



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER  
2 WOODWARD AVE. SUITE 601  
DETROIT, MICHIGAN 48226  
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WWW.DETROITMI.GOV

December 21st, 2020

Honorable City Council:

**RE: Petition No. 1347 – Empire Petroleum Partners LLC, request to encroach into West McNichols Road, Fairfield Avenue, and Muirland Avenue for the purpose of installing a monitoring wells for the gas tanks located at 3345 West McNichols.**

Petition No. 1347 – Empire Petroleum Partners LLC, request to encroach into West McNichols Road, 66 feet wide, Fairfield Avenue, 60 feet wide, and Muirland Avenue, 60 feet wide, for the purpose of installing a monitoring wells for the gas tanks located at 3345 West McNichols.

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

The request is being made as part of an investigation of leaking underground storage tanks.

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 Empire Petroleum Partners LLC or their assigns to install and maintain encroachment for monitoring wells installed the following locations:

1. South side of West McNichols Road, between Fairfield Avenue and Muirland Avenue, being 3 feet north of the south right of way line and being 23 feet east of the northeast corner of lot 37 of "Ford Park Subdivision" as recorded in Liber 30, Page 92 of Plats, Wayne County Records.
2. South side of West McNichols Road, between Fairfield Avenue and Muirland Avenue, being 3 feet north of the south right of way line and being 97 feet east of the northeast corner of lot 37 of "Ford Park Subdivision" as recorded in Liber 30, Page 92 of Plats, Wayne County Records.
3. South side of West McNichols Road, between Fairfield Avenue and Muirland Avenue, being 23 feet west of the northeast corner of lot 28 of "Ford Park Subdivision" as recorded in Liber 30, Page 92 of Plats, Wayne County Records.
4. West side of Muirland Avenue, south of West McNichols Road, being 22 feet east of the west right of way line and being 10 feet south of the northeast corner of lot 28 of "Ford Park Subdivision" as recorded in Liber 30, Page 92 of Plats, Wayne County Records.
5. West side of Muirland Avenue, south of West McNichols Road, being 23 feet east of the west right of way line and being 45 feet south of the northeast corner of lot 28 of "Ford Park Subdivision" as recorded in Liber 30, Page 92 of Plats, Wayne County Records.
6. West side of Muirland Avenue, south of West McNichols Road, being 24 feet east of the west right of way line and being 29 feet north of the southeast corner of lot 28 of "Ford Park Subdivision" as recorded in Liber 30, Page 92 of Plats, Wayne County Records.
7. East side of Fairfield Avenue, south of West McNichols Road, being 17 feet west of the east right of way line and being 6 feet south of the northwest corner of lot 38 of "Ford Park Subdivision" as recorded in Liber 30, Page 92 of Plats, Wayne County Records.
8. East side of Fairfield Avenue, south of West McNichols Road, being 20 feet west of the east right of way line and being 40 feet south of the northwest corner of lot 38 of "Ford Park Subdivision" as recorded in Liber 30, Page 92 of Plats, Wayne County Records.
9. East side of Fairfield Avenue, south of West McNichols Road, being 8 feet west of the east right of way line and being 20 feet north of the southwest corner of lot 38 of "Ford Park Subdivision" as recorded in Liber 30, Page 92 of Plats, Wayne County Records.
10. East side of Fairfield Avenue, south of West McNichols Road, being 6 feet west of the east right of way line and being 10 feet south of the southwest corner of lot 38 of "Ford Park Subdivision" as recorded in Liber 30, Page 92 of Plats, Wayne County Records.
11. The east-west alley, 20 feet wide, south of West McNichols Road, between Fairfield Avenue and Muirland Avenue, being 10 feet south of the north right of way line and being 5 feet west of the southwest corner of lot 38 of "Ford Park Subdivision" as recorded in Liber 30, Page 92 of Plats, Wayne County Records.
12. North side of West McNichols Road, between Fairfield Avenue and Muirland Avenue, being 25 feet south of the north right of way line and being 126 feet west of the southeast corner of lot 305 of "Golf Club Addition" as recorded in Liber 37, Page 1 of Plats, Wayne County Records.
13. North side of West McNichols Road, between Fairfield Avenue and Muirland Avenue, being 25 feet south of the north right of way line and being 75 feet west of the southeast corner of

lot 305 of "Golf Club Addition" as recorded in Liber 37, Page 1 of Plats, Wayne County Records.

