

New Business
4.9.2019

**PUBLIC HEALTH
AND SAFETY
STANDING
COMMITTEE**

OFFICE OF CONTRACTING
AND PROCUREMENT

29

April 4, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6000115 REVENUE – AMEND 2 – To Provide the Lessee the usage of Certain Premises, Sell Aviation Fuel, and grant Lessee Certain Operating Rights for General Aviation Support Services as a Fixed Base Operator at the City Airport. – Contractor: AVFLIGHT Detroit City Airport – Location: 11499 Conner, Detroit, MI 48213 – Contract Period: Upon City Council Approval through June 30, 2020 – Contract Increase: \$90,840.00 – Total Contract Amount: \$363,360.00. **AIRPORT**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER BENSON

RESOLVED, that Contract No. 6000115 referred to in the foregoing communication dated April 4, 2019, be hereby and is approved.

30

**OFFICE OF CONTRACTING
AND PROCUREMENT**

April 4, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3032842 100% City Funding – To Provide Emergency Residential Demolition at 17707 Greenview. – Contractor: Leadhead Construction – Location: 41617 Cummings Lane, Novi, MI 48337 – Contract Date: Upon City Council Approval through April 8, 2020 – Total Contract Amount: \$19,331.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **BENSON**

RESOLVED, that Contract No. 3032842 referred to in the foregoing communication dated April 4, 2019, be hereby and is approved.



CITY OF DETROIT
LAW DEPARTMENT

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, SUITE 500
DETROIT, MICHIGAN 48226-3437
PHONE 313•224•4550
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WWW.DETROITMI.GOV

31

April 5, 2019

Detroit City Council
1340 Coleman A. Young Municipal Center
Detroit, Michigan 48226

Re: Chapter 22 of the 1984 Detroit City Code, *Handling of Solid Waste and Prevention of Illegal Dumping*, Article I, *In General*, Division 2, *Civil Fines for Violations*

Honorable City Council:

At the request of Miriam Blanks-Smart, Director of the Department of Appeals and Hearings, the Law Department has prepared and approved as to form the above-referenced ordinance amendments for your consideration. The proposed amendments create uniform measurements for determining blight violations and fines related to illegal dumping of solid waste from a motor vehicle, as well as allow for higher fines related to illegally dumping larger quantities of solid waste.

Respectfully submitted,

Ericka Savage Whitley
Assistant Corporation Counsel
City of Detroit Law Department
(313) 237-3008

CITY CLERK 2019 APR 5 PM 5:00

S U M M A R Y

This ordinance amends Chapter 22 of the 1984 Detroit City Code, *Handling of Solid Waste and Prevention of Illegal Dumping*, Article I, *In General*, Division 2, *Civil Fines for Violations*, by amending Section 22-1-14, *Civil fines for violation of Sections 22-2-83(b), (c) and (d), 22-2-84(a) and (b)(1), (2) and (4), 22-2-87, 22-2-88(b) and (c), 22-2-96 and 22-2-97 of this Code regarding solid waste except for medical waste and hazardous waste; cost of removal incurred by City of Detroit; factors to be considered by hearings officer when determining fine; burden of proof for factors upon the violator*, adding Section 22-1-17, *Civil fines for violations of Section 22-2-83(d) of this Code regarding solid waste from a motor vehicle except for medical waste and hazardous waste; cost of removal incurred by City of Detroit; factors to be considered by hearings officer when determining fine; burden of proof for factors upon the violator*, and amending Article II, *Storage, Preparation, Collection, Transport, Disposal, and Placement*, Division 5, *Illegal Dumping*, by amending Section 22-2-83, *Dumping, storing or depositing solid waste, medical waste, hazardous waste or bulk solid material on any publicly owned property, or private property or water, without permit*, to provide: uniform measurements for determining blight violations related to illegal dumping of solid waste from a motor vehicle; uniform measurements for determining fines related to illegal dumping of solid waste from a motor vehicle; and an additional classification and higher fines related to illegally dumping larger quantities of solid waste from a motor vehicle.

1 **BY COUNCILMEMBER _____** :

2 AN ORDINANCE to amend Chapter 22 of the 1984 Detroit City Code, *Handling of Solid*
3 *Waste and Prevention of Illegal Dumping*, Article I, *In General*, Division 2, *Civil Fines for*
4 *Violations*, by amending Section 22-1-14, *Civil fines for violation of Sections 22-2-83(b), (c) and*
5 *(d), 22-2-84(a) and (b)(1), (2) and (4), 22-2-87, 22-2-88(b) and (c), 22-2-96 and 22-2-97 of this*
6 *Code regarding solid waste except for medical waste and hazardous waste; cost of removal*
7 *incurred by City of Detroit; factors to be considered by hearings officer when determining fine;*
8 *burden of proof for factors upon the violator*, adding Section 22-1-17, *Civil fines for violations of*
9 *Section 22-2-83(d) of this Code regarding solid waste from a motor vehicle except for medical*
10 *waste and hazardous waste; cost of removal incurred by City of Detroit; factors to be considered*
11 *by hearings officer when determining fine; burden of proof for factors upon the violator*, and
12 amending Article II, *Storage, Preparation, Collection, Transport, Disposal, and Placement*,
13 Division 5, *Illegal Dumping*, by amending Section 22-2-83, *Dumping, storing or depositing solid*
14 *waste, medical waste, hazardous waste or bulk solid material on any publicly owned property, or*
15 *private property or water, without permit*, to provide: uniform measurements for determining
16 blight violations related to illegal dumping of solid waste from a motor vehicle; uniform
17 measurements for determining fines related to illegal dumping of solid waste from a motor vehicle;
18 and an additional classification and higher fines related to illegally dumping larger quantities of
19 solid waste from a motor vehicle.

