

MICHEL'S SUBDIVISION

OF LOT 17 AND NORTH 1/2 OF LOT 18

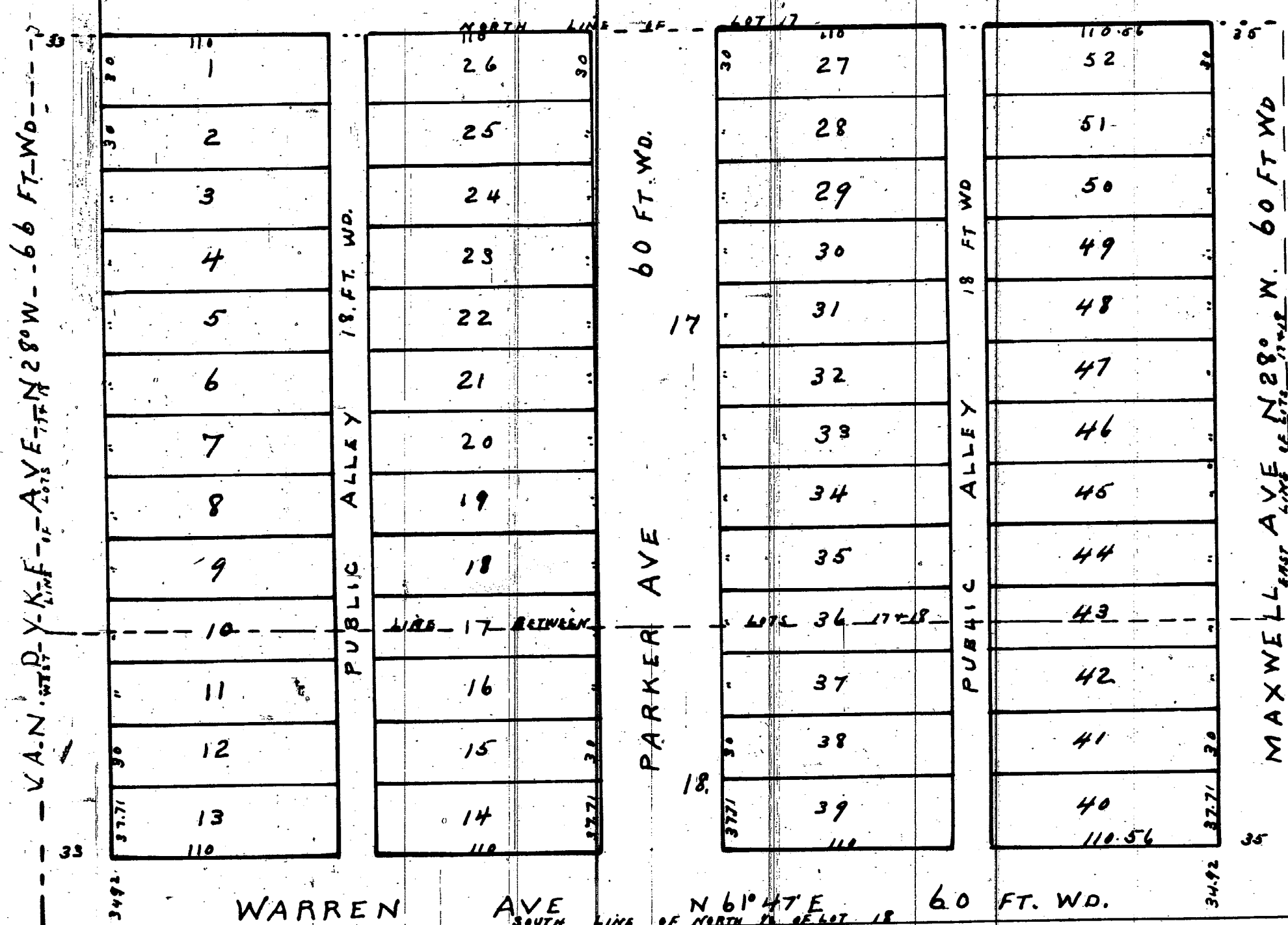
P.C.S. 100 AND 679 VAN DYKE FARM

CITY OF DETROIT

WAYNE CO., MICHIGAN.