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, 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 Empire Petroleum Partners LLC or their assigns, and further

PROVIDED, that the Empire Petroleum Partners LLC or their assigns provide as-built drawings of their installation and the relationship to other utility infrastructure to the Department of Public Works – City Engineering Division, 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 Empire Petroleum Partners LLC or their assigns. Should damages to utilities occur Empire Petroleum Partners 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 Empire Petroleum Partners 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 Empire Petroleum Partners LLC or their assigns of the terms thereof. Further, Empire Petroleum Partners 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 “permittee”; and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Empire Petroleum Partners LLC, or their assigns; and further

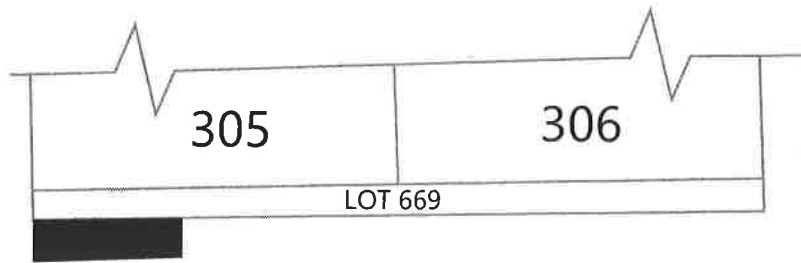
PROVIDED, that construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

PROVIDED, this resolution or part thereof is revocable at the will, whim or caprice of the City Council, and Empire Petroleum Partners LLC acquires no implied or other privileges hereunder not expressly stated herein; and further

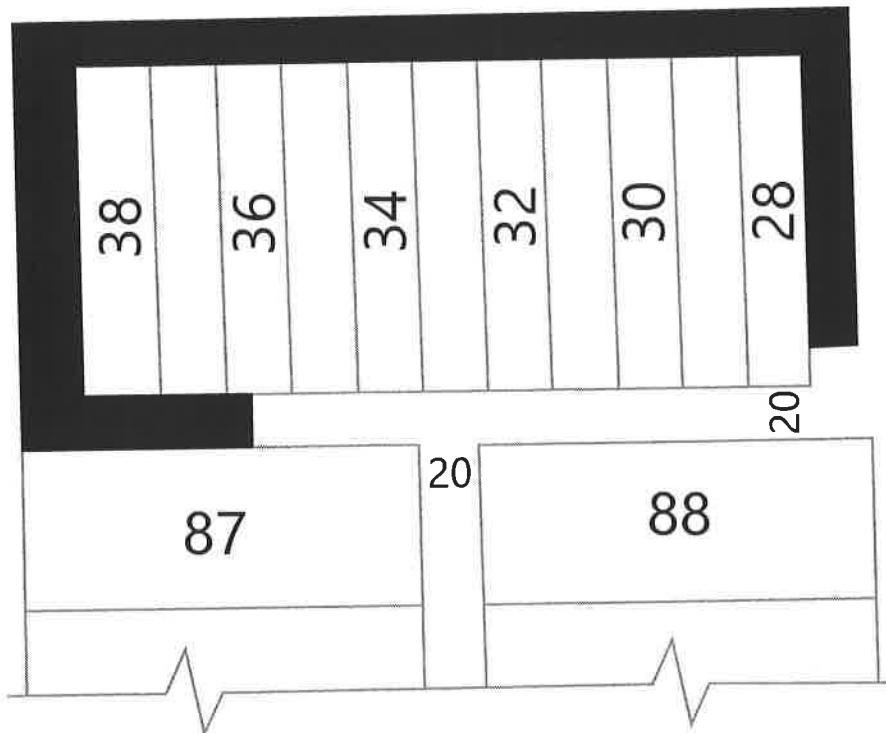
PROVIDED, that the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and be it further

