



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

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

February 19th, 2021

Honorable City Council:

**RE: Petition No. 1372 – Diversified Fuels Properties LLC request to encroach into Dexter Avenue for the purpose of installing monitoring wells for the Gas Station located at 2019 W Grand Blvd.**

Petition No. 1372 – Diversified Fuels Properties LLC request to encroach into Aggregate Drive 90 ft. wide, for the purpose of installing a tunnel below grade.

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 for soil contamination related to the gas station located at 2019 W Grand Blvd.

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 Diversified Fuels Properties LLC or their assigns to install and maintain encroachment for the following:

1. Monitoring Well, located on the west side of Dexter Avenue, 100 ft. wide, being 20 ft. east of the west line of Dexter Avenue and being 10 ft. north of the north line of West Grand Blvd, 150 ft. wide. Also being easterly and adjacent to lot 19 of the "Ernst Kern Subdivision" as recorded in Liber 64, Page 48 of Plats, Wayne County Records.
2. Monitoring Well, located on the west side of Dexter Avenue, 100 ft. wide, being 20 ft. east of the west line of Dexter Avenue and being 50 ft. north of the north line of West Grand Blvd, 150 ft. wide. Also being easterly and adjacent to lot 19 of the "Ernst Kern Subdivision" as recorded in Liber 64, Page 48 of Plats, Wayne County Records.
3. Monitoring Well, located on the west side of Dexter Avenue, 100 ft. wide, being 20 ft. east of the west line of Dexter Avenue and being 90 ft. north of the north line of West Grand Blvd, 150 ft. wide. Also being easterly and adjacent to lot 19 of the "Ernst Kern Subdivision" as recorded in Liber 64, Page 48 of Plats, Wayne County Records.
4. Monitoring Well, located on the east side of Dexter Avenue, 100 ft. wide, being 20 ft. west of the east line of Dexter Avenue and being 40 ft. north of the north line of West Grand Blvd, 150 ft. wide. Also being easterly and adjacent to lot 19 of the "Ernst Kern Subdivision" as recorded in Liber 64, Page 48 of Plats, Wayne County Records.
5. Monitoring Well, located on the east side of Dexter Avenue, 100 ft. wide, being 20 ft. west of the east line of Dexter Avenue and being 70 ft. north of the north line of West Grand Blvd, 150 ft. wide. Also being easterly and adjacent to lot 19 of the "Ernst Kern Subdivision" as recorded in Liber 64, Page 48 of Plats, Wayne County Records.

Installation of all Monitoring Wells described in this resolution shall reach a depth of 23 feet, and have a 7" flush-mounted watertight steel frame and cover at surface level.

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 Diversified Fuels Properties LLC or their assigns, and further

PROVIDED, that the Diversified Fuels Properties 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 Diversified Fuels Properties LLC or their assigns. Should damages to utilities occur Diversified Fuels Properties 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 Diversified Fuels Properties 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 Diversified Fuels Properties LLC or their assigns of the terms thereof. Further, Diversified Fuels Properties 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 “permitter”; and further

