



**DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION**

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December 9, 2024

Honorable City Council:

RE: Petition No. x2024-402 – Madena Mart, Inc., request for various encroachments into North public alley, Kentucky St., W. McNichols Rd. and Wyoming St. at 8930 W McNichols Rd. for the installation of monitoring wells and soil gas wells for a total of 13 soil borings in the surrounding right-of-way

Petition No. x2024-402 - Madena Mart, Inc., request for various encroachments into North public alley, 18 ft. wide, Kentucky St., 50 ft. wide, W. McNichols Rd., 66 ft. wide and Wyoming St., 66 ft. wide at 8930 W. McNichols for the installation of monitoring wells and soil gas wells for a total of 13 soil borings in the surrounding right-of-way.

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

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

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.

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

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 Madena Mart, Inc. or their assigns to install and maintain various encroachments within the right-of-way surrounding 8930 W. McNichols Rd. further described as: Land in the City of Detroit, Wayne County, Michigan;

1. Proposed monitoring well, 0'-15' below grade, 6.5' easterly of and 5' southerly of the rear property line of Lot 50 of "Palmer Homes Subdivision" as recorded in Liber 35, Page 51 of Plats, Wayne County Records. The monitoring well has a 10" diameter protective cover at grade, followed by a concrete seal, a Bentonite Seal, silica sand surrounding the casing and schedule 40 PVC with 10-slot screen size.
2. Proposed monitoring well, 0'-15' below grade, 7' easterly of and 10' southerly of front property line of Lot 50 of "Palmer Homes Subdivision" as recorded in Liber 3, Page 51 of Plats, Wayne County Records. The monitoring well has a 10" diameter protective cover at grade, followed by a concrete seal, a Bentonite Seal, silica sand surrounding the casing and schedule 40 PVC with 10-slot screen size.
3. Proposed monitoring well, 0'-15' below grade, 7' northerly of Marygrove College in W. McNichols Rd., 66 ft. wide right-of-way, 9' easterly of western property line of said college, another monitoring well, 0'-15' below grade 6' northerly of Marygrove College in the W. McNichols Rd., 66 ft. wide right-of-way, 124.5' easterly of the western property line of said college, of "Marygrove Drive Subdivision Being Part of the NW ¼ of Sec. 16 T1 S.R 1E" as recorded in Liber 58, Page 13 of Plats, Wayne County Records. The monitoring well has a 10" diameter protective cover at grade, followed by a concrete seal, a Bentonite Seal, silica sand surrounding the casing and schedule 40 PVC with 10-slot screen size.
4. Proposed monitoring well, 0'-15' below grade, 2' northerly of and adjacent to the rear property line of lot 30, in the public alley of "Aurora Park Subdivision" as recorded in Liber 44, Page 56 of Plats, Wayne County Records. The monitoring well has a 10" diameter protective cover at grade, followed by a concrete seal, a Bentonite Seal, silica sand surrounding the casing and schedule 40 PVC with 10-slot screen size.
5. Proposed monitoring well, 0'-15' below grade, 4' westerly of and adjacent to the rear property line of lot 36, in the public alley of "Aurora Park Subdivision" as recorded in Liber 44, Page 56 of Plats, Wayne County Records. The monitoring well has a 10" diameter protective cover at grade, followed by a concrete seal, a Bentonite Seal, silica sand surrounding the casing and schedule 40 PVC with 10-slot screen size.
6. Proposed monitoring well and proposed soil gas well, 0'-15' below grade, 2.5' from the western border of lot 24 and 3' from the southern border of lot 24, in the public alley of "Aurora Park Subdivision" as recorded in Liber 44, Page 56 of Plats, Wayne County Records. The monitoring well has a 10' diameter protective cover at grade, followed by a concrete seal, a Bentonite Seal, silica sand surrounding the casing and schedule 40 PVC with 10-slot screen size. The soil gas well has a bolted flush mount cover, protective skirt, concrete pad, probe cap, probe tubing (labeled in vault), sand pack, Bentonite seal, soil gas probe screen, all surrounded by native material 0'-6' below grade.

7. Proposed monitoring well and proposed soil gas well, 0'-15' below grade, 4' south southern property line of Lot 36, and 51.5' westerly of the eastern property line of Lot 36, in the public alley of "Aurora Park Subdivision" as recorded in Liber 44, Page 56 of Plats, Wayne County Records. The monitoring well has a 10' diameter protective cover at grade, followed by a concrete seal, a Bentonite Seal, silica sand surrounding the casing and schedule 40 PVC with 10-slot screen size. The soil gas well has a bolted flush mount cover, protective skirt, concrete pad, probe cap, probe tubing (labeled in vault), sand pack, Bentonite seal, soil gas probe screen, all surrounded by native material 0'-6' below grade.
8. Proposed soil gas well, 0'-6' below grade, 7.5' westerly of and adjacent to lot 63, in Kentucky St., 50 ft. wide of "Aurora Park Subdivision" as recorded in Liber 44, Page 56 of Plats, Wayne County Records. The soil gas well has a bolted flush mount cover, protective skirt, concrete pad, probe cap, probe tubing (labeled in vault), sand pack, Bentonite seal, soil gas probe screen, all surrounded by native materials.