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.1347  
 C/O KAYLA SNELLENBERGER  
 PM ENVIRONMENTAL, INC. (PM) REPRESENTING EMPIRE  
 PETROLEUM PARTNERS, LLC  
 (248) 336-9988  
 SNELLENBERGER@PMENV.COM



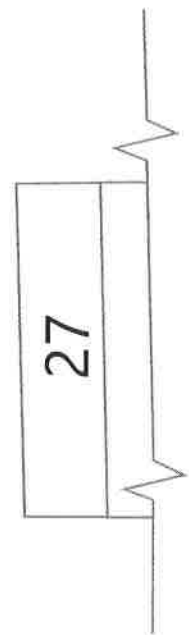
MCNICHOLS RD 66 FT. WD



FAIRFIELD AVE 60 FT. WD

MUIRLAND AVE 60 FT. WD

GROVE AVE 50 FT. WD



 - SOIL BORING/MONITORING WELL

(FOR OFFICE USE ONLY)

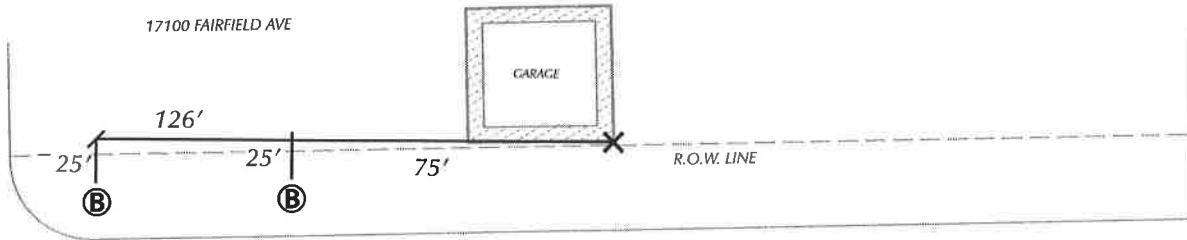
CARTO 25C & 26D

<b>B</b>					
	<b>A</b>				
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
KJ					
DATE		APPROVED BY			
09-23-20		JD			