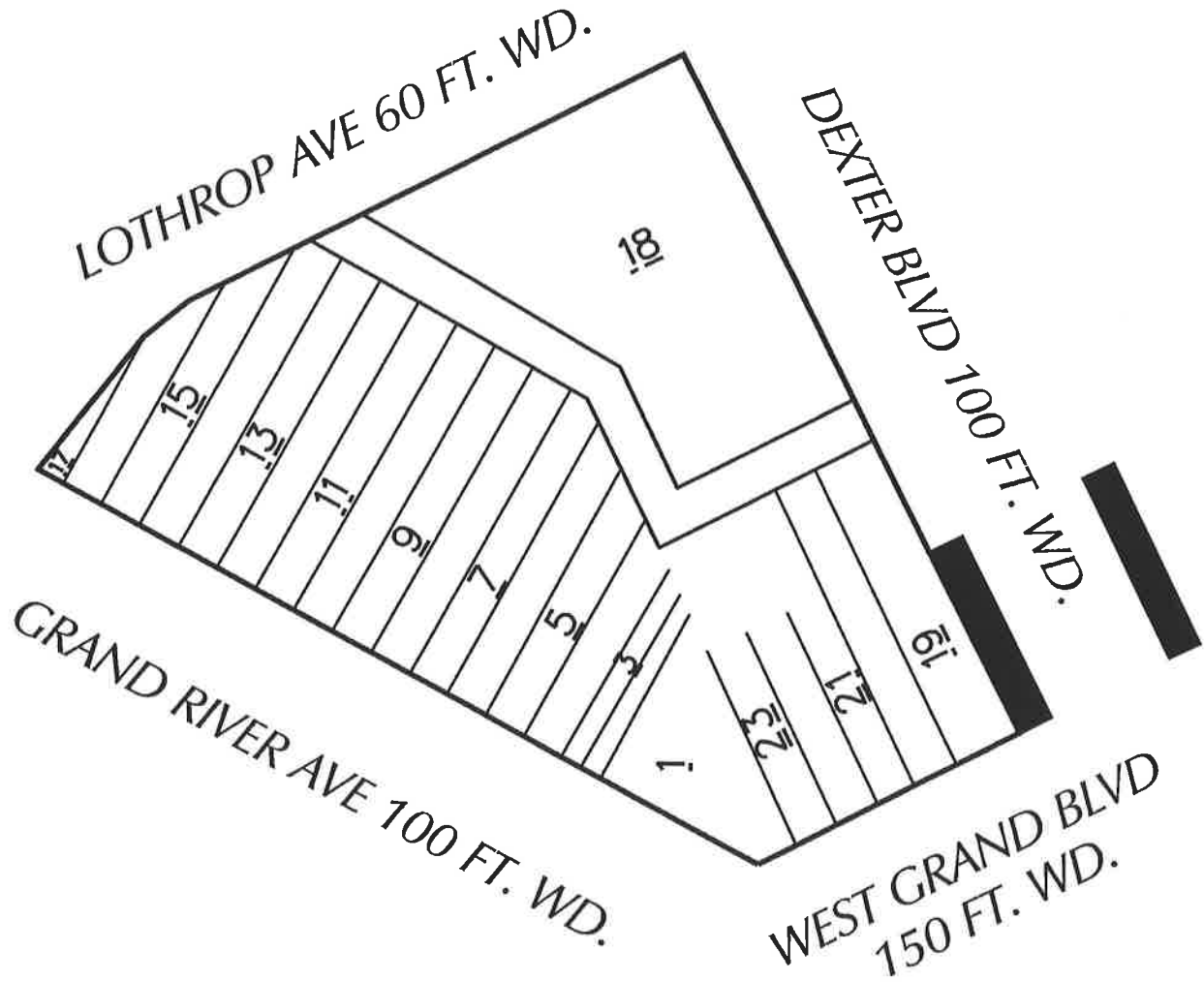
PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Diversified Fuels Properties LLC, or their assigns; and further

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 Diversified Fuels Properties 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.

