

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 Lot 7 to keep a part of the water main in service. This work is to be done under DWSD's permit and inspection and in accordance with plans approved by DWSD. DWSD has no objections to convert the remainder of the above mentioned alley to an easement. All cost for the manhole's construction and the cutting and capping of the water main shall be borne by the petitioner, including inspection.

The Public Lighting Department (PLD) has no objection to the proposed vacation of alley. However, PLD has two cable poles (primary and secondary) and underground feed street light in the alley. In order to vacate the alley, PLD has to remove the overhead facilities. The cost of this project is estimated at \$12,000.00, billings will be for actual charges incurred.

In a letter from "Greektown Casino, L.L.C." signed by Mr. Ted Gatzaros, Partner, 400 Monroe, Suite 480, Detroit, Michigan, 48226 on file in the City Engineering Division — DPW, acknowledges that the "Greektown Casino Group" agrees to reimburse Detroit Edison Company for its cost associated with vacating the alley, relocating any structures, and refeeding electrical power to buildings affected by the Project.

Also, a letter on file acknowledges that the "Greektown Casino Group" agrees to reimburse the Public Lighting Department for its cost associated with vacating the alley and relocating any structures within the project site.

Comcast Cablevision (CATV) reports that they have facilities in the east-west alley to be vacated. In order to construct over this alley "Greektown Casino, L.L.C." has agreed to pay all costs incidental to the removal and rerouting of Comcast facilities.

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All other involved city departments and privately owned utility companies reported no objections to the outright vacation and to the conversion of the public right-of-way into a private easement for public utilities. At no time does this resolution address any other right-of-way changes except that specifically requested by Petition No. 0424. (Petition only refers to the change in the rights-of-ways of the east west, public alley, 20 ft. wd. south of Monroe Ave. between Beaubien St. and St. Antoine St.).

Any additional changes to public rights-of-way, such as, encroachments (overhead and underground), non-standard commercial driveway approaches, etc. are to be investigated and reported on by a separate petition filing with the City Clerks office.

Provisions protecting utility installations are part of the resolution.

An appropriate resolution containing the necessary conditions is attached for consideration by your Honorable Body.

Respectfully submitted,

SUNDAY A. JAIYESIMI

City Engineer

By Council Member Hood:

Whereas, The petitioner must file under separate application any other changes in public rights-of-way; therefore be it

Resolved, All that part of the east-west public alley, 20 feet in the block bounded by Monroe, St. Antoine, E. Lafayette and Beaubien, lying southerly of and abutting the south line of Lot 7 and Lot 16 of the "Plat of the Antoine Beaubien Farm" April 22, 1846 as recorded in Liber 27, Page 198, Deeds, including Catholic and Protestant Cemeteries;

Be and the same is hereby vacated as a public alley and is hereby converted into a private easement for public utilities of the full width of the alley, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said alley and by their heirs, executors administrators and assigns, forever to wit;

First, said owners hereby grant to and for the use of the public an easement of right-of-way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as: water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public alley in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth.

Second, said utility easement or right-of-way in and over said vacated alley herein above described shall be forever accessible, for the maintenance and inspection forces of the utility companies, or those specifically authorized by them, 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 St. Antoine Street), 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 any 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 back-hoes, 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

Resolved, All that remaining part of the east-west public alley, 20 feet wide, in the block bounded by Monroe, St. Antoine, E. Lafayette and Beaubien, lying southerly of and abutting the south line of Lots, 127 thru 130 both inclusive, of the Plat of A part of the "Lambert Beaubien Farm" in the City of Detroit, as surveyed into town lots for the proprietors by John Mullett surveyor, as recorded in Liber 6, Page 475-478, City Records; Also, that part of the remaining public alley, 20 feet wide, lying southerly of and abutting the south line of Lot 8 and 9 of the "Plat of the Antoine

12-4-98

Beaubien Farm" April 22, 1846 as recorded in Liber 27, Page 198 Deeds;

Be and the same hereby outright vacated as a public alley to become part and parcel of the abutting property; subject to the following provisions, easements, building and use restriction for the Water and Sewerage Department:

Provided, that before any construction shall be permitted within the vacated (outright) part of the east-west public alley, 20 feet wide, in the block bounded by Beaubien, St. Antoine, E. Lafayette and Monroe, mentioned above "Greektown Casino, L.L.C." shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the petitioner shall submit said building plans to the Detroit Water Sewerage Department (DWSD) for review and approval. All costs for plan review associated with the relocation of public sewer(s) and/or other construction that may be required by DWSD designed to prevent damages and maintain public

sewer(s), including but not limited to inspection and permits, shall be paid by "Greektown Casino, L.L.C." and/or their contractors; and further

