

for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition.

Third, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, (except necessary line fences; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering Department, if necessary) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division-DPW.

Fourth, that if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all cost incidental to the repair of such broken or damaged utility; and further

Provided, that if it becomes necessary to remove the paved alley return at the entrances (into Telegraph and into Dale), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division-DPW specifications with all costs borne by the abutting owner(s), their heirs or assigns; and further

Provided, an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing and sewers, water mains, fire hydrants and appurtenances, with the

right of ingress and egress at any time to, and over said easement for the purpose above set forth; and further

Provided, Free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment including the use of backhoes, bulldozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and further

Provided, the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide posts over its water mains at reasonable intervals and at points of deflection; 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.

Adopted as follows:

Yeas — Council Members K. Cockrel, Jr., S. Cockrel, Hood, Scott, Tinsley-Williams, and President Hill — 6.

Nays — None.

#### **Department of Public Works City Engineering Division**

December 3, 1998

Honorable City Council:

Re: Petition No. 0878 (1995) Eastside Transitional Center — Lakewood Manor Development Project, Alley to Easement — northerly part of the north-south public alley south of Kercheval between Newport and Lakewood.

Petition No. 3641 (1997) Eastside Transitional Center — Lakewood Manor Development Project, Requesting city acceptance of deed for new east-west public alley into Lakewood in the block bounded by Newport, Lakewood, E. Jefferson and Kercheval.

On August 4, 1995, your Honorable Body adopted a resolution (1995 J.C.C. 2168-69) provisionally vacating the northerly portion of the alley in the block bounded by Newport, Lakewood, E. Jefferson and Kercheval, and reserving an easement. The resolution was subject to several conditions. These conditions included (1) successful dedication of property to the City to replace the vacated alley, (2) an investigation and utility review by this Department in accordance with City Code § 50-7-1 through § 50-7-3 and a report to your Honorable Body by this Department, and (3) a report from the Planning & Development Department regarding the environmental inquiry required by City Code § 2-1-13(c).

The conditions have now been satisfied. The Law Department has determined that the developer/petitioner has the

appropriate title in the property, and the developer/petitioner has provided a deed of dedication. The report from Planning & Development is attached for your consideration. Our report is as follows:

The petitioner and developer, Eastside Transitional Center, plans to use the paved alley return entrance (into Kercheval Avenue) and requests such remain in its present status. Eastside Transitional Center shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately owned utility companies reported no objections to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
SUNDAY JAIYESIMI  
City Engineer

By Council Member S. Cockrel:

Whereas, On August 4, 1995 (1995 J.C.C. 2168-69), the Detroit City Council adopted a resolution vacating (with reservation of easement for public utility purposes and other public purposes) a portion of the alley in the block bounded by Lakewood, Kercheval, Newport, and Jefferson subject, however, to certain conditions; and

Whereas, Among the conditions were acceptance by this Council of a report from the City Engineering Division of the Department of Public Works, successful dedication of land for a right of way to replace the vacated portion of the alley, and acceptance by this Council of the environmental report from the Planning & Development Department in accordance with City Code §§ 2-1-11 through 2-1-15; and

Whereas, Successful dedication of the land requires appropriate environmental inquiry pursuant to City Code §§ 2-1-11 *et seq.*; and

Whereas, In accordance with City Code § 2-1-13(c), the Planning & Development Department has submitted its report regarding the environmental inquiry; therefore, it is

Resolved, That the Detroit City Council accepts the report of the City Engineering Division of the Department of Public Works;

Further Resolved, That the Detroit City Council accepts the report of the Planning & Development Department regarding the environmental status of the property to be accepted;

Further Resolved, That in confirmation of the resolution adopted August 4, 1995, J.C.C. 2168-69, the portion of the alley described as:

All of a northerly part of the north-south

public alley, 20 feet wide, south of Kercheval Avenue between Newport and Lakewood Avenues lying westerly of and abutting the west line of the north 10.00 feet of Lot 59, the south 0.95 feet of Lot 63, and Lots 60 through 62 (Block 3); also lying easterly of and abutting the east line of the north 5.86 feet of Lot 60, the south 5.09 feet of Lot 64, and Lots 61 through 63 (Block 2) of "Skinner and Moore's Subdivision of that part of the West half of Private Claim 31 lying between Jefferson Avenue and Lafferty Road and Lots 2, 4 and 5 of the Subdivision of Private Claim 219, Grosse Pointe (Township)," City of Detroit, Wayne County, Michigan as recorded in Liber 16 of Plats, Page 58, Wayne County Records is vacated subject to the following permanent conditions:

1. The City reserves an easement for public utility purposes and other public purposes,

2. No buildings, structures, improvements, or encroachments of any kind (including but not limited to pavement) may be placed in the easement area without prior written consent of the City Engineering Division of the Department of Public Works,

3. The alley is vacated provided that property is dedicated to the City as set forth below to provide an alternate exit for the north part of the alley to the public street;

Further Resolved, That the City of Detroit is authorized to accept the dedication of the property described below for an alley and other municipal purposes:

The southerly 20 feet of Lot 59, Block 3, Skinner and Moore's Subdivision as recorded in Liber 16 of Plats, Page 58, Wayne County Records;

Further Resolved, That acquisition of such property is necessary to preserve, protect, and promote the health, safety, or welfare of the public;

Further Resolved, That the dedication shall be deemed effective upon acceptance and recording of the deed by the Law Department;

Further Resolved, That upon recording of this resolution and the deed of dedication, all conditions set forth in the August 4, 1995 resolution shall be deemed to be satisfied; and be it further

Resolved, That in accordance with MCL § 560.256 and City Code § 50-7-4, the City Clerk is directed to record a certified copy of this resolution with the Wayne County Register of Deeds within 30 days after the effective date of this resolution.

