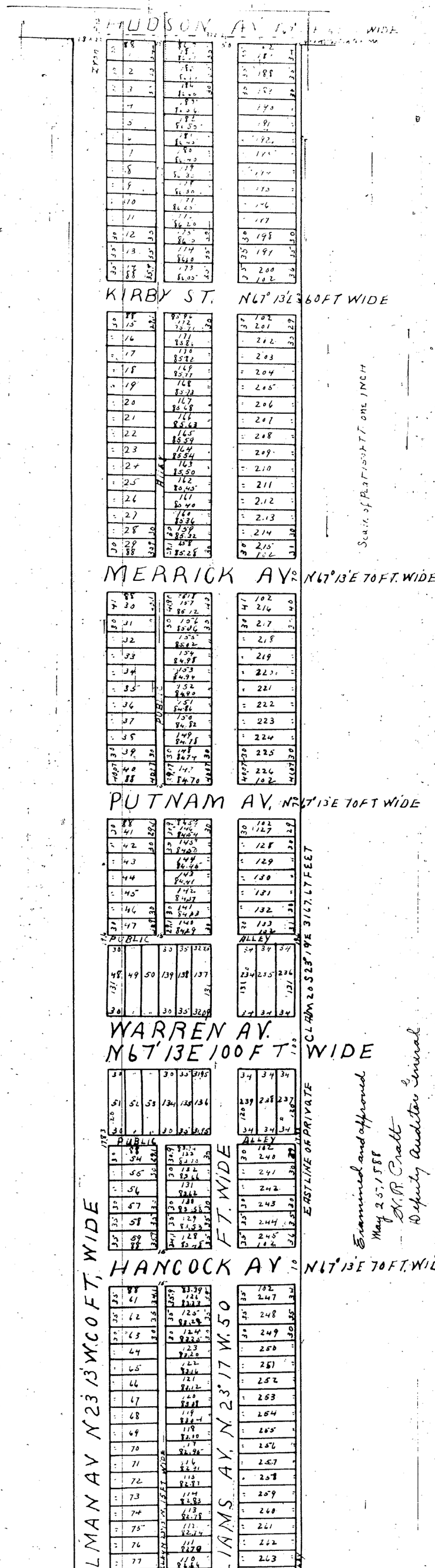

11022

ROEHM'S SUBDIVISION ON PC. 20 DETROIT IN T. 2. S. R. 11, E WAYNE CO MICH

A. D. 1888

I hereby certify that the plat hereon delineated is a correct one and that permanent Monuments consisting of [illegible] rail 3 by 2 1/4 inches were planted at each angle of the land platted at points marked thus ▪ and that permanent Monuments consisting of cut stones were planted at points marked thus ▪ as shown at all intersections of the lines of streets or alleys and alleys

A. N. Willmarth
Surveyor

Know all men by these presents that we Christian B Roehm (widow) Richard Roehm (widower) August F. Roehm as guardian of Louis Roehm (widower) and in his own right Mary M. Gebhard, Christina B Mielow William F. Roehm and Mary L. Roehm his wife Augustus F. Roehm and Mariah L. Roehm his wife Charles G. Roehm and Sarah J. Roehm his wife and John G. Roehm and Bridget T. Roehm his wife All of the City of Detroit Wayne County Michigan have caused the land embraced in the annexed plat to be surveyed laid out and platted to be known as Roehm subdivision of part of Private Claim 20 in the City of Detroit and that the streets and alleys as shown on said plat are hereby dedicated to the use of the public signed and sealed in presence of

Christine B Roehm
Richard Roehm
Louis Roehm
By Augustus F Roehm Guardian
Mary M. Gebhard
Christine B Mielow
Mary L Roehm
William F Roehm
Charles G. Roehm
Augustus F Roehm
Mariah L Roehm
Sarah J Roehm
John G Roehm
Bridget T. Roehm

LS LS LS LS LS LS LS LS LS LS LS LS

State of Michigan } ss
County of Wayne } On this 10th day of May A.D. 1888 before me the subscriber a Notary Public in and for said County personally appeared the above named Christina B Roehm Richard Roehm, Augustus F Roehm Guardian of Louis Roehm, Mari M Gebhard Christina B Mielow William F Roehm and Mary L Roehm his wife Augustus F Roehm and Marie L Roehm his wife Charles G Roehm and Sarah J Roehm his wife and John B. Roehm and Bridget T Roehm his wife known to me to be the same persons described in and who executed the above dedication who severally acknowledged the same to be their free act and deed