SCALE - 60 FEET TO AN INCH

MASON L. BROWN
CIVIL ENGINEER & SURVEYOR
820-23 CHAMBER OF COMMERCE
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 certificate

Dated this 17th day of May 1911
John B. LaFramboise Clerk and Gen. Supt

Register of Deeds Office } ss
Wayne County
This instrument was received for record this 7 day of October 1899 at 10 o'clock A.M. and recorded in Liber 21 of Plats on page 61 as proper certificate was furnished in compliance with Sect. 135 of Senate Bill No. 199 File 212 Act of 1893

S. R. Kingsley REGISTER OF DEEDS

I hereby certify that the above plat is correct, and that monuments consisting of Oak Stakes 1 1/4 inches square and 15 inches long have been placed in the ground at all angles in the boundaries, and at the intersection of all streets or streets and alleys, as shown on plat by 0

Det. Aug 30 1899
Mason L. Brown
Engineer and Surveyor

STATE OF MICHIGAN } ss
County of Wayne }
We S. R. Kingsley Register of Deeds and MASON L. BROWN Surveyor, hereby certify that we have each carefully compared this copy with the original plat of Michel's Subdivision of Lot 17 and North 1/2 of Lot 18 P.C.S. 100 and 679 Van Dyke Farm City of Detroit Wayne Co Michigan and that it is an exact copy thereof and of the whole of such original map or plat

S. R. Kingsley Register of Deeds
Mason L. Brown Surveyor

Examined and Approved
Aug. 31 st 1899
John F. Wilkinson
Deputy Auditor General

KNOW ALL MEN BY THESE PRESENTS that we Gertrude Michels, Mary Miller Clara Dem Joseph Michels and Mary Michels (his wife) Gertrude De Beul Matilda Kolthoff Peter Michels and Mary Michels (his wife) Nicholas Michels and Hattie Michels (his wife) Anna Michels Anthony Michels (unmarried) and Frank Michels (unmarried)

Have caused the land embraced in the above plat to be surveyed, laid out and plotted to be known as Michel's subdivision of Lot 17 and North 1/2 of Lot 18 P.C.S. 100 and 679 Van Dyke Farm City of Detroit Wayne Co Michigan and that the streets and alleys shown on said plat are hereby dedicated to the use of the public. Witness our hands and seals this the 25 day of August A. D. Eighteen Hundred and Ninety nine

in presence of
Casper Michels
William Fox

Gertrude Michels [L.S.]
Mary Miller [L.S.]
Clara Dem [L.S.]
Joseph Michels [L.S.]
Mary Michels [L.S.]
Gertrude De Beul [L.S.]
Matilda Kolthoff [L.S.]
Peter Michels [L.S.]
Mary Michels [L.S.]
Nicholas Michels [L.S.]
Hattie Michels [L.S.]
Anna Michels [L.S.]
Anthony Michels [L.S.]
Frank Michels [L.S.]

STATE OF MICHIGAN } ss
COUNTY OF WAYNE }

On this the 25 day of August 1899 before me, a NOTARY PUBLIC in and for said county personally appeared the above named Gertrude Michels, Mary Miller Clara Dem Joseph Michels and Mary Michels (his wife) Gertrude De Beul Matilda Kolthoff Peter Michels and Mary Michels (his wife) Nicholas Michels and Hattie Michels (his wife) Anna Michels Anthony Michels (unmarried) and Frank Michels (unmarried) known to me to be the same persons who executed the above dedication and who acknowledged the same to be their free act and deed

William H. Fox NOTARY PUBLIC
Wayne COUNTY MICHIGAN

APPROVED. OCT 7 1899
D. W. H. Moreland
H. Hallen
James McMillan
BOARD OF PUBLIC WORKS
CITY OF DETROIT
WAYNE CO., MICHIGAN

City Engineering Department
Honorable City Council: June 24, 1994
Re: Petition No. 3947, CTI and Associates, Inc. Requesting permission to install and maintain 6 permanent monitoring wells encroaching within public rights-of-way in the vicinity of the Van Dyke Gas & Mart Station located at 5002 Van Dyke at E. Warren.

Petition No. 3947 of "CTI and Associates, Inc. (CTI)" requests permission to install and maintain six permanent monitoring wells within Van Dyke Avenue (66 feet wide) and E. Warren Avenue (80 feet wide) in the vicinity of the Van Dyke Gas & Mart Station (address: 5002 Van Dyke). The purpose of the bored wells 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 Department for investigation and report. This is our report:

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.

The enforcement of fire safety regulations and building codes are 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 Detroit Edison Company and Michigan Bell Telephone Company have reported facilities in the area. However, DE Co. and MBT Co. have reported no objections to the placement of monitoring wells provided "care and caution" are used in open cuts or boring operations.

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 and electrical power conduits and the proposed permanent monitoring wells.

The Water and Sewerage Department (WSD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between WSD sewers, drains, water mains, fire hydrants, catch basins,

sewer and water manholes (and any other DWSD facilities) and the proposed permanent monitoring wells.

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

Finally, the City Engineering Department will require "CTI and Associates, Inc." to submit certified "as built" drawings, a map and survey, showing the exact location of each 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), an appropriate resolution, granting the encroachment petition, is attached for consideration by your Honorable Body.