RESOLVED, that the Director of the Department of Public Works, or his or her designee, is authorized to execute any document or documents necessary or convenient to make and incorporate technical amendments, corrections, or other minor changes to any document or documents necessary or convenient in furtherance of or to effectuate the action or transaction hereby approved, including the legal description of any property described herein, in the event there are any scrivener's errors, mistakes of fact, or changes in circumstances, or as may be required to correct minor inaccuracies, or are necessitated by unforeseen circumstances or technical matters, provided that the changes do not materially alter the substance or terms of the action or transaction hereby approved;"

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 encroaching device constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

PROVIDED, Madena Mart, Inc., 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 Madena Mart, Inc. 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 Madena Mart, Inc. or their assigns. Should damages to utilities occur Madena Mart, Inc. 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

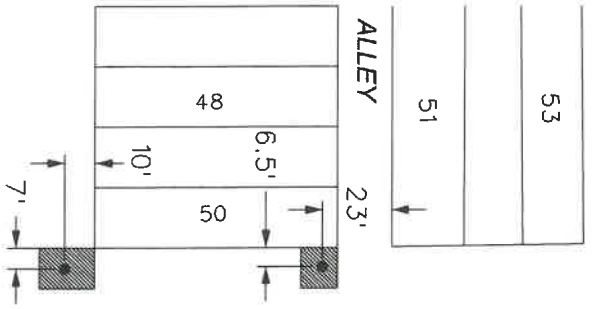
PROVIDED, that Madena Mart, Inc. or their assigns shall file with the Department of Public Works – City Engineering Division an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance of Madena Mart, Inc. or their assigns of the terms thereof. Further, Madena Mart, Inc. 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 construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

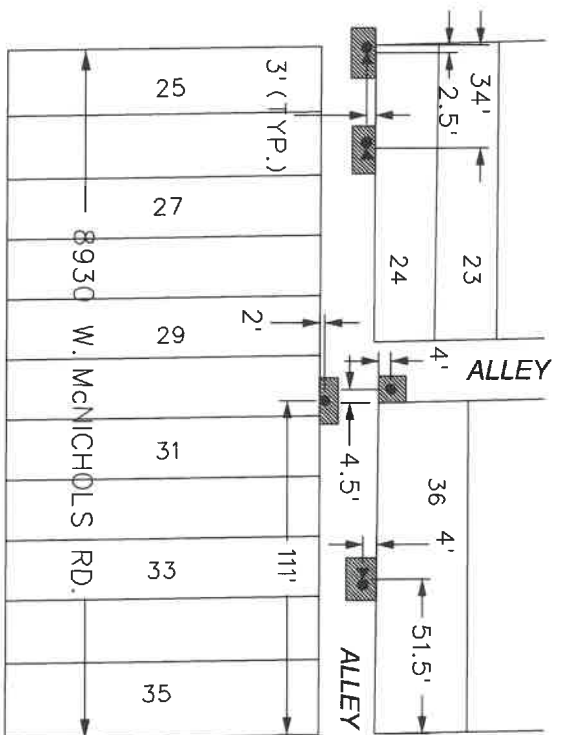
PROVIDED, this resolution is revocable at the will, whim or caprice of the City Council, and Madena Mart, Inc. acquires no implied or other privileges hereunder not expressly stated herein; and further

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.

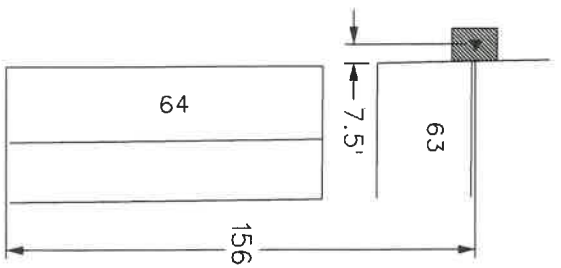


WYOMING AVE. 66 FT. WD.

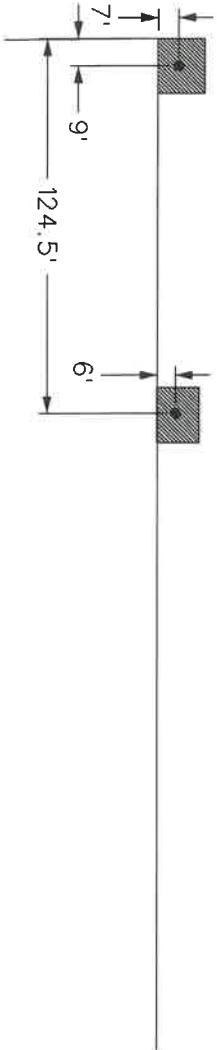


W. McNICHOLS RD. 66 FT. WD.

KENTUCKY ST. 50 FT. WD.



- - PROPOSED MONITORING WELL
(15' BELOW GRADE, 9 QTY.)
- ▲ - PROPOSED SOIL GAS WELL
(6' BELOW GRADE, 4 QTY.)
- - REQUEST ENCROACHMENT



(FOR OFFICE USE ONLY)

CARTO 89 D E & 90 B

B				
A				
DESCRIPTION	DRAWN	CHKD	APPD	DATE
REVISIONS				
DRAWN BY	AP	CHKCKED	LC	
DATE	06-06-2024	APPROVED	RW	

REQUEST ENCROACHMENT INTO
NORTH PUBLIC ALLEY 18 FT. WD.,
KENTUCKY ST. 50 FT. WD., W. McNICHOLS RD.,
66 FT. WD., AND WYOMING ST. 66 FT. WD.,
AT
8930 W. McNICHOLS RD.

CITY OF DETROIT
CITY ENGINEERING DIVISION
SURVEY BUREAU
JOB NO. 24-56
DRWG. NO.