Lucius W Frazer
Notary Public
Wayne County Michigan

DESCRIPTION. The land embraced in the annexed plat of Roehm Subdivision is described as follows commencing at an iron post standing on the easterly line of P.C. 20 and on the northerly line of the G. T. Rail Road in the City of Detroit Wayne County Michigan Thence along the line of said Rail Road S 27° 21' W. 474.00 Feet to an iron post Thence N 23° 13 W. 3481.55 feet to an iron post standing on the south line of Hudson Avenue, Thence along the south line of said Avenue N 67° 13' E 372.2 ft to an iron post standing on the easterly line of said claim Thence along said line S 23° 19' E 3167.6 feet to beginning

State of Michigan } SS
County of Wayne } We M. P. Raulo Register of Deeds and A. N. Willmarth Surveyor hereby certify that we have each carefully compared this copy with the original plat of Roehms Subdivision on P.C. 20 in the City of Detroit Wayne County Michigan and that it is an exact copy thereof and of the whole of such original map or plat

M. R Raulo Register
A. N. Willmarth
Surveyor

Approved June 9, 1888
William A Langley
Thomas McGrath
James Hanley
Board of Public works City of Detroit

I hereby certify that this plat is a correct copy of the plat now on record in the Register of Deeds office being made under the supervision of the Auditor General by tracing the plat on record and affixing thereto a carefully compared copy of the dedication and certificates Dated this 12 th day of Sept 1910

John B La Fountain
Clerk and Gen Dept.

REGISTER'S OFFICE } ss
COUNTY OF WAYNE
Received for Record the 22nd day of June A.D. 1888 at 3 o'clock P M and Recorded in Liber 11 of Plats on Page 41
M P Raulo REGISTER

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Department of Public Works
City Engineering Division
July 24, 1995

Honorable City Council:

Re: Petition No. 531, Enecotech Midwest, Inc. (together with Shell Oil Company) Requesting permission to install and maintain permanent monitoring well(s) encroaching within public rights-of-way in the vicinity of a Shell Service Station located at 3201 W. Warren; (south side) between Tillman and Jeffries Freeway service drive

Petition No. 531 of "Enecotech Midwest, Inc. (together with Shell Oil Company)" requests permission to install and maintain one permanent monitoring well within Tillman Avenue, 60 feet wide, south of W. Warren Avenue; in the vicinity of a Shell Service Station (address: 3201 W. Warren). The purpose of the bored well is to monitor the existence or extent of soil contamination from leaking underground fuel storage tanks (a/k/a "L.U.S.T.").

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

The Jeffries Freeway service drive (formerly Williams Avenue, 50 feet wide) at this location is part of the limited access right-of-way of I-96. Permission to install and maintain two permanent monitoring wells within the Jeffries Freeway service drive (formerly Williams Avenue, 50 feet wide) must be obtained from the Michigan Department of Transportation (MDOT).

Soil borings and monitoring well installations are equivalent to an "open cut' in a public street or alley. Necessary permits will have to be obtained for any street or alley opening, backfill, surface restoration, barricade, or occupancy of city rights-of-way to install monitoring wells.

It is the responsibility of "Enecotech Midwest (Environmental Consultants), Inc." to give reasonable and proper notice to the other abutting property owner (address: 4835 Jeffries Freeway service drive) before commencing any (permitted by M-DOT) open cut or boring operations within public rights-of-way.

The enforcement of fire safety regulations and building codes is the responsibility of the Fire Marshal and Buildings and Safety Engineering Department. However, the Fire Marshal and Buildings and Safety Engineering Department have reported no objections to the placement and maintenance of permanent L.U.S.T. monitoring well encroachments within public rights-of-way.

The Michigan Consolidated Gas Company, Public Lighting Department, and the Water and Sewerage Department have reported facilities in the area.

The Public Lighting Department (PLD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between PLD street lighting, electrical power circuits (and any other PLD facilities, including poles) and the proposed permanent monitoring wells.

The Water and Sewerage Department (DWSD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes (and any other DWSD facilities) and the proposed permanent monitoring wells.

All other involved City departments and privately owned utility companies have requested the petitioner(s) make use of "Miss Dig" facilities before any soil borings or permanent monitoring well is installed in public (street or alley) rights-of-way.

Finally, the City Engineering Division - DPW will require "Enecotech Midwest, Inc." to submit certified "as built" drawings, a map and survey, showing the exact location of the petitioner's completed permanent L.U.S.T. monitoring well installations within public rights-of-way.