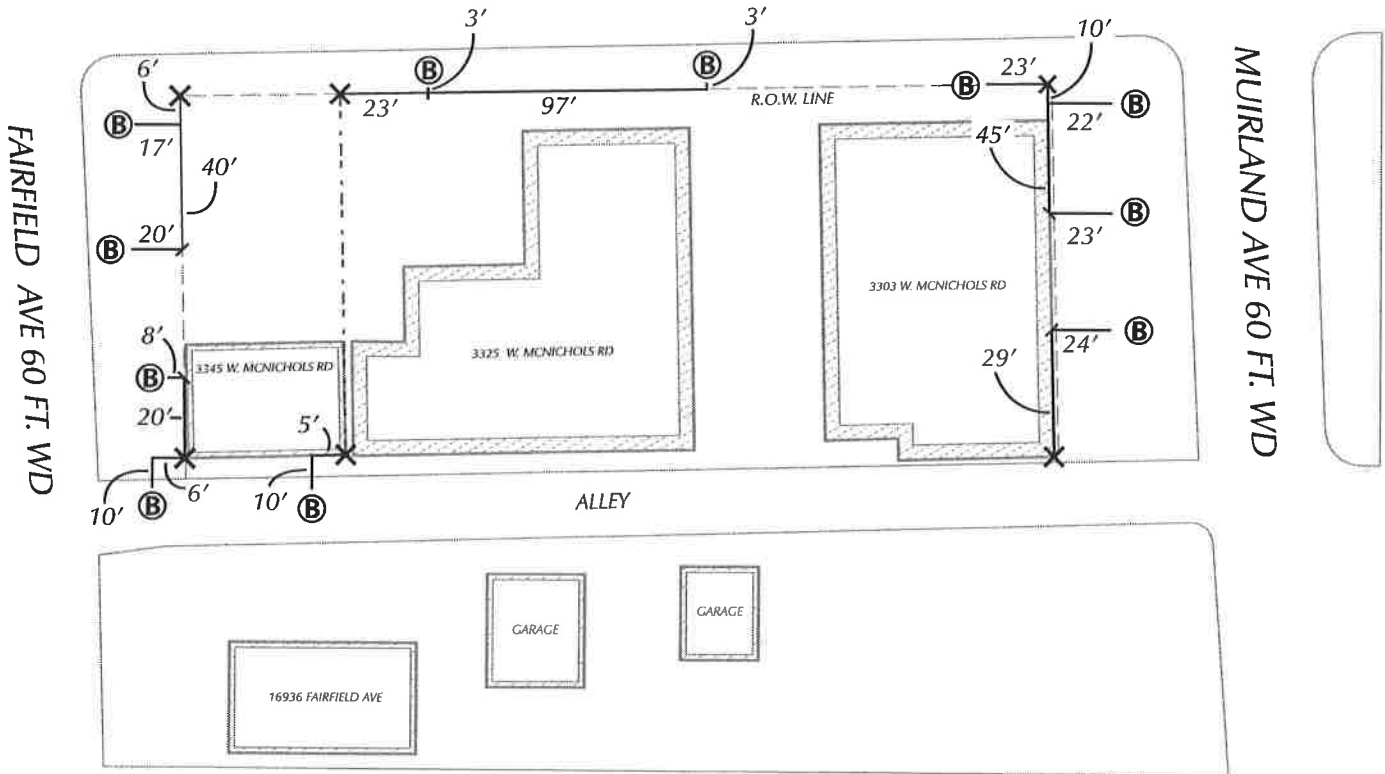
SOIL BORINGS FOR SAMPLES IN THE  
 BLOCK BOUND BY GROVE AVE.,  
 FAIRFIELD AVE., W MCNICHOLS RD.,  
 AND MUIRLAND AVE.

CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1347

PETITION NO.1347  
 C/O KAYLA SNELLENBERGER  
 PM ENVIRONMENTAL, INC. (PM) REPRESENTING EMPIRE  
 PETROLEUM PARTNERS, LLC  
 (248) 336-9988  
 SNELLENBERGER@PMENV.COM



MCNICHOLS RD 66 FT. WD



**(B)** - SOIL BORING/MONITORING WELL

**(X)** - DISTANCE REFERENCE POINT

(FOR OFFICE USE ONLY)