1 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:**

2 **Section 1.** Chapter 22 of the 1984 Detroit City Code, *Handling of Solid Waste and*
3 *Prevention of Illegal Dumping*, Article I, *In General*, Division 2, *Civil Fines for Violations*, is
4 amended by amending Section 22-1-14, adding Section 22-1-17, and amending Article II, *Storage,*
5 *Preparation, Collection, Transport, Disposal, and Placement*, Division 5, *Illegal Dumping,*
6 Section 22-2-83 to read as follows:

7 **CHAPTER 22. HANDLING OF SOLID WASTE AND**
8 **PREVENTION OF ILLEGAL DUMPING**

9 **ARTICLE I. IN GENERAL**

10 **Division 2. Civil Fines for Violations**

11 **Sec. 22-1-14. Civil fines for violation of Sections 22-2-83(b), (c) ~~and (d)~~, 22-2-84(a) and (b)(1),**
12 **(2) and (4), 22-2-87, 22-2-88(b) and (c), 22-2-96 and 22-2-97 of this Code regarding solid**
13 **waste except for medical waste and hazardous waste; cost of removal incurred by City of**
14 **Detroit; factors to be considered by hearings officer when determining fine; burden of proof**
15 **for factors upon the violator.**

16 (a) A person who violates any of the provisions of Sections 22-2-83(b), 22-2-84(a) and
17 (b)(1), (2) and (4), 22-2-87, 22-2-88(b) and (c), 22-2-96-or 22-2-97 of this Code regarding solid
18 waste, where the amount of the solid waste is less than five ~~(5)~~ cubic yards in volume, is
19 responsible for a blight violation and, for the first violation, is subject to a civil fine of two hundred
20 ~~dollars (\$200.00)~~ and, in accordance with Section 22-1-31 of this Code, is responsible for the cost
21 of removal by the City ~~of Detroit~~.

22 (b) A person who violates any of the provisions of Sections 22-2-83(c) ~~and (d)~~ 22-2-
23 84(a) and (b)(1), (2) and (4), 22-2-87, 22-2-88(b) and (c), 22-2-96 or 22-2-97 of this Code, where

1 the amount of the solid waste is five (~~5~~) or more cubic yards in volume but less than ten (~~10~~) cubic
2 yards in volume, is responsible for a blight violation and, for the first violation, is subject to a civil
3 fine of ~~five hundred~~ (\$500.00) and, in accordance with Section 22-1-31 of this Code, is responsible
4 for the cost of removal by the ~~City of Detroit~~.

5 (c) A person who violates any of the provisions of Sections 22-2-83(c) ~~and (d)~~, 22-2-
6 84(a) and (b)(1), (2) and (4), 22-2-87, 22-2-88(b) and (c), 22-2-96 or 22-2-97 of this Code, where
7 the amount of the solid waste is ten (~~10~~) or more cubic yards in volume, is responsible for a blight
8 violation and, for the first violation, is subject to a civil fine of ~~one thousand dollars~~ (\$1,000.00)
9 and, in accordance with Section 22-1-31 of this Code, is responsible for the cost of removal by the
10 ~~City of Detroit~~.

11 (d) For a repeat or subsequent blight violation under sections 22-2-83(b), 22-2-84(a)
12 and (b)(1), (2) and (4), 22-2-87, 22-2-88(b) and (c), 22-2-96 or 22-2-97 of this Code, where the
13 amount of the solid waste is less than five (~~5~~) cubic yards in volume, a person shall be subject to
14 a civil fine of not less than ~~two hundred dollars~~ (\$200.00) but not more than ~~five hundred dollars~~
15 (\$500.00) and, in accordance with Section 22-1-31 of this Code, is responsible for the cost of
16 removal by the ~~City of Detroit~~.

17 (e) For a repeat or subsequent blight violation under Sections 22-2-83(c) ~~and (d)~~, 22-
18 2-84(a) and (b)(1), (2) and (4), 22-2-87, 22-2-88(b) and (c), 22-2-96 or 22-2-97 of this Code,
19 where the amount of the solid waste is five (~~5~~) or more cubic yards in volume but less than ten
20 (~~10~~) cubic yards in volume, a person shall be subject to a civil fine of not less than ~~five hundred~~
21 ~~dollars~~ (\$500.00) but not more than ~~one thousand dollars~~ (\$1,000.00) and, in accordance
22 with section 22-1-31 of this Code, is responsible for the cost of removal by the ~~City of Detroit~~.

1 (f) For a repeat or subsequent blight violation under Sections 22-2-83(c) and ~~(d)~~, 22-
2 2-84(a) and (b)(1), (2) and (4), 22-2-87, 22-2-88(b) and (c), 22-2-96 or 22-2-97 of this Code,
3 where the amount of the solid waste is ten ~~(10)~~ or more cubic yards in volume, a person shall be
4 subject to a civil fine of not less than ~~one thousand dollars~~ (\$1,000.00) but not more than ~~two~~
5 ~~thousand five hundred dollars~~ (\$2,500.00) and, in accordance with Section 22-1-31 of this Code, is
6 responsible for the cost of removal by the City of Detroit.

7 (g) Each day on which any violation of any of the provisions of Sections 22-2-83(b),
8 and (c), and ~~(d)~~, 22-2-84(a) and (b)(1), (2) and (4), 22-2-87, 22-2-88(b) and (c), 22-2-96 or 22-2-
9 97 of this Code continues shall constitute a separate violation. The imposition of a fine under this
10 section shall not be construed to excuse or to permit the continuation of any violation and, upon a
11 blight violation determination may be subject to a civil fine for each day the violation continues.
12 The determination as to whether an act or a failure to act is a continuing violation is within the
13 discretion of the hearings officer.

14 (h) When determining the amount of a civil fine for a blight violation that is issued
15 under Subsections (a), (b), (c), ~~(d)~~, (e), or (f) of this section, the hearings officer shall consider all
16 of the following factors:

- 17 (1) The type of solid waste;
- 18 (2) The nature of the violation;
- 19 (3) The duration of the violation;
- 20 (4) The preventability of the violation;
- 21 (5) The potential and actual effect on the surrounding neighborhood or the
22 environment;
- 23 (6) The economic benefit to the violator;

1 (7) The violator's recalcitrance or efforts to comply with law; and

2 (8) The economic impact of the fine on the violator.

3 These factors shall only be considered where the hearings officer determines that the violator has
4 made all good faith efforts to correct and terminate the violation. The violator shall have the burden
5 of proof regarding the presence and degree of any factor to be considered by the hearings officer
6 in determining the amount of the fine. In each case, the fine shall be set within the range that is
7 delineated in subsections (a), (b), (c), ~~(d)~~, (e), or (f) of this section for the corresponding amount
8 of solid waste.