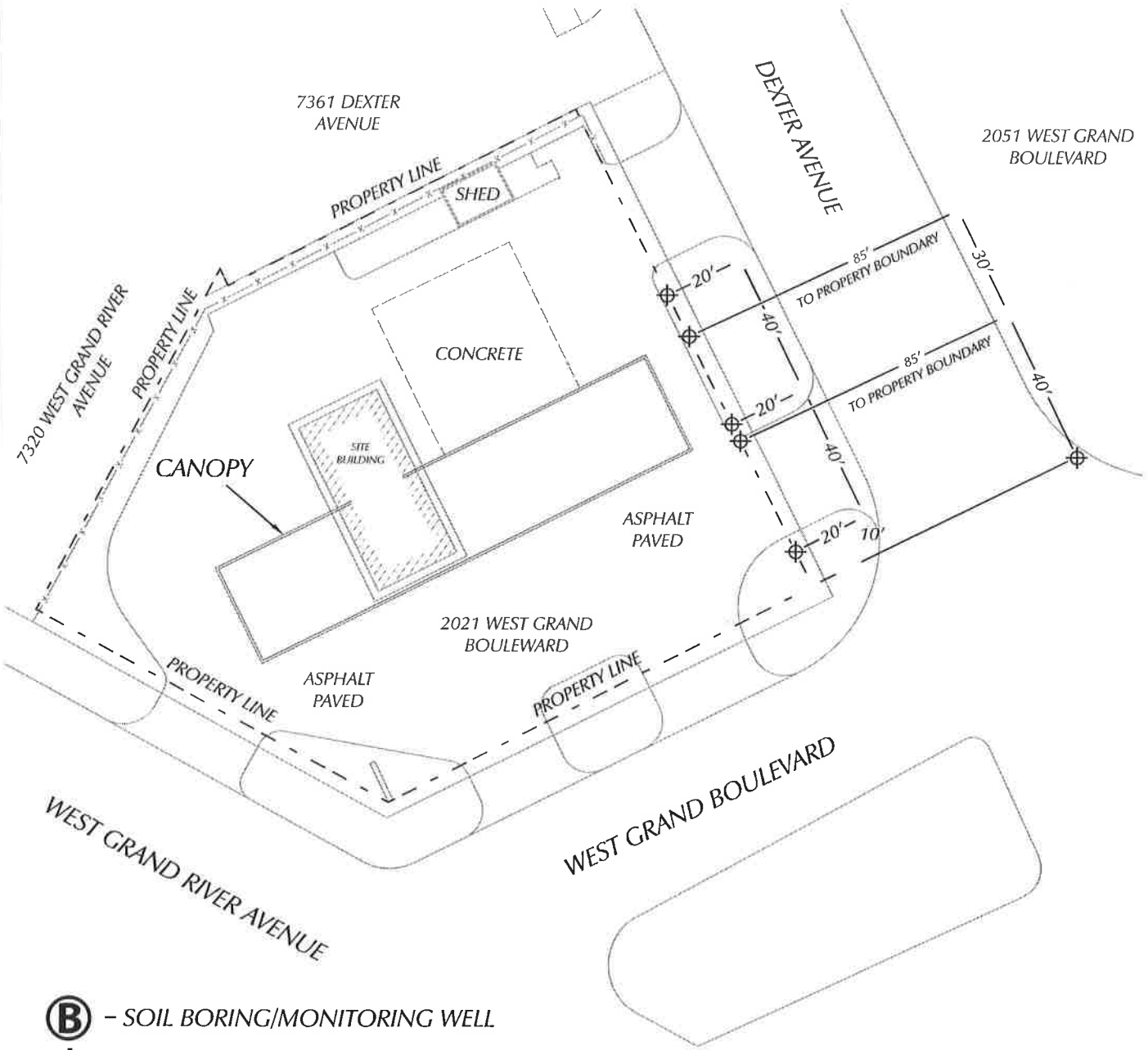


 - SOIL BORING/MONITORING WELL

(FOR OFFICE USE ONLY)

CARTO 21 C

<b>B</b> <b>A</b>					SOIL BORINGS FOR SAMPLES IN THE BLOCK BOUND BY DEXTER BLVD, WEST GRAND BLVD, GRAND RIVER AVE, AND LOTHROP AVE.	CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
	DESCRIPTION	DRWN	CHKD	APPD		DATE	JOB NO.
DRAWN BY		CHECKED				DRWG. NO.	X
DATE		APPROVED BY					
01-15-21		JD					



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

**(⊕)** - DISTANCE REFERENCE POINT

(FOR OFFICE USE ONLY)