In accord with the City Council policy adopted on June 6, 1990 (J.C.C. pgs. 1325-26) and Detroit Code (Sec. 50-1-9), there is an appropriate resolution, granting the encroachment petition, for consideration by your Honorable Body.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineering Division - DPW

By Council Member Tinsley-Williams:

Whereas, City Council has adopted a resolution (June 6, 1990 - J.C.C. pgs. 1325-26) urging the Michigan Department of Natural Resources and Environmental Protection Agency ("MDNR") to investigate, inspect, and remedy all environmental problems in the City of Detroit to ensure public safety; also

Whereas, It is required by the State of Michigan that all underground storage tanks be registered and inspected for leaks. Also, the "State" has mandated the replacement of leaking tanks including removal (and proper disposal) of contaminated soil; also

Whereas, The owners of certain suspected leaking underground storage tanks ("L.U.S.T.") have been required by MDNR to place L.U.S.T. monitoring wells "permanently (meaning more than thirty days, or other long-term duration)" on privately owned property, and within dedicated public rights-of-way; also

Whereas, Any L.U.S.T. can contaminate soil and diminish the value of surrounding properties, including public rights-of-way. The taxpayers of Detroit have invested substantial capital in the acquisition, site preparation, insurance, and maintenance of public rights-of-way. Finally, it is in the interests of public health, safety, and welfare to detect the presence of hazardous materials and/or soil contamination from L.U.S.T.(s); therefore be it

RESOLVED, The City Engineering Division - DPW is hereby authorized and directed to issue permits to "Shell Oil Company, owner of the Shell Service Station at 3201 W. Warren Avenue" and/or "Enecotech Midwest (Environmental Consultants), Inc." to install and maintain one monitoring well encroaching within public right-of-way for the purpose of detecting the presence of hazardous materials and/or soil contamination from any leaking underground storage tank (L.U.S.T.); said public right-of-way being nearby or adjoining property described as follows:

Land in the City of Detroit, Wayne County, Michigan being Lots 51,52,53 1; 34,135 and 136 of "Boeing Subdivision on Private Claim 20 in Part 2 South, Range 11 East (Springwells Township)," as recorded in Liber 11, Page 91, Plats, Wayne County Records; lying southerly of and abutting the south line of W. Warren Avenue, 100 feet wide, between Tillman Avenue and the limited access right-of-way of the Jeffries Freeway;

Encroachment to consist of one "permanently (meaning more than thirty days, or other long term duration)" installed L.U.S.T. monitoring well; being nearby or adjoining the above described property, within the following public right-of-way:

1 well — E. side of Tillman Avenue, 60 feet wide, south of W. Warren Avenue (100 feet wide);

PROVIDED, That nothing in this resolution shall be construed as giving any authority, permission or grant to the permittee for any part of the encroaching L.U.S.T. monitoring well to be placed upon the surface or underground rights of privately owned property or the limited access right-of-way of the Jeffries Freeway. Enforcement of violations of fire safety regulations and building codes is the responsibility of the Fire Marshal and the Buildings and Safety Engineering Department. The petitioner shall apply to the Buildings and Safety Engineering Department for approval and permits to place any monitoring wells on privately owned property (if necessary). The petitioner shall apply to the Michigan Department of Transportation for approval and permits to place any monitoring wells within the limited access right-of way of the Jeffries Freeway (if necessary); and further

PROVIDED, It is the intention of this resolution to authorize the City Engineering Division DPW (prior to the issuance of "encroachment" permits) to act in behalf of the city and require the permit applicant to perform any reasonable task to protect public property interests including, but not limited to, the submission of engineering plans (containing construction details and distances from property lines) of the proposed encroaching L.U.S.T. monitoring wells. Also, the City Engineering Division - DPW may require the permit applicant to secure approval(s) of said plans from Wayne County, the State of Michigan, any city departments (including commissions, authorities, corporations, councills, boards, contractors, and agencies whenever applicable) and/or utility companies; whether Wayne County, the State of Michigan, city departments and/or utility companies are specifically enumerated in this resolution or not; and further

PROVIDED, Said L.U.S.T. monitoring well encroachment shall be maintained under the rules and regulations of the City Engineering Division - DPW, the department of Buildings and Safety Engineering, and the Fire Marshal in accord with Detroit Code Section 50-1-9 and 10; and further

PROVIDED, Whenever it becomes necessary to open-cut, drill, bore, jack, occupy or barricade public rights-of-way for additional test holes or maintenance of the monitoring well installation, such work shall be according to detailed permit application drawings (to be submitted by the petitioner or their assigns, subject to city department review and stamp approvals) prior to any public right-of-way construction (including, if necessary, adjustments or removals); and further

PROVIDED, It is the responsibility of "Enecotech Midwest (Environmental Consultants), Inc." to give reasonable and proper notice to the other abutting property owner (address: 4835 Jeffries Freeway service drive) before commencing any (permitted) open cut or boring operations within public rights-of-way; and further

PROVIDED, Said encroaching L.U.S.T. monitoring well installation shall be according to the specifications of the Public Lighting Department (PLD), including the minimum vertical clearance of one foot and a minimum horizontal clearance of three and one-half feet between PLD traffic signal conduit, handholes, poles, and street lighting conduit (and any other PLD facilities) and the proposed permanent monitoring well encroachments; and further