9 **Sec. 22-1-17. Civil fines for violation of Section 22-2-83(d) of this Code regarding solid waste**
10 **from a motor vehicle except for medical waste and hazardous waste; cost of removal**
11 **incurred by City of Detroit; factors to be considered by hearings officer when determining**
12 **fine; burden of proof for factors upon the violator.**

13 (a) A person who violates any of the provisions of Section 22-2-83(d) of this Code
14 regarding solid waste from a motor vehicle, where the amount of the solid waste is less than five
15 cubic feet in volume, is responsible for a blight violation and, for the first violation, is subject to a
16 civil fine of \$200 and, in accordance with Section 22-1-31 of this Code, is responsible for the cost
17 of removal by the City.

18 (b) A person who violates any of the provisions of Sections 22-2-83(d) of this Code,
19 where the amount of the solid waste from a motor vehicle is five or more cubic feet in volume but
20 less than ten cubic feet in volume, is responsible for a blight violation and, for the first violation,
21 is subject to a civil fine of \$500.00 and, in accordance with Section 22-1-31 of this Code, is
22 responsible for the cost of removal by the City.

1 (c) A person who violates any of the provisions of Section 22-2-83(d) of this Code,
2 where the amount of the solid waste from a motor vehicle is ten or more cubic feet in volume but
3 less than 15 cubic feet in volume, is responsible for a blight violation and, for the first violation, is
4 subject to a civil fine of \$1,000.00 and, in accordance with Section 22-1-31 of this Code, is
5 responsible for the cost of removal by the City.

6 (d) A person who violates any of the provisions of Section 22-2-83(d) of this Code,
7 where the amount of the solid waste from a motor vehicle is 15 or more cubic feet in volume is
8 responsible for a blight violation and, for the first violation, is subject to a civil fine of \$1,500.00
9 and, in accordance with Section 22-1-31 of this Code, is responsible for the cost of removal by the
10 City.

11 (e) For a repeat or subsequent blight violation under Section 22-2-83(d) of this Code,
12 where the amount of the solid waste from a motor vehicle is less than five cubic feet in volume, a
13 person shall be subject to a civil fine of not less than \$200.00 but not more than \$500.00 and, in
14 accordance with Section 22-1-31 of this Code, is responsible for the cost of removal by the City.

15 (f) For a repeat or subsequent blight violation under Section 22-2-83(d) of this Code,
16 where the amount of the solid waste from a motor vehicle is five or more cubic feet in volume but
17 less than ten cubic feet in volume, a person shall be subject to a civil fine of not less than \$500.00
18 but not more than \$1,000.00 and, in accordance with Section 22-1-31 of this Code, is responsible
19 for the cost of removal by the City.

20 (g) For a repeat or subsequent blight violation under Section 22-2-83(d) of this Code,
21 where the amount of the solid waste from a motor vehicle is ten or more cubic feet in volume but
22 less than 15 cubic feet in volume, a person shall be subject to a civil fine of not less than \$1,000.00

1 but not more than \$2,500.00 and, in accordance with Section 22-1-31 of this Code, is responsible
2 for the cost of removal by the City.

3 (h) For a repeat or subsequent blight violation under Section 22-2-83(d) of this Code,
4 where the amount of the solid waste from a motor vehicle is 15 cubic feet or more in volume, a
5 person shall be subject to a civil fine of not less than \$1,500.00 but not more than \$3,000.00 and,
6 in accordance with Section 22-1-31 of this Code, is responsible for the cost of removal by the City.

7 (i) Each day on which any violation of any of the provisions of Section 22-2-83(d) of
8 this Code continues shall constitute a separate violation. The imposition of a fine under this section
9 shall not be construed to excuse or to permit the continuation of any violation and, upon a blight
10 violation determination may be subject to a civil fine for each day the violation continues. The
11 determination as to whether an act or a failure to act is a continuing violation is within the
12 discretion of the hearings officer.

13 (h) When determining the amount of a civil fine for a blight violation that is issued
14 under Subsection (d) of this section, the hearings officer shall consider all of the following factors:

15 (1) The type of solid waste;

16 (2) The nature of the violation;

17 (3) The duration of the violation;

18 (4) The preventability of the violation;

19 (5) The potential and actual effect on the surrounding neighborhood or the
20 environment;

21 (6) The economic benefit to the violator;

22 (7) The violator's recalcitrance or efforts to comply with law; and

23 (8) The economic impact of the fine on the violator.

1 These factors shall only be considered where the hearings officer determines that the violator has
2 made all good faith efforts to correct and terminate the violation. The violator shall have the burden
3 of proof regarding the presence and degree of any factor to be considered by the hearings officer
4 in determining the amount of the fine. In each case, the fine shall be set within the range that is
5 delineated in Subsection (d) of this section for the corresponding amount of solid waste.

6 Secs. 22-1-18—22-1-30. Reserved.

7 **ARTICLE II. STORAGE, PREPARATION,**
8 **COLLECTION, TRANSPORT, DISPOSAL, AND PLACEMENT**

9 **Division 5. Illegal Dumping**

10 **Sec. 22-2-83. Dumping, storing or depositing solid waste, medical waste, hazardous waste, or**
11 **bulk solid material on any publicly owned property, or private property or water, without**
12 **permit; impoundment of vehicle.**

13 (a) No person shall dump, store or deposit or cause to be dumped, stored or deposited,
14 on any publicly-owned property, or private property or water, within the City of ~~Detroit~~ any solid
15 waste, medical waste or hazardous waste, except at a waste disposal or storage facility for which
16 a permit or operating license has been properly issued pursuant to the provisions of this Code and
17 of other local, state and federal law. Such dumping, storing, or depositing without a permit is
18 declared to be a blight violation. In accordance with Section 22-1-32 of this Code, police officer
19 may impound a vehicle that is operated in the commission of a blight violation.

20 (b) Dumping, depositing, or placing solid waste less than five cubic yards on any
21 private property, public property, right-of-way or surface water or around any approved or portable
22 container, ~~or dumping solid waste less than five cubic feet from a motor vehicle, is littering and is~~
23 hereby deemed unlawful and subject to the fines and penalties provided for in this chapter.

