the Law Department and attached to this Resolution. 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 Petitioner or its assigns of the terms thereof. Further, Petitioner or its assigns shall agree to pay all claims, damages or expenses that may arise out of the design, construction activities and installation of the proposed Encroachments, and Honeywell or its assigns shall agree to pay all claims, damages or expenses that may arise out of the use, repair and maintenance of the

proposed Encroachments for as long as the Encroachments are required for their intended purpose; and further

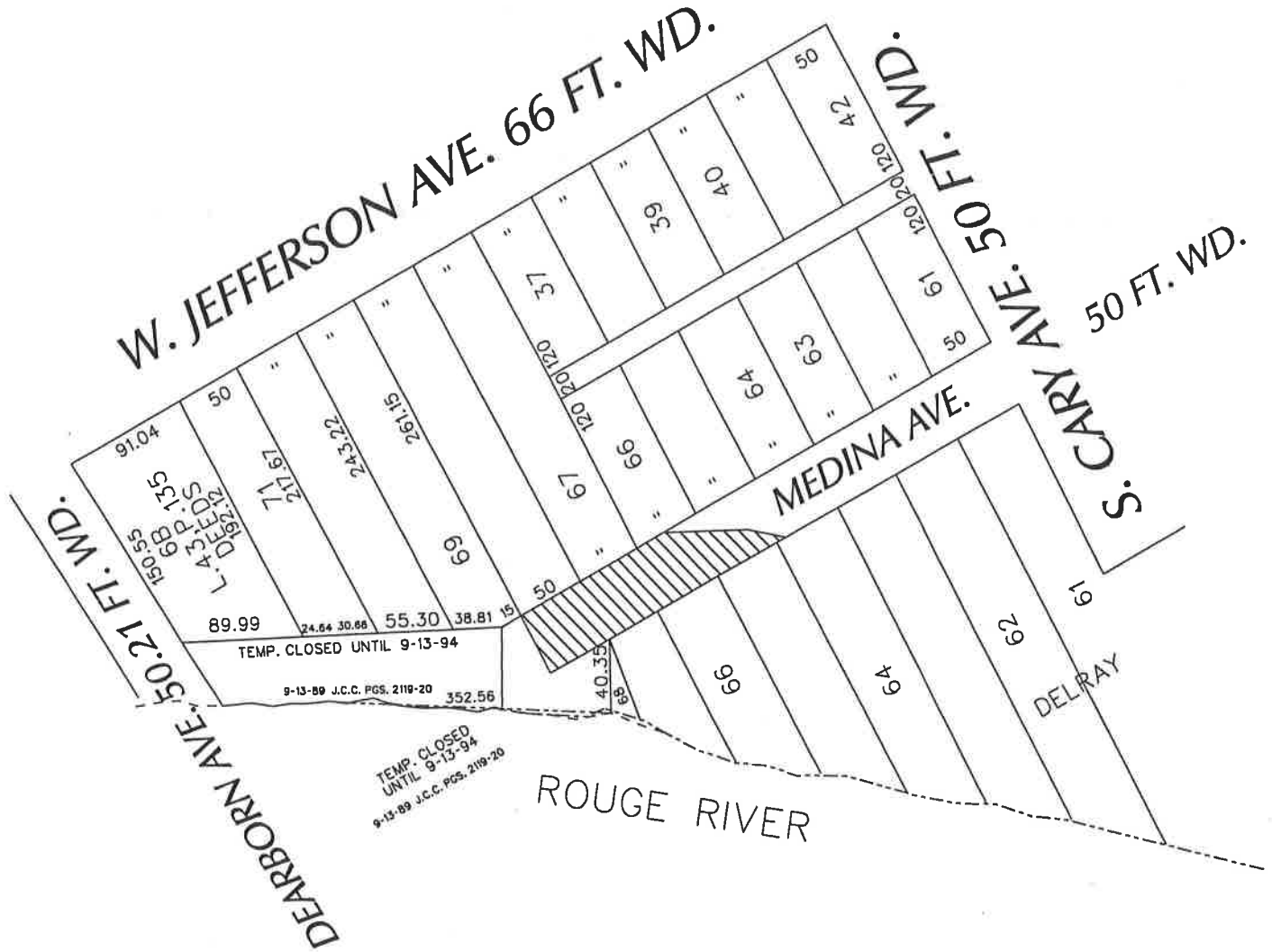
PROVIDED, that construction of the Encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

PROVIDED, this resolution is revocable by City Council to the extent authorized by law, and Petitioner **acquires** no implied or other privileges hereunder not expressly stated herein; and further

PROVIDED, that any permits issued in connection with the Encroachments shall not be assigned or transferred without the written approval of the City Council; and be it 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. 1659
 U.S. ENVIRONMENTAL PROTECTION AGENCY
 9311 GROH RD.
 GROSSE ILE., MICHIGAN 48138
 C/O JAMIE BEAVER
 PHONE NO. 971 409-2478



 - AREA OF ENCROACHMENT

(FOR OFFICE USE ONLY)

CARTO 1 A & F

B						REQUEST ENCROACHMENT INTO MEDINA AT 8150 MEDINA ST. (With Tiebacks and Deadmans)	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A					JOB NO. 01-01			
DESCRIPTION		DRWN	CHKD	APPD	DATE			DRWG. NO. X 1659
DRAWN BY		REVISIONS						
DATE		CHECKED	APPROVED					
01-02-18		WLW						