



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

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DETROIT, MICHIGAN 48226  
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WWW.DETROITMI.GOV

December 21st, 2020

Honorable City Council:

**RE: Petition No. 1309 – GPM RE, LLC, request to vacate a portion of Fairfield Street and encroach into the West McNichols Road right-of-way.**

Petition No. 1309 – GPM RE, LLC, request to vacate a portion of Fairfield Street and encroach into the West McNichols Road, 66 Ft. wide, right-of-way.

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

The request is being made to renew the encroachment and correct the land use of the Gas Station sign servicing the property at 3345 West McNichols.

The request was approved by the Solid Waste Division – DPW, and City Engineering Division – DPW. The request was approved by the Traffic Engineering Division – DPW.

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 has reported involvement and provisions protecting DTE have been made a part of the 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/SW

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 GPM RE, LLC or their assigns to install and maintain encroachment for a sign located at the southeast corner of the intersection of West McNichols Road, 60 Ft. wide, and Fairfield Street, 60 Ft. wide. Encroachments are further described as follows: land in the City of Detroit, Wayne County, Michigan being, within the West McNichols right of way lying 11.5 Ft. west of the west line of lot 38 of the "Ford Park Subdivision" as recorded in Liber 30, Page 92 of Plats, Wayne County Record and extending being 2.5 Ft. north of the southerly right of way line of West McNichols. Said sign being 1 Ft. in width and standing approx. 25 Ft. in height.

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, that access is maintained to all fire department connections, 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 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 encroachment constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

PROVIDED, GPM RE, LLC 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 GPM RE, LLC 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 GPM RE, LLC or their assigns. Should damages to utilities occur GPM RE, LLC 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 GPM RE, LLC 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 GPM RE, LLC or their assigns of the terms thereof. Further, GPM RE, LLC 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 filing of said indemnity agreement shall be construed as acceptance of this Resolution by the “permitee”; and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by GPM RE, LLC, or their assigns; 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 or part thereof is revocable at the will, whim or caprice of the City Council, and GPM RE, LLC 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 be it also

RESOLVED, Fairfield Avenue, 60 Ft. wide, further described as land in the City of Detroit, Wayne County, Michigan being: the east 20 ft. of Fairfield Avenue abutting lot 38 of “Ford Park Subdivision” as recorded in Liber 30, Page 92 of Plats, Wayne County Records.

Be and the same is hereby vacated as public right-of-way and converted into a private easement for public utilities of the full width of the right-of-way, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said right-of-way and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public street herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public right-of-way in the City of Detroit, with the right to ingress and egress at any time and over said easement for the purpose above set forth.

Second, said utility easement or right-of-way in and over said vacated street herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned task, with the understanding that the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition,

Third, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls (except necessary line fences or gates), shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division – DPW,

Fourth, that if the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement; such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and

PROVIDED, that property owners maintain for DTE Energy, full access to their facilities at all times (i.e. gated access with DTE locks at all ends of the easement) and that free and easy access to the DTE facilities is reserved for DTE equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of DTE facilities, and further

PROVIDED, that an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewage Department for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and be it further

PROVIDED, that free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for the Detroit Water and Sewerage Department equipment including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and be it further

PROVIDED, that the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

PROVIDED, that said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including porches, patios, balconies, etc., shall be built upon said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

PROVIDED, that if any time in the future, the owners of any lots abutting on said vacated street shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easement shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for the costs incident to the repair of such broken or damaged sewers and water mains, and shall also be liable for all claims for damages resulting from his action and be it further