1 (c) Unless otherwise provided for in this division, dumping, storing, depositing of solid
2 waste in an amount of five cubic yards or more on any private property, public property, right-of-
3 way or surface water or around any approved or portable container is illegal dumping and is hereby
4 deemed unlawful and subject to the fines and penalties provided for in this chapter.

5 (d) Dumping, or depositing solid waste ~~of five cubic feet or more~~ in any discernable
6 quantity from any motor vehicle upon any public highway, city street, public or private property
7 or water or causing such solid waste to be dumped or deposited from a motor vehicle is illegal
8 dumping, and is hereby deemed unlawful and subject to the fines and penalties provided for in
9 this chapter.

10 (e) Dumping, storing, depositing or placing medical waste or hazardous waste in any
11 discernable quantity on any private property, public property, right-of-way or surface water or
12 around any approved or potable container is illegal dumping and is hereby deemed unlawful and
13 is subject to the fines and penalties provided for in this chapter.

14 (f) Dumping or depositing medical or hazardous waste in any discernable quantity
15 from any motor vehicle upon any public highway, city street, public or private property or water
16 or causing such solid waste to be dumped or deposited from any motor vehicle is illegal dumping
17 and is hereby deemed unlawful and is subject to the fines and penalties provided for in this chapter.

18 (g) Unless otherwise provided for in this chapter, dumping, storing, depositing, or
19 transporting bulk solid material on any private property, public property, right of way, or surface
20 water or around any approved or portable container is illegal dumping and is a blight violation
21 subject to the fines and penalties provided for in this chapter. Asphalt millings removed as part of
22 a public paving or repaving project (a project conducted, controlled or funded by the governments
23 or agencies of the City of Detroit, the County of Wayne, the State of Michigan, or the United

1 States) and temporarily stored on or adjacent to that project for reuse in that project is not illegal
2 dumping if the temporary storage period does not exceed 45 days.

3 (h) Violations of Article V of this chapter not described by Section 22-2-83(g),
4 including but not limited to the escape of fugitive dust from an otherwise authorized collection of
5 bulk solid material in an amount that exceeds the opacity limit specified in MCL 324.5524(2),
6 regardless of qualification under MCL 324.5524(1), is unlawful and is subject to the fines and
7 penalties provided for in this chapter.

Section 2. All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

Section 3. This ordinance is declared necessary for the preservation of the public peace, health, safety, and welfare of the People of the City of Detroit.

Section 4. Where this ordinance is passed by a two thirds (2/3) majority of City Council Members serving, it shall be given immediate effect and shall become effective upon publication in accordance with Section 4-118(1) of the 2012 Detroit City Charter. Where this ordinance is passed by less than two thirds (2/3) majority of City Council Members serving, it shall become effective thirty (30) days after publication in accordance with Section 4-118(2) of the 2012 Detroit City Charter.

Approved as to form:


Lawrence T. Garcia
Corporation Counsel



32

Date: April 1, 2019

HONORABLE CITY COUNCIL

RE: **RECOMMENDATION FOR DEFERRAL**
ADDRESS: 2980 Hazelwood
NAME: Jamel Moore
Demolition Ordered: October 31, 2016

In response to the request for a deferral of the demolition order on the property noted above, the Buildings, Safety Engineering and Environmental Department (BSEED) submits the following information:

A special inspection conducted on March 26, 2019 revealed that the building is secured and appears to be sound and repairable. The owner has paid all taxes and is current. The proposed use of the property is owner's use and occupancy. **This is the 1st deferral request for this property.**

Therefore, we respectfully recommended that the demolition order be deferred for a period of six months subject to the following conditions:

1. A permit for rehabilitation work shall be applied for within ten (10) business days from the date of the City Council decision.
2. BSEED will schedule a Progress Inspection within forty-five (45) calendar days from the date of the rehabilitation permit to determine whether substantial progress has been made. Thereafter, the owner must submit to BSEED detailed inspection reports, with photos showing evidence of the work completed, every forty-five (45) calendar days, for the duration of the rehabilitation work, to demonstrate that substantial progress has been made during the approved time frame for rehabilitation.
3. The building shall have all imminently hazardous conditions immediately corrected, be maintained, and securely barricaded until rehabilitation is complete. Rehabilitation work is to be completed within six (6) months, at which time the owner will obtain one of the following from this department:
 - Certificate of Acceptance related to building permits
 - Certificate of Approval as a result of a Housing Inspection
 - Certificate of Compliance, required for all rental properties
4. The owner shall not occupy or allow occupancy of the structure without a certificate (as outlined above).
5. The yards shall be maintained clear of overgrown vegetation, weeds, junk and debris at all times.
6. Prior to seeking a permit extension, the owner must contact BSEED and request to extend the deferral period.

We recommend that utility disconnect actions cease to allow the progress of the rehabilitation.

At the end of the deferral period, the owner must contact this department to arrange an inspection to evidence that conditions of the deferral have been satisfied and that there has been substantial progress toward rehabilitation. If the building becomes open to trespass or if conditions of the deferral are not followed, the deferral may be rescinded by the City Council at any time and we may proceed with demolition without further notice. In addition, pursuant to the Property Maintenance Code we will issue a Blight Violation Notice.

Any request exceeding three (3) deferrals must be made by petition to City Council through the office of the City Clerk.

Respectfully submitted,

David Bell
Director

DB:bkd

cc: Jamel Moore, `12844 Bloom, Hamtramck, MI 48212



33

Date: April 1, 2019

HONORABLE CITY COUNCIL

RE: **RECOMMENDATION FOR DEFERRAL**

ADDRESS: 740 Calvert

NAME: Sara Elbohy

Demolition Ordered: July 15, 2014

In response to the request for a deferral of the demolition order on the property noted above, the Buildings, Safety Engineering and Environmental Department (BSEED) submits the following information:

A special inspection conducted on March 26, 2019 revealed that the building is secured and appears to be sound and repairable. The owner has paid all taxes and is current. The proposed use of the property is owner's use and occupancy. **This is the 1st deferral request for this property.**

Therefore, we respectfully recommended that the demolition order be deferred for a period of six months subject to the following conditions:

1. A permit for rehabilitation work shall be applied for within ten (10) business days from the date of the City Council decision.
2. BSEED will schedule a Progress Inspection within forty-five (45) calendar days from the date of the rehabilitation permit to determine whether substantial progress has been made. Thereafter, the owner must submit to BSEED detailed inspection reports, with photos showing evidence of the work completed, every forty-five (45) calendar days, for the duration of the rehabilitation work, to demonstrate that substantial progress has been made during the approved time frame for rehabilitation.
3. The building shall have all imminently hazardous conditions immediately corrected, be maintained, and securely barricaded until rehabilitation is complete. Rehabilitation work is to be completed within six (6) months, at which time the owner will obtain one of the following from this department:
 - Certificate of Acceptance related to building permits
 - Certificate of Approval as a result of a Housing Inspection
 - Certificate of Compliance, required for all rental properties
4. The owner shall not occupy or allow occupancy of the structure without a certificate (as outlined above).
5. The yards shall be maintained clear of overgrown vegetation, weeds, junk and debris at all times.
6. Prior to seeking a permit extension, the owner must contact BSEED and request to extend the deferral period.

We recommend that utility disconnect actions cease to allow the progress of the rehabilitation.

At the end of the deferral period, the owner must contact this department to arrange an inspection to evidence that conditions of the deferral have been satisfied and that there has been substantial progress toward rehabilitation. If the building becomes open to trespass or if conditions of the deferral are not followed, the deferral may be rescinded by the City Council at any time and we may proceed with demolition without further notice. In addition, pursuant to the Property Maintenance Code we will issue a Blight Violation Notice.

Any request exceeding three (3) deferrals must be made by petition to City Council through the office of the City Clerk.

Respectfully submitted,

David Bell
Director

DB:bkd

cc: Sara Elbohy, 49208 Brooklyn DR, Shelby Twp., 48317



34

Date: March 29, 2019

HONORABLE CITY COUNCIL

RE: RECOMMENDATION FOR DEFERRAL
ADDRESS: 4801 Toledo
NAME: Naomileah Realty, LLC
Demolition Ordered: October 8, 2018

In response to the request for a deferral of the demolition order on the property noted above, the Buildings, Safety Engineering and Environmental Department (BSEED) submits the following information:

A special inspection conducted on March 27, 2019 revealed that the building is secured and appears to be sound and repairable. The owner has paid all taxes and is current. The proposed use of the property is owner's use and occupancy. **This is the 1st deferral request for this property.**

Therefore, we respectfully recommended that the demolition order be deferred for a period of six months subject to the following conditions:

1. **A permit for rehabilitation work shall be applied for within ten (10) business days from the date of the City Council decision.**
2. **BSEED will schedule a Progress Inspection within forty-five (45) calendar days from the date of the rehabilitation permit to determine whether substantial progress has been made. Thereafter, the owner must submit to BSEED detailed inspection reports, with photos showing evidence of the work completed, every forty-five (45) calendar days, for the duration of the rehabilitation work, to demonstrate that substantial progress has been made during the approved time frame for rehabilitation.**
3. **The building shall have all imminently hazardous conditions immediately corrected, be maintained, and securely barricaded until rehabilitation is complete. Rehabilitation work is to be completed within six (6) months, at which time the owner will obtain one of the following from this department:**
 - **Certificate of Acceptance related to building permits**
 - **Certificate of Approval as a result of a Housing Inspection**
 - **Certificate of Compliance, required for all rental properties**
4. **The owner shall not occupy or allow occupancy of the structure without a certificate (as outlined above).**
5. **The yards shall be maintained clear of overgrown vegetation, weeds, junk and debris at all times.**
6. **Prior to seeking a permit extension, the owner must contact BSEED and request to extend the deferral period.**

We recommend that utility disconnect actions cease to allow the progress of the rehabilitation.

At the end of the deferral period, the owner must contact this department to arrange an inspection to evidence that conditions of the deferral have been satisfied and that there has been substantial progress toward rehabilitation. If the building becomes open to trespass or if conditions of the deferral are not followed, the deferral may be rescinded by the City Council at any time and we may proceed with demolition without further notice. In addition, pursuant to the Property Maintenance Code we will issue a Blight Violation Notice.

Any request exceeding three (3) deferrals must be made by petition to City Council through the office of the City Clerk.

Respectfully submitted,

David Bell
Director

DB:bkd

cc: Naomileah Realty LLC, 2120 Ferdinand, Detroit, MI 48209
Monica Delgado, P.O. Box 10230, Detroit, MI 48210



35

Date: March 29, 2019

HONORABLE CITY COUNCIL

RE: **RECOMMENDATION FOR DEFERRAL**
ADDRESS: 12066 Minden
NAME: 2486930 Ontario INC
Demolition Ordered: October 22, 2018

In response to the request for a deferral of the demolition order on the property noted above, the Buildings, Safety Engineering and Environmental Department (BSEED) submits the following information:

A special inspection conducted on March 26, 2019 revealed that the building is secured and appears to be sound and repairable. The owner has paid all taxes and is current. The proposed use of the property is owner's use and occupancy. **This is the 1st deferral request for this property.**

Therefore, we respectfully recommended that the demolition order be deferred for a period of six months subject to the following conditions:

1. **A permit for rehabilitation work shall be applied for within ten (10) business days from the date of the City Council decision.**
2. **BSEED will schedule a Progress Inspection within forty-five (45) calendar days from the date of the rehabilitation permit to determine whether substantial progress has been made. Thereafter, the owner must submit to BSEED detailed inspection reports, with photos showing evidence of the work completed, every forty-five (45) calendar days, for the duration of the rehabilitation work, to demonstrate that substantial progress has been made during the approved time frame for rehabilitation.**
3. **The building shall have all imminently hazardous conditions immediately corrected, be maintained, and securely barricaded until rehabilitation is complete. Rehabilitation work is to be completed within six (6) months, at which time the owner will obtain one of the following from this department:**
 - **Certificate of Acceptance related to building permits**
 - **Certificate of Approval as a result of a Housing Inspection**
 - **Certificate of Compliance, required for all rental properties**
4. **The owner shall not occupy or allow occupancy of the structure without a certificate (as outlined above).**
5. **The yards shall be maintained clear of overgrown vegetation, weeds, junk and debris at all times.**
6. **Prior to seeking a permit extension, the owner must contact BSEED and request to extend the deferral period.**

We recommend that utility disconnect actions cease to allow the progress of the rehabilitation.