Respectfully submitted,
WILLIAM L. TALLEY
Head Engineer

By Council Member Hill:

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, The State of Michigan requires that all underground storage tanks shall 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 Department is hereby authorized and directed to issue permits to "Aoun Jaber, owner of Van Dyke Gas & Mart" and/or "CTI and Associates, Inc." to install and maintain six monitoring wells encroaching within public rights-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 rights-of-way being nearby or adjoining property described as follows:

Lots 11 to 13 of "Michel's Subdivision of Lot 17 and North half of Lot 18, Private Claims 100 and 673, Van Dyke Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 21, Page 61, Plats, Wayne County Records (commonly known as 5002 Van Dyke);

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

3 wells — W. side of Van Dyke Avenue, 66 feet wide (in the block bounded by Seyburn, Van Dyke, E. Warren and Frederick);

2 wells — S. side of E. Warren Avenue, 80 feet wide (in the block bounded by Van Dyke, Parker, Willard and E. Warren);

1 well — N. side of E. Warren Avenue, 80 feet wide (in the block bounded by Van Dyke, Parker, E. Warren and Farnsworth);

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(s) to be placed upon the surface or underground rights of privately-owned property. Enforcement of violations of fire safety regulations and building codes are 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); and further

Provided, It is the intention of this resolution to authorize the City Engineering Department (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 each proposed encroaching L.U.S.T. monitoring well. Also, the City Engineering Department 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, councils, boards, contractors, and agencies whenever applicable) and/or utility companies; whether Van Dyke County, the State of Michigan, city departments and/or utility companies are specifically enumerated in this resolution or not; and further

Provided, Said proposed L.U.S.T. monitoring well encroachment(s) shall be maintained under the rules and regulations of the City Engineering Department, 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 proposed monitoring well installations, 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; and further

Provided, Said encroaching L.U.S.T. monitoring well installations 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, hand-holes, manholes, poles, and street lighting conduit (and any other PLD facilities);

NOTE: At this location the height of drilling rigs can affect existing overhead utility wires; therefore "care and caution" is necessary; and the proposed permanent monitoring well encroachments; and further

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

encroachments, and further

Provided, All costs for the construction, maintenance, permits, and use of the encroaching L.U.S.T. monitoring wells shall be borne by the petitioner. Should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waive 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 installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Department at the owner's expense; and further

Provided, That any 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 Department and the Department of Public Works — Traffic Engineering Division; 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 which 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 Department at the permittee's sole cost and expense; and further

Provided, That said permits issued by the City Engineering Department 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 thereof, or 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 thereto, 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 acquires 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, 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, "Aoun Jaber owner of Van Dyke Gas & Mart" and "CTI and Associates, Inc." shall submit "as built" drawing(s) sealed by a professional engineer registered in the State of Michigan to the City Engineering Department within 30 days after obtaining necessary "encroachment" permit. Said "as built" drawing(s) shall include complete means of identifying and establishing the precise position of every 1 of the "encroachment" with courses, distances, and depth throughout (conting City of Detroit datum), so that it is determined with certainty where portion of the "encroachment" has been built. Copies of the certified "as built" map(s) and survey(s) shall be "appendix" to this City Council resolution. Said "appendix" shall be recorded by the City Engineering Department with the Wayne County Register of Deeds

Adopted as follows:
Yeas — Council Members Clevela Cockrel, Everett, Hill, Hood, Rav Scott, Tinsley-Williams, and Presid Mahaffey — 5.
Nays — None.

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

I, Vernon C. Allen, DEPUTY 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 JULY 27th, 1994

and approved by the Mayor on August 8th, 1994

Detroit Legal News August 2nd, 1994
as appears from the ~~XXXXXX~~ of said City Council, on file in my office.

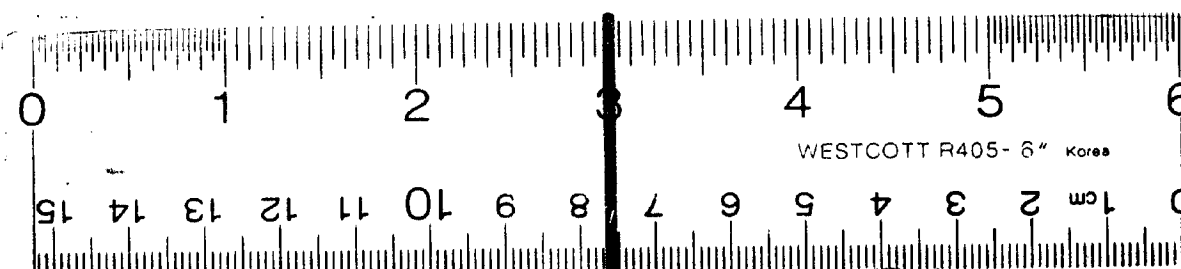
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said City, at Detroit, on

August 16th, 1994

Vernon C. Allen
Deputy City Clerk

LI # 27564
PA# 715 & 716
REC'D DATE: Aug. 18, 1994

SEP 15 1994



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