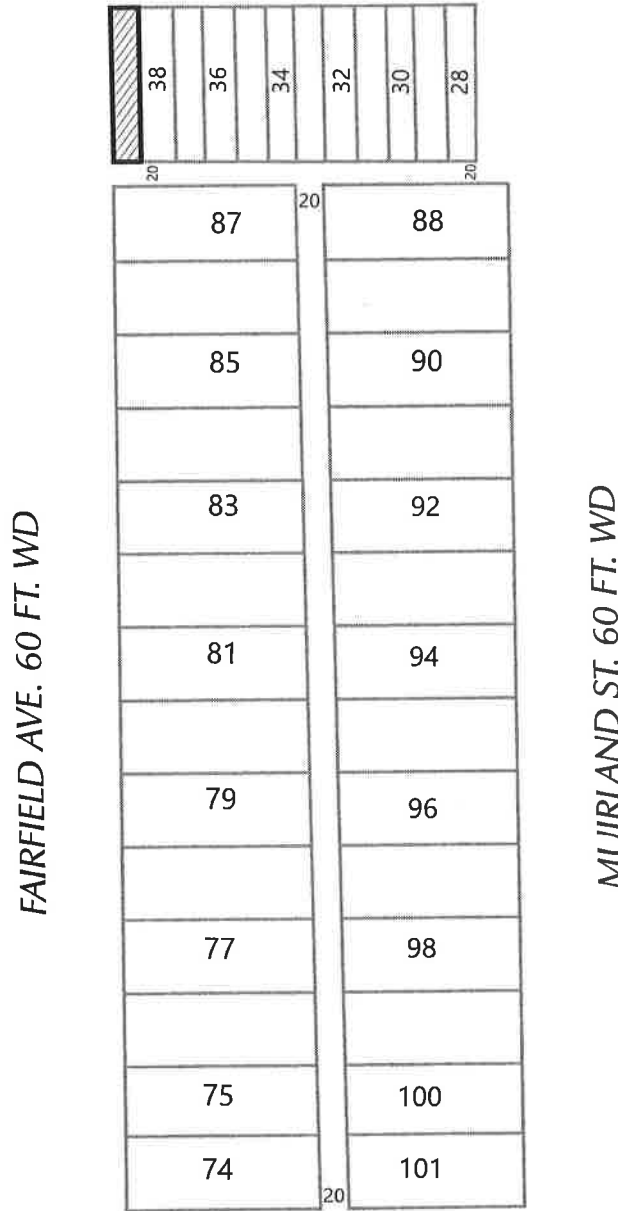
PROVIDED, that if it becomes necessary to remove the paved alley returns at the entrances such removal and construction of the new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specification with all costs borne by the abutting owner(s), their heirs or assigns; 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. 1309  
 C/O DOUGLAS JONES  
 REPRESENTING EMPIRE PETROLEUM PARTNERS, LLC.  
 214-240-8822  
 DLJONES@EMPIREPETOLEUM.COM



WEST MCNICHOLS RD. 66 FT. WD



FAIRFIELD AVE. 60 FT. WD

MUIRLAND ST. 60 FT. WD

GROVE AVE. 50 FT. WD



- VACATION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 25 C

|           |                                |             |      |      |            |
|-----------|--------------------------------|-------------|------|------|------------|
| <b>B</b>  |                                |             |      |      |            |
| <b>A</b>  | ADDITION OF FAIRFIELD VACATION | KJ          | JD   |      | 11-04-2020 |
|           | DESCRIPTION                    | DRWN        | CHKD | APPD | DATE       |
| REVISIONS |                                |             |      |      |            |
| DRAWN BY  | KJ                             | CHECKED     |      |      |            |
| DATE      | 07-27-20                       | APPROVED BY | JD   |      |            |