At the end of the deferral period, the owner must contact this department to arrange an inspection to evidence that conditions of the deferral have been satisfied and that there has been substantial progress toward rehabilitation. If the building becomes open to trespass or if conditions of the deferral are not followed, the deferral may be rescinded by the City Council at any time and we may proceed with demolition without further notice. In addition, pursuant to the Property Maintenance Code we will issue a Blight Violation Notice.

Any request exceeding three (3) deferrals must be made by petition to City Council through the office of the City Clerk.

Respectfully submitted,

David Bell
Director

DB:bkd

cc: 2486930 Ontario INC, P.O. Box 31067 Roseland RO, Windsor, ONT, N0R 1K0, Canada
2486930 Ontario, INC, 5430 12th Concession RD, Maidstone, Ont., N0R 1K0, Canada
ATTN: Arlen Miffen



36

Date: April 1, 2019

HONORABLE CITY COUNCIL
RE: **RECOMMENDATION FOR DEFERRAL**
ADDRESS: 14896 Stout
NAME: William Smith
Demolition Ordered: September 24, 2018

In response to the request for a deferral of the demolition order on the property noted above, the Buildings, Safety Engineering and Environmental Department (BSEED) submits the following information:

A special inspection conducted on March 25, 2019 revealed that the building is secured and appears to be sound and repairable. The owner has paid all taxes and is current. The proposed use of the property is owner's use and occupancy. **This is the 1st deferral request for this property.**

Therefore, we respectfully recommended that the demolition order be deferred for a period of six months subject to the following conditions:

1. A permit for rehabilitation work shall be applied for within ten (10) business days from the date of the City Council decision.
2. BSEED will schedule a Progress Inspection within forty-five (45) calendar days from the date of the rehabilitation permit to determine whether substantial progress has been made. Thereafter, the owner must submit to BSEED detailed inspection reports, with photos showing evidence of the work completed, every forty-five (45) calendar days, for the duration of the rehabilitation work, to demonstrate that substantial progress has been made during the approved time frame for rehabilitation.
3. The building shall have all imminently hazardous conditions immediately corrected, be maintained, and securely barricaded until rehabilitation is complete. Rehabilitation work is to be completed within six (6) months, at which time the owner will obtain one of the following from this department:
 - Certificate of Acceptance related to building permits
 - Certificate of Approval as a result of a Housing Inspection
 - Certificate of Compliance, required for all rental properties
4. The owner shall not occupy or allow occupancy of the structure without a certificate (as outlined above).
5. The yards shall be maintained clear of overgrown vegetation, weeds, junk and debris at all times.
6. Prior to seeking a permit extension, the owner must contact BSEED and request to extend the deferral period.

We recommend that utility disconnect actions cease to allow the progress of the rehabilitation.

At the end of the deferral period, the owner must contact this department to arrange an inspection to evidence that conditions of the deferral have been satisfied and that there has been substantial progress toward rehabilitation. If the building becomes open to trespass or if conditions of the deferral are not followed, the deferral may be rescinded by the City Council at any time and we may proceed with demolition without further notice. In addition, pursuant to the Property Maintenance Code we will issue a Blight Violation Notice.

Any request exceeding three (3) deferrals must be made by petition to City Council through the office of the City Clerk.

Respectfully submitted,

David Bell
Director

DB:bkd

cc: William Smith, 14896 Stout, Detroit, MI 48223
William Smith, 16510 Biltmore, Detroit, MI 48235



31

Date: April 1, 2019

HONORABLE CITY COUNCIL

RE: **RECOMMENDATION FOR DEFERRAL**
ADDRESS: 325 Melbourne
NAME: Jacob de Golish
Demolition Ordered: October 28, 2013

In response to the request for a deferral of the demolition order on the property noted above, the Buildings, Safety Engineering and Environmental Department (BSEED) submits the following information:

A special inspection conducted on March 26, 2019 revealed that the building is secured and appears to be sound and repairable. The owner has paid all taxes and is current. The proposed use of the property is owner's use and occupancy. **This is the 1st deferral request for this property.**

Therefore, we respectfully recommended that the demolition order be deferred for a period of six months subject to the following conditions:

1. **A permit for rehabilitation work shall be applied for within ten (10) business days from the date of the City Council decision.**
2. **BSEED will schedule a Progress Inspection within forty-five (45) calendar days from the date of the rehabilitation permit to determine whether substantial progress has been made. Thereafter, the owner must submit to BSEED detailed inspection reports, with photos showing evidence of the work completed, every forty-five (45) calendar days, for the duration of the rehabilitation work, to demonstrate that substantial progress has been made during the approved time frame for rehabilitation.**
3. **The building shall have all imminently hazardous conditions immediately corrected, be maintained, and securely barricaded until rehabilitation is complete. Rehabilitation work is to be completed within six (6) months, at which time the owner will obtain one of the following from this department:**
 - **Certificate of Acceptance related to building permits**
 - **Certificate of Approval as a result of a Housing Inspection**
 - **Certificate of Compliance, required for all rental properties**
4. **The owner shall not occupy or allow occupancy of the structure without a certificate (as outlined above).**
5. **The yards shall be maintained clear of overgrown vegetation, weeds, junk and debris at all times.**
6. **Prior to seeking a permit extension, the owner must contact BSEED and request to extend the deferral period.**

We recommend that utility disconnect actions cease to allow the progress of the rehabilitation.

At the end of the deferral period, the owner must contact this department to arrange an inspection to evidence that conditions of the deferral have been satisfied and that there has been substantial progress toward rehabilitation. If the building becomes open to trespass or if conditions of the deferral are not followed, the deferral may be rescinded by the City Council at any time and we may proceed with demolition without further notice. In addition, pursuant to the Property Maintenance Code we will issue a Blight Violation Notice.

Any request exceeding three (3) deferrals must be made by petition to City Council through the office of the City Clerk.