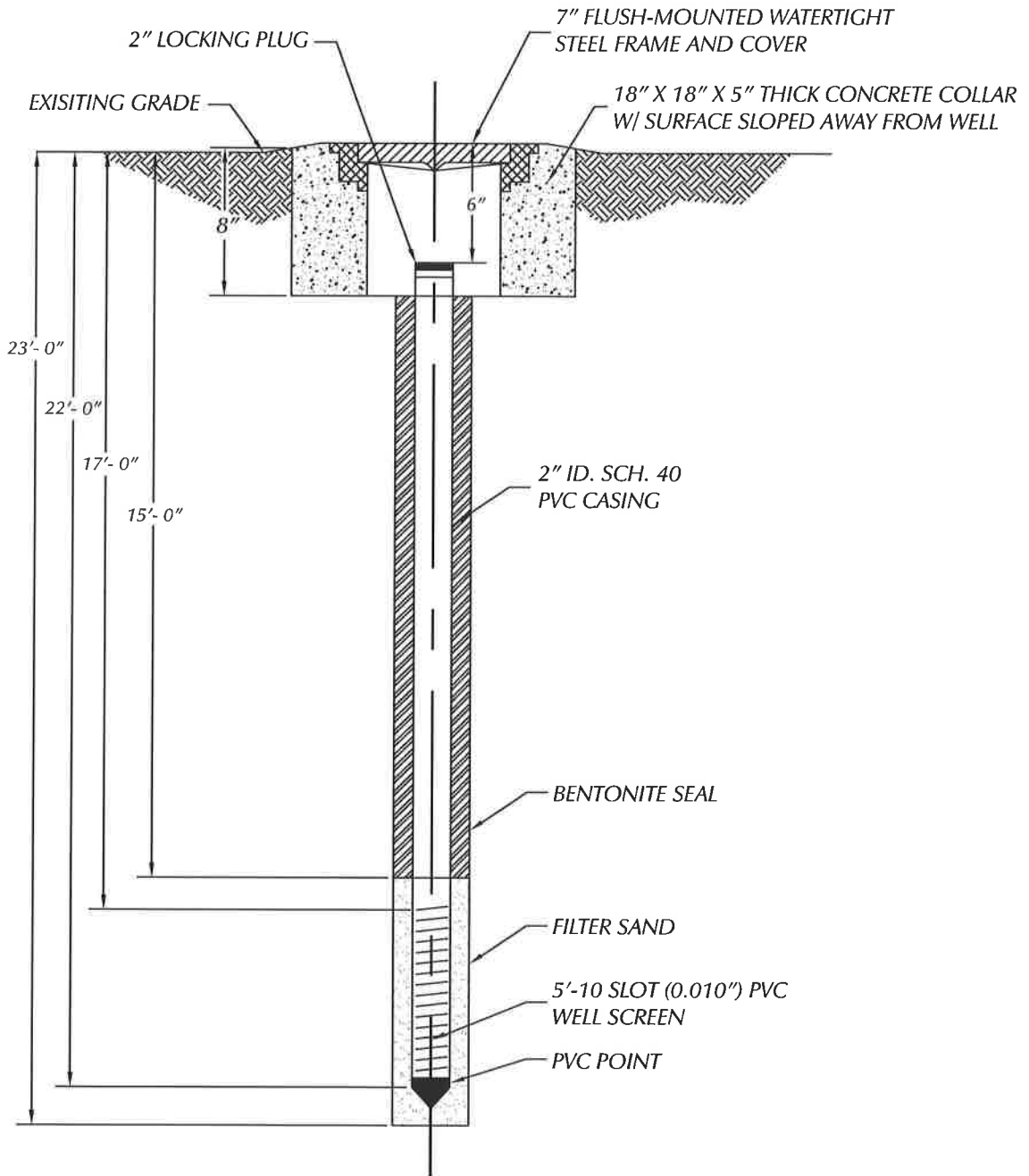
CARTO 21 C

<b>B</b>					
<b>A</b>					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KJ		CHECKED		
DATE	01-15-21		APPROVED BY	JD	

SOIL BORINGS FOR SAMPLES IN THE  
BLOCK BOUND BY DEXTER BLVD,  
WEST GRAND BLVD, GRAND RIVER  
AVE, AND LOTHROP AVE.

<b>CITY OF DETROIT</b>	
CITY ENGINEERING DIVISION	
SURVEY BUREAU	
JOB NO.	01-02
DRWG. NO.	X

TYPICAL MONITORING WELL DIAGRAM



(FOR OFFICE USE ONLY)

CARTO 21 C

<b>B</b>					
	<b>A</b>				
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	KJ	CHECKED			
DATE	01-15-21	APPROVED BY	JD		

SOIL BORINGS FOR SAMPLES IN THE  
 BLOCK BOUND BY DEXTER BLVD,  
 WEST GRAND BLVD, GRAND RIVER  
 AVE, AND LOTHROP AVE.

<b>CITY OF DETROIT</b>	
CITY ENGINEERING DIVISION	
SURVEY BUREAU	
JOB NO.	01-03
DRWG. NO.	X