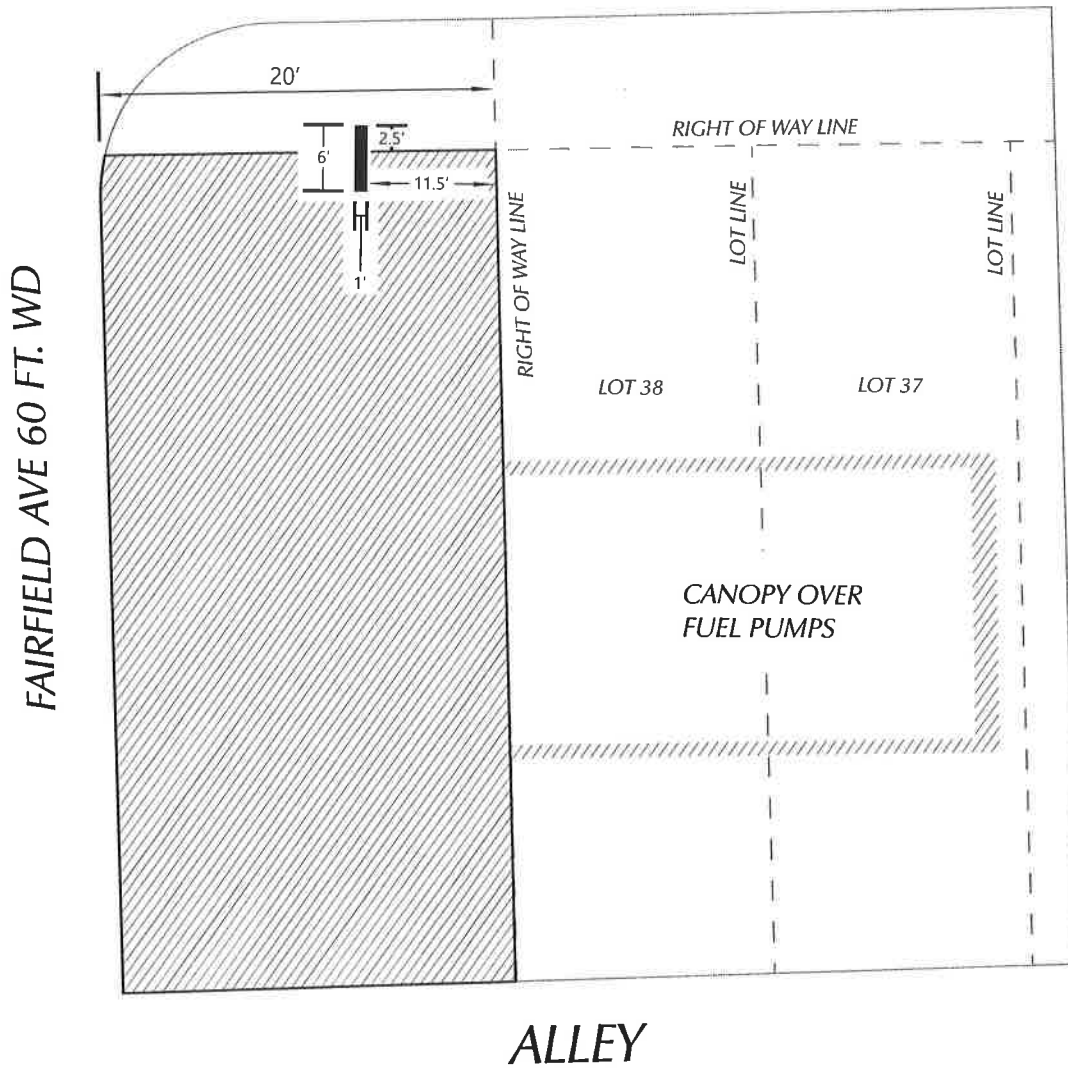
R.O.W. ENCROACHMENT AND VACATION OF 20 FT OF FAIRFIELD AVE, IN THE BLOCK BOUND BY WEST MCNICHOLS RD, MUIRLAND ST, GROVE AVE AND FAIRFIELD AVE.

|                                                               |        |
|---------------------------------------------------------------|--------|
| CITY OF DETROIT<br>CITY ENGINEERING DIVISION<br>SURVEY BUREAU |        |
| JOB NO.                                                       | 01-01  |
| DRWG. NO.                                                     | X 1309 |

PETITION NO. 1309  
 C/O DOUGLAS JONES  
 REPRESENTING EMPIRE PETROLEUM PARTNERS, LLC.  
 214-240-8822  
 DLJONES@EMPIREPETOLEUM.COM



WEST MCNICHOLS RD. 66 FT. WD



- SIGN ENCROACHMENT
- VACATION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 25 C

|           |                                |                |      |            |
|-----------|--------------------------------|----------------|------|------------|
| <b>B</b>  |                                |                |      |            |
| <b>A</b>  | ADDITION OF FAIRFIELD VACATION | KJ             | JD   | 11-04-2020 |
|           | DESCRIPTION                    | DRWN           | CHKD | APPD       |
|           |                                |                |      | DATE       |
| REVISIONS |                                |                |      |            |
| DRAWN BY  | KJ                             | CHECKED        |      |            |
| DATE      | 07-27-20                       | APPROVED BY JD |      |            |

R.O.W. ENCROACHMENT AND VACATION OF 20 FT OF FAIRFIELD AVE, IN THE BLOCK BOUND BY WEST MCNICHOLS RD, MUIRLAND ST, GROVE AVE AND FAIRFIELD AVE.