Respectfully submitted,

David Bell
Director

DB:bkd

cc: Jacob de Golish, 96 Melbourne ST, Detroit, MI 48202



38

Date: April 1, 2019

HONORABLE CITY COUNCIL
RE: **RECOMMENDATION FOR DEFERRAL**
ADDRESS: 20901 Pickford
NAME: MI Investments Holdings, LLC
Demolition Ordered: April 9, 2018

In response to the request for a deferral of the demolition order on the property noted above, the Buildings, Safety Engineering and Environmental Department (BSEED) submits the following information:

A special inspection conducted on March 26, 2019 revealed that the building is secured and appears to be sound and repairable. The owner has paid all taxes and is current. The proposed use of the property is owner's use and occupancy. **This is the 1st deferral request for this property.**

Therefore, we respectfully recommended that the demolition order be deferred for a period of six months subject to the following conditions:

1. **A permit for rehabilitation work shall be applied for within ten (10) business days from the date of the City Council decision.**
2. **BSEED will schedule a Progress Inspection within forty-five (45) calendar days from the date of the rehabilitation permit to determine whether substantial progress has been made. Thereafter, the owner must submit to BSEED detailed inspection reports, with photos showing evidence of the work completed, every forty-five (45) calendar days, for the duration of the rehabilitation work, to demonstrate that substantial progress has been made during the approved time frame for rehabilitation.**
3. **The building shall have all imminently hazardous conditions immediately corrected, be maintained, and securely barricaded until rehabilitation is complete. Rehabilitation work is to be completed within six (6) months, at which time the owner will obtain one of the following from this department:**
 - **Certificate of Acceptance related to building permits**
 - **Certificate of Approval as a result of a Housing Inspection**
 - **Certificate of Compliance, required for all rental properties**
4. **The owner shall not occupy or allow occupancy of the structure without a certificate (as outlined above).**
5. **The yards shall be maintained clear of overgrown vegetation, weeds, junk and debris at all times.**
6. **Prior to seeking a permit extension, the owner must contact BSEED and request to extend the deferral period.**

We recommend that utility disconnect actions cease to allow the progress of the rehabilitation.

At the end of the deferral period, the owner must contact this department to arrange an inspection to evidence that conditions of the deferral have been satisfied and that there has been substantial progress toward rehabilitation. If the building becomes open to trespass or if conditions of the deferral are not followed, the deferral may be rescinded by the City Council at any time and we may proceed with demolition without further notice. In addition, pursuant to the Property Maintenance Code we will issue a Blight Violation Notice.

Any request exceeding three (3) deferrals must be made by petition to City Council through the office of the City Clerk.

Respectfully submitted,

David Bell
Director

DB:bkd

cc: MI Investments Holdings LLC, 317 S. Division ST-STE 188, Ann Arbor, MI 48104



39

Date: March 29, 2019

HONORABLE CITY COUNCIL

RE: RECOMMENDATION FOR DEFERRAL
ADDRESS: 11314 Nashville
NAME: 2486930 Ontario INC
Demolition Ordered: November 7, 2016

In response to the request for a deferral of the demolition order on the property noted above, the Buildings, Safety Engineering and Environmental Department (BSEED) submits the following information:

A special inspection conducted on March 26, 2019 revealed that the building is secured and appears to be sound and repairable. The owner has paid all taxes and is current. The proposed use of the property is owner's use and occupancy. **This is the 2nd deferral request for this property.**

Therefore, we respectfully recommended that the demolition order be deferred for a period of six months subject to the following conditions:

1. A permit for rehabilitation work shall be applied for within ten (10) business days from the date of the City Council decision.
2. BSEED will schedule a Progress Inspection within forty-five (45) calendar days from the date of the rehabilitation permit to determine whether substantial progress has been made. Thereafter, the owner must submit to BSEED detailed inspection reports, with photos showing evidence of the work completed, every forty-five (45) calendar days, for the duration of the rehabilitation work, to demonstrate that substantial progress has been made during the approved time frame for rehabilitation.
3. The building shall have all imminently hazardous conditions immediately corrected, be maintained, and securely barricaded until rehabilitation is complete. Rehabilitation work is to be completed within six (6) months, at which time the owner will obtain one of the following from this department:
 - Certificate of Acceptance related to building permits
 - Certificate of Approval as a result of a Housing Inspection
 - Certificate of Compliance, required for all rental properties
4. The owner shall not occupy or allow occupancy of the structure without a certificate (as outlined above).
5. The yards shall be maintained clear of overgrown vegetation, weeds, junk and debris at all times.
6. Prior to seeking a permit extension, the owner must contact BSEED and request to extend the deferral period.

We recommend that utility disconnect actions cease to allow the progress of the rehabilitation.

At the end of the deferral period, the owner must contact this department to arrange an inspection to evidence that conditions of the deferral have been satisfied and that there has been substantial progress toward rehabilitation. If the building becomes open to trespass or if conditions of the deferral are not followed, the deferral may be rescinded by the City Council at any time and we may proceed with demolition without further notice. In addition, pursuant to the Property Maintenance Code we will issue a Blight Violation Notice.

Any request exceeding three (3) deferrals must be made by petition to City Council through the office of the City Clerk.

Respectfully submitted,

David Bell
Director

DB:bkd

cc: 2486930 Ontario INC, P.O. Box 31067 Roseland RO, Windsor, ONT, N0R 1K0, Canada
2486930 Ontario, INC, 5430 12th Concession RD, Maidstone, Ont.,N0R 1K0, Canada
ATTN: Arlen Miffen



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

40

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVE. SUITE 601
DETROIT, MICHIGAN 48226
PHONE: (313) 224-3949 • TTY: 711
FAX: (313) 224-3471
WWW.DETROITMI.GOV

April 5, 2019

Honorable City Council:

RE: Petition No. 581 – WD Partners, request permission to obtain approval for a sidewalk encroachment on St. Antoine Street in front of the Greektown Casino Hotel.

Correction: Error in a legal description.

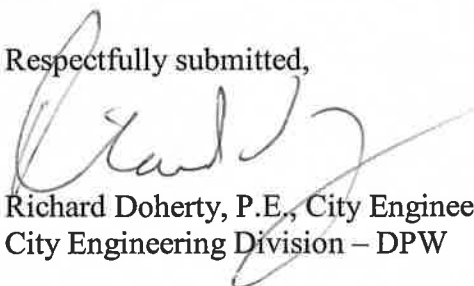
Petition No. 581 of WD Partners, on behalf of Greektown Casino LLC whose address is ~~555 E. Lafayette~~, 580 Monroe, Detroit, MI 48226 request to install and maintain an encroachment with a two step stairway and railing on St. Antoine Avenue, 50 feet wide. The request is being made to provide a new entry/exit door for a proposed Starbucks Coffeehouse in the Greektown Casino Hotel.