**REPORT OF PLANNING AND  
DEVELOPMENT DEPARTMENT  
SOUTH 20 FEET OF LOT 59, BLOCK 3,  
SKINNER AND MOORE'S  
SUBDIVISION  
A PART OF 1427 LAKEWOOD**  
The Planning and Development

Department has reviewed a Phase I Environmental Assessment conducted from September 22, 1995 through September 29, 1995, and a 50 year title search for the property. The 50 year title search indicates that the property has been used solely for residential purposes during the 50 year period reviewed. The Phase I Environmental Assessment includes a certification from Probe Environmental, Inc. that it is a qualified person as defined by the City of Detroit Code and accompanying guidelines [for the purposes of conducting environmental assessments]. In addition, the Phase I Environmental Assessment contains a certification that the inquiry revealed no evidence of recognized environmental conditions, except asbestos materials and lead based paint in the structure. The structure has been removed subsequent to the time of the environmental report. A copy of the certification of Probe Environmental Inc. is attached hereto.

Dated: December 3, 1998.

#### CERTIFICATION

1427-1429 Lakewood Street, Detroit, MI 48215.

Lot 59, Block 3, Skinner & Moore's Subdivision, as recorded in Liber 16, Page 58, of Plats, Wayne County Records.

September 30, 1995

The undersigned certifies to the City of Detroit and to Future developers of the parcel in question that it has performed a Phase I Environmental Inquiry which meets or exceeds the requirements of ASTM Practice E-1527 and the provisions of the City of Detroit Code relating to Acquisition of real property and accompanying guidelines, for Phase I Inquiry of the Property described above. This inquiry has revealed no evidence of recognized environmental conditions under federal law or Michigan state law (including, but not limited to, the Natural Resources and Environmental Protection Act, as amended) in connection with this property.

Except for the following:

- 1) Probe Environmental Inc., as requested, conducted a review of reports, documents, test findings, and information provided and disclosed to Probe, as related to the environmental conditions of the site, by MHT Housing Inc., and Michigan State Housing Development Authority (MSHDA) agents, and subcontractors and information generally known about the site. All test, studies, and investigations, on other properties adjacent to Lot 59, other than for asbestos and lead paint, were conducted by others, contracted by MHT Housing, Inc., or MSHDA agents.
- 2) Asbestos materials found in the structure at 1427-1429 Lakewood St. on Lot 59.
- 3) Lead based paint found in the structure at 1427-1429 Lakewood St. on Lot 59.

The undersigned certifies to the City of Detroit and to future developers of the parcel in question that this Phase I Environmental Inquiry review was undertaken, prepared, and the activities performed, were conducted by and under the direct supervision and control of Benjamin Calo, Probe Environmental, Inc. who is a qualified person as defined by the City of Detroit Code and accompanying guidelines.

BENJAMIN CALO

Date: September 30, 1995.

Adopted as follows:

Yeas — Council Members K. Cockrel, Jr., S. Cockrel, Hood, Scott, Tinsley-Williams, and President Hill — 6.

Nays — None.

#### Department of Public Works City Engineering Division

December 4, 1998

Honorable City Council:

Re: Petition No. 0424 — Greektown Casino, L.L.C./Ted Gatzaros, et al, requesting the vacation of the east-west public alley in the block bounded by Monroe Ave., E. Lafayette St., St. Antoine St., and Beaubien St.

Petition No. 0424 of "Greektown Casino, L.L.C./Ted Gatzaros, et al" requests the outright vacation of a portion of the east-west public alley, 20 feet wide; also requests the conversion of a portion of the same public alley all in the block bounded by Monroe Avenue, East Lafayette, St. Antoine and Beaubien Streets into a private easement for public utilities to construct the "Greektown Temporary Casino."

The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

Detroit Edison Company (DE Co.) Has overhead and underground facilities in the above mentioned alley. The cost to relocate this equipment should not exceed \$600,000.00.

Ameritech (MBT) facilities are feeding Trappers Alley, and the Fire Station at 545 Lafayette. MBT must maintain services to these locations until they are closed or demolished. MBT will then remove their facilities and reroute for the casino site.

The Detroit Water and Sewerage Department (DWSD) indicates there is an 8" water main and a 12" and 15" x 20" sewer in the above mentioned alley. The DWSD has no objections to the outright vacate of the alley between Beaubien and Lot 8 provided that all properties abutting that portion of the alley are owned by the petitioner. In addition, the petitioner shall construct new entrance manholes for the DWSD on the portion of the existing sewers to remain in service.

Also, the petitioner must cut and cap the 8" water main in the alley adjacent to