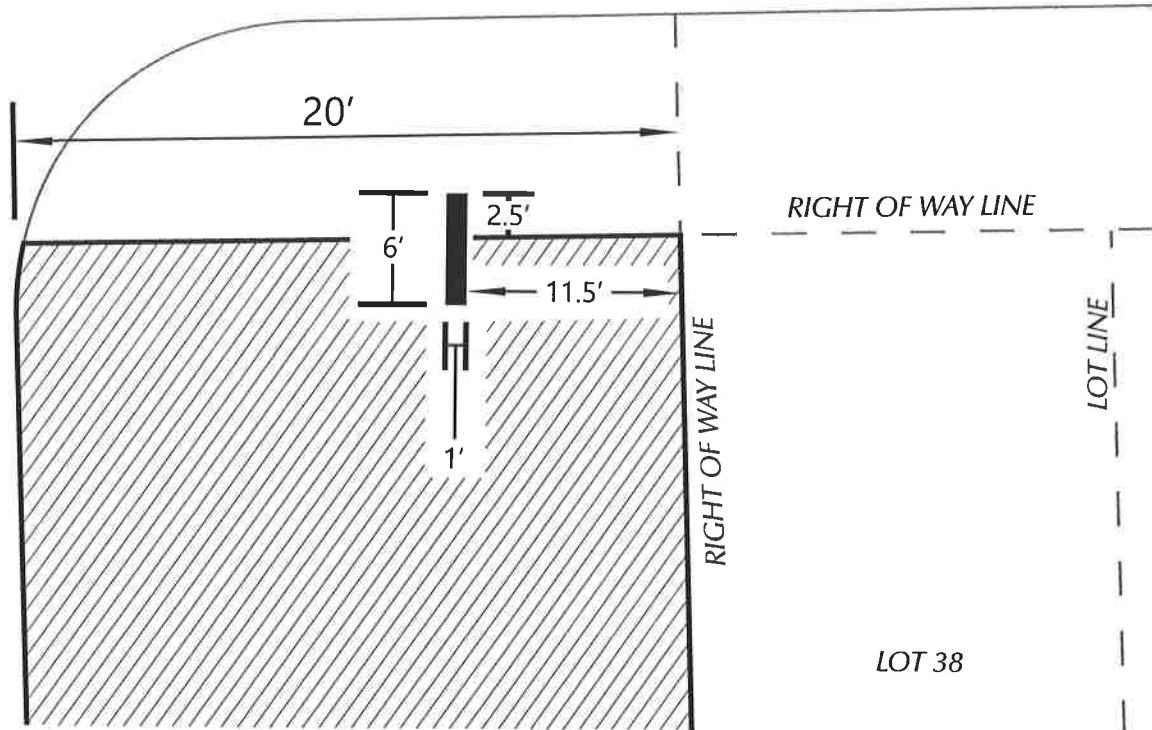
|                           |        |
|---------------------------|--------|
| CITY OF DETROIT           |        |
| CITY ENGINEERING DIVISION |        |
| SURVEY BUREAU             |        |
| JOB NO.                   | 01-02  |
| DRWG. NO.                 | X 1309 |

PETITION NO. 1309  
 C/O DOUGLAS JONES  
 REPRESENTING EMPIRE PETROLEUM PARTNERS, LLC.  
 214-240-8822  
 DLJONES@EMPIREPETOLEUM.COM



WEST MCNICHOLS RD. 66 FT. WD

FAIRFIELD AVE 60 FT. WD



- SIGN ENCROACHMENT
- VACATION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 25 C

|          |                                |             |      |            |
|----------|--------------------------------|-------------|------|------------|
| <b>B</b> |                                |             |      |            |
| <b>A</b> | ADDITION OF FAIRFIELD VACATION | KJ          | JD   | 11-04-2020 |
|          | DESCRIPTION                    | DRWN        | CHKD | APPD       |
|          | REVISIONS                      |             |      |            |
|          | DRAWN BY                       | CHECKED     |      |            |
|          | DATE                           | APPROVED BY |      |            |
|          | 07-27-20                       | JD          |      |            |

R.O.W. ENCROACHMENT AND VACATION OF 20 FT OF FAIRFIELD AVE, IN THE BLOCK BOUND BY WEST MCNICHOLS RD, MUIRLAND ST, GROVE AVE AND FAIRFIELD AVE.

|                                                               |        |
|---------------------------------------------------------------|--------|
| CITY OF DETROIT<br>CITY ENGINEERING DIVISION<br>SURVEY BUREAU |        |
| JOB NO.                                                       | 01-03  |
| DRWG. NO.                                                     | X 1309 |