PROVIDED, Said encroaching L.U.S.T. monitoring well installation shall be according to the specifications of the Water and Sewerage Department (DWSD), including the minimum vertical clearance of one foot and a minimum horizontal clearance of three and one-half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes or shut-offs (and any other DWSD facilities) and the proposed permanent monitoring well encroachment; and further

PROVIDED, All costs for the construction, maintenance, permits and use of the encroaching L.U.S.T. monitoring well shall be borne by the petitioner. Should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installation; and further

PROVIDED, If it becomes necessary to repair or replace the utilities located or to be located in the public rights-of-way, by the acceptance of this permission, the owners for themselves, their heirs or assigns, waive claims for any damages to the encroaching installation and agree to pay the costs incurred in its removal, if its removal becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Division - DPW at the owner's expense; and further

PROVIDED, That the encroaching L.U.S.T. monitoring well shall be installed and maintained with a secure frame and cover, so as to fit flush within the public sidewalk, berm, or pavement grade. All public rights-of-way shall be maintained safe and convenient for public travel. The petitioner shall be liable for all claims, demands, costs, damages, expenses, and causes of action of every kind and character arising in favor of any person, or other legal entity on account of personal injuries or death or damage to property caused by or claimed or alleged to have arisen out of failure to properly install and maintain any encroaching L.U.S.T. monitoring well. The installation and maintenance of said encroachment shall comply with the rules and regulations of the City Engineering Division - DPW and Traffic Engineering Division - DPW; and further

PROVIDED, The petitioner shall file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims that may arise therefrom. Also, the petitioner shall be required by the Law Department in conjunction with the Finance Department - Risk Management Division to present proof of financial capability (bonds or insurance) to pay any claims, damages or expenses that may arise as a result of L.U.S.T. monitoring well placement, installation or maintenance in public rights-of-way; and further

PROVIDED, That said permittee shall be subject to any tax under the provisions of the General Property Tax Act which may be levied against it pursuant to law; and further

PROVIDED, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee 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 at the permittee's sole cost and expense; and further

PROVIDED, That said permits issued by the City Engineering Division - DPW and/or the Buildings and Safety Engineering Department are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinance(s), or resolution(s), or City policies (governing the placement of encroachments in public rights-of-way) are amended to provide for the levying thereafter, of a fee, charge or rental, to be hereafter determined upon, for the occupancy of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said Charter, or code(s), or ordinance(s), or resolution(s), or policies; also said permittee does hereby bind itself thereunto, and to accept said permits on the conditions hereby imposed, and in the event said permittee shall contest the validity of said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; and further

PROVIDED, This resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the permittee accuires no implied or other privileges hereunder not expressly stated herein; and further

PROVIDED, That the petitioner shall apply to and become a participating member of the "Miss Dig" organization; and further

PROVIDED, That any permits necessary to install and maintain permanent monitoring wells within Jeffries Freeway service drive (formerly Williams Avenue, 50 feet wide) must be obtained from the Michigan Department of Transportation (M-DOT); and further

PROVIDED, The filing of the indemnity agreement and the securing of the necessary permit(s) referred to herein shall be construed as acceptance of this resolution by the permittee; and further

PROVIDED, That the encroachment permit 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; and be it further

RESOLVED, The petitioner, "Shell Oil Company, owner of the Shell Service Station at 3201 W. Warren Avenue" and/or "Enecotech Midwest (Environmental Consultants), Inc.", shall submit "as built" drawing(s) sealed by a professional engineer registered in the State of Michigan to the City Engineering Division - DPW within 30 days after obtaining the necessary "encroachment" permit to install one proposed monitoring well. Said "as built" drawing(s) shall furnish a complete means of identifying and ascertaining the precise position of every part of the "encroachment" with courses, dictances, and depth throughout (containing City of Detroit datum), so that it may be determined with certainty where any portion of the "encroachment" has been built. Copies of the certified "as built" map(s) and survey(s) shall be an "appendix" to this City Council resolution. Said "appendix" shall be recorded by the City Engineering Division - DPW in the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.

STATE OF MICHIGAN) ss. SHORT FORM - TRUE COPY CERTIFICATE
CITY OF DETROIT)

I, Jackie L. Currie CITY CLERK of the City of Detroit, do hereby certify that the annexed paper is a True Copy of a Resolution adopted by the City Council on August 4, 1995 and approved by the Mayor on August 11, 1995 Detroit Legal News August 14, 1995 as appears from the JOURNAL of said City Council, on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said City, at Detroit, on August 31, 1995

Jackie L. Currie
City Clerk

1 Li 28270
2 Pa 394-395
3 Rec'd 9-12-95

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