CARTO 25C & 26D

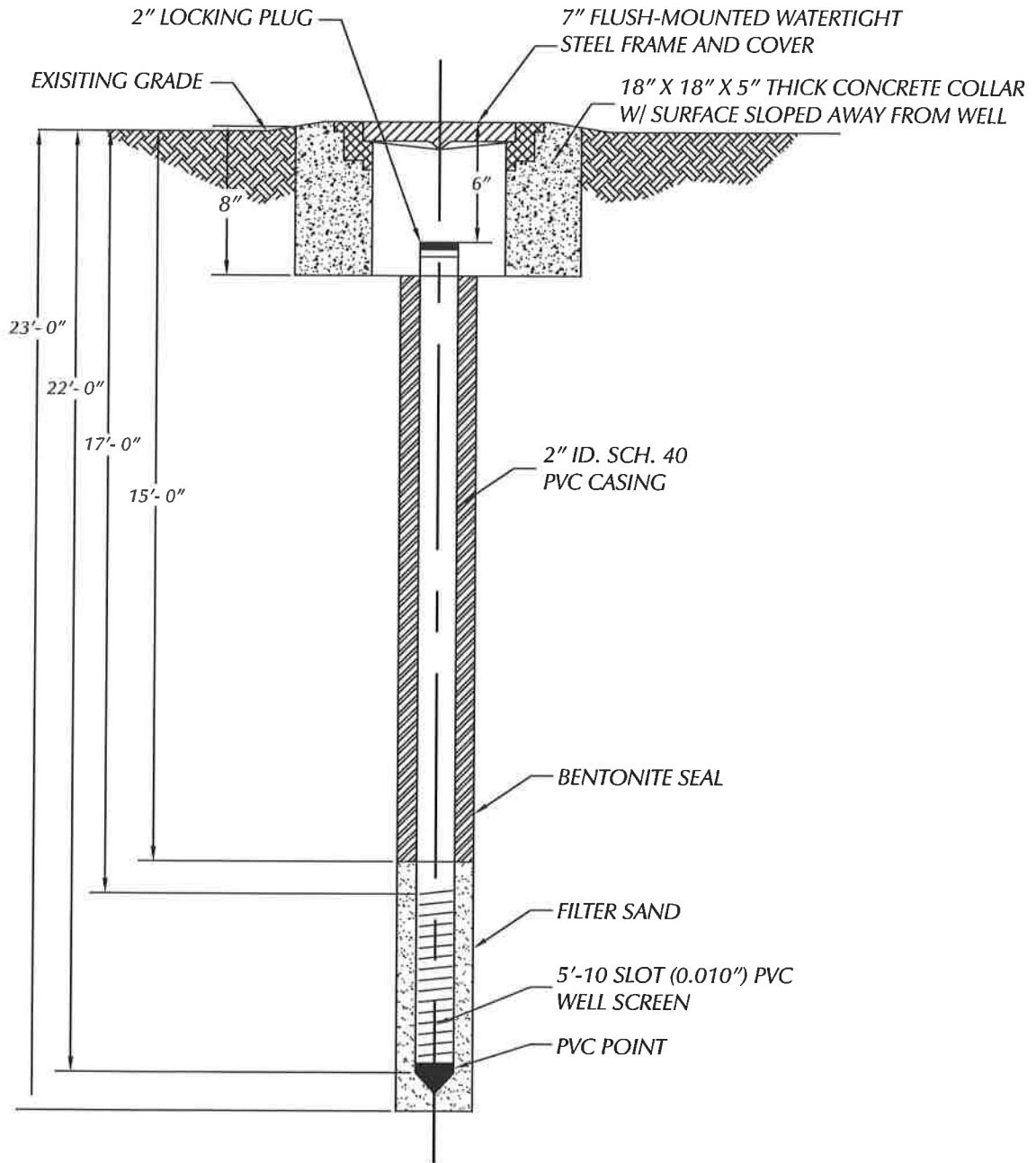
<b>B</b>				
<b>A</b>				
DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS				
DRAWN BY	CHECKED			
DATE	APPROVED BY			
09-23-20	JD			

SOIL BORINGS FOR SAMPLES IN THE  
 BLOCK BOUND BY GROVE AVE.,  
 FAIRFIELD AVE., W MCNICHOLS RD.,  
 AND MURLAND AVE.

CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
JOB NO.	01-02
DRWG. NO.	X 1347



TYPICAL MONITORING WELL DIAGRAM



(FOR OFFICE USE ONLY)

CARTO 25C & 26D

<b>B</b>					
<b>A</b>					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KJ		CHECKED		
DATE	09-23-20		APPROVED BY	JD	

SOIL BORINGS FOR SAMPLES IN THE  
BLOCK BOUND BY GROVE AVE.,  
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AND MUIRLAND AVE.

CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
JOB NO.	01-03
DRWG. NO.	X 1347