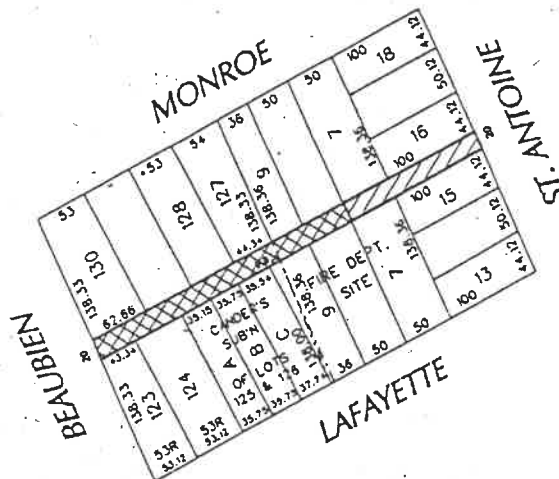
Provided, the petitioner shall construct new entrance manholes for DWSD on the portion of the existing sewers to remain in service. Also the petitioner must cut and cap the 8" water main in the alley, adjacent to Lot 7 to keep a part of the water main in service; and further

Provided, that if it becomes necessary to remove the paved alley return at the entrance (into Beaubien Street), 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 cost borne by "Greektown Casino, L.L.C." (the abutting owner), their heirs or assigns; 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.



REVISION !!!



REQUESTED OUT-RIGHT VACATION



REQUESTED CONVERSION TO EASEMENT

CARTO NO. 28-A

Adopted as follows:

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

Nays — None.

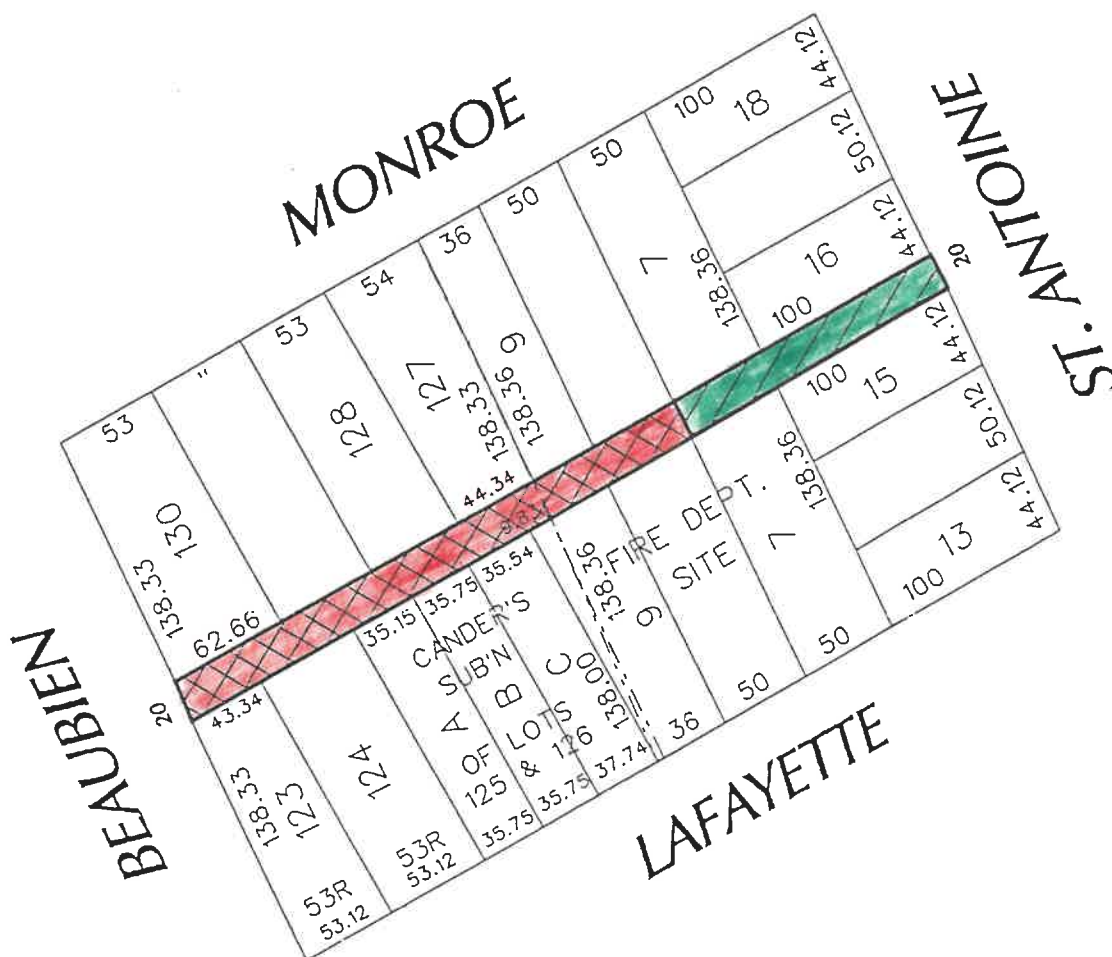
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to  
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PETITION NO. 424.DGN  
 TRAPPERS ALLEY  
 508 MONROE  
 C/O TED GATZAROS  
 PHONE NO. 313-963-3357



# REVISION !!!



REQUESTED OUT-RIGHT VACATION



REQUESTED CONVERSION TO EASEMENT

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CARTO NO. 28-A

FOR OFFICE USE ONLY

B					
A	EASE.	NP	JF	JF	10/98
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED			
10-22-98					

REQUESTED CONVERSION TO EASEMENT AND OUT-RIGHT VACATION OF THE E/W 20 FT. WD. ALLEY BOUNDED BY MONROE, LAFAYETTE, BEAUBIEN AND ST. ANTOINE.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X424.DGN