A resolution granting the petition was approved by your Honorable Body on July 28, 2015 and found in J.C.C. pages 1436- 1439 and recorded in Liber 52402, page 410 Wayne County Records.

However, a review by DPW-City Engineering has been made and a correction to the legal description is needed; also a change to the address of the petitioner, and both are herewith added as a part of this corrective resolution. The revised legal description and address are represented in **bold and underlined**. All deletions are represented in ~~bold and strike through~~.

I am recommending adoption of the attached resolution.

Respectfully submitted,



Richard Doherty, P.E., City Engineer
City Engineering Division – DPW

JMK/

Cc: Ron Brundidge, Director, DPW
Mayor's Office – City Council Liaison
Law Department – Bruce Goldman

CITY CLERK 2019 APR 5 AM 4:22



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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DETROIT, MICHIGAN 48226
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BY COUNCIL MEMBER _____

RESOLVED, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to "Greektown Casino LLC" whose address is ~~555 E. Lafayette~~ **580 Monroe** Detroit, MI 48226 or to their assigns for: ~~an encroachment with a stairway with railing projecting 1.5 feet into St Antoine Street, 50 feet wide, and being 6 feet 9 inches in length and being 65.4 feet north of the north line of Monroe Avenue, 50 feet wide adjoining property described as: Land in the City of Detroit, Wayne County, Michigan being Lots 4 (north of and adjoining Monroe Avenue) "Plat of the Antoine Beaubien Farm" as recorded in Liber 27, Page 197 of Deeds, Wayne County Records.~~ **SIDEWALK ENCROACHMENT ON ST. ANTOINE STREET FRONT OF THE GREEKTOWN CASINO HOTEL DESCRIBED AS: A STAIRWAY WITH RAILWAY PROJECTING 1.5 FEET INTO ST. ANTOINE STREET (50 FEET WIDE) AND BEING 6 FEET 9 INCHES IN LENGTH AND BEING 50.4 FEET NORTH OF THE NORTH LINE OF MONROE AVENUE (50 FEET WIDE), ADJOINING PROPERTY DESCRIBED AS: LAND IN THE CITY OF DETROIT, WAYNE COUNTY, MICHIGAN BEING LOT 4 OF (NORTH OF AND ADJOINING MONROE AVENUE) "PLAT OF THE ANTOINE BEAUBIEN FARM" AS RECORDED IN LIBER 27, PAGE 197-199 OF DEEDS, WAYNE COUNTY RECORD."**

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, 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, That if at any time in the future the petitioner shall request removal and/or relocation of DWSD's facilities in the right-of-way being encroached upon the petitioner agrees to pay all costs for such removal and/or relocation; and be it further

PROVIDED, That the contractor call MISS DIG (1-800-482-5000) 72 hours (three working days) prior to starting any underground construction; and be it further

PROVIDED, That the stairwell encroachment be installed in a manner that will provide for a minimum unobstructed sidewalk width of 8 feet 5 inches for pedestrian use.

PROVIDED, That DTE energy – Gas Division reports involvement and the petitioner or property owner shall be responsible for the cost of removing, and/or relocating/rerouting including the following: Field Investigation, Survey, Design, and drawing of the Gas Utilities. The cost to be determined by Michcon Gas Company's Public Improvement Department. Please contact the following persons at 313-389-7211 (Michael Fedele – Supervisor) and/or 313-389-7261 (Laura Forrester – Gas Planner).

PROVIDED, That Public Lighting Department (PLD) reports involvement and requires that any excavation be done by hand digging to expose PLD conduit. If conduit is in the encroachment, it must be relocated at project cost. Co-ordinate with Denise Williams – Senior Assistant Mechanical Engineer for PLD at 313-267-7216.

PROVIDED, That the "Greektown Casino LLC" 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; also in accord with plans submitted to and approved by these departments; including the Public Lighting Department (if necessary), and the Traffic Engineering Division – DPW (if necessary); and further

PROVIDED, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by “Greektown Casino LLC” 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 “Greektown Casino LLC” or their assigns. Should damages to utilities occur “Greektown Casino LLC” 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 “Greektown Casino LLC” or their assigns shall file with the Finance Department and/or City Engineering Division – DPW an indemnity 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 by “Greektown Casino LLC” or their assigns of the terms thereof. Further, “Greektown Casino LLC” or their assigns shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; 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, This resolution is revocable at the will, whim or caprice of the City Council, and “Greektown Casino LLC” 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 further

PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution and indemnity agreement with the Wayne County Register of Deeds.



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

AI

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVE. SUITE 601
DETROIT, MICHIGAN 48226
PHONE: (313) 224-3949 • TTY: 711
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WWW.DETROITMI.GOV

April 5, 2019

Honorable City Council:

RE: Petition No. 1028 – Greektown Casino, request to encroach into the public rights-of-way with the new valet garage.

Correction: Amended to add additional encroachments.

Petition No. 1028 of “Greektown Casino” whose address is 555 E. Lafayette Avenue, Detroit, MI 48226 request permission to encroach into Macomb Street, 50 feet wide, 16.00 feet with a cantilever parking structure with an additional 2.00 feet for decorative façade at least 17.00 feet above grade, also 2.00 feet into Beaubien Avenue, 60 feet wide and 2.00 feet into St. Antoine Avenue feet 2.00 feet into the east – west public alley, 20 feet wide, with caissons and parking structure and a pedestrian bridge 25.00 feet wide and at least 17.00 feet above grade, and into Monroe Street, 50 feet wide, with a pedestrian bridge 25.00 feet wide and at least 17.00 feet above grade, also a reinforced underground caisson for the pedestrian bridge in the area of Macomb Street, 50 feet wide, Monroe Street, 50 feet wide, Beaubien Avenue, 60 feet wide, and St. Antoine Avenue, 50 feet wide.

A resolution granting the petition was approved by your Honorable Body by a Resolution adopted by City Council on October 18, 2011, JCC pages 2348-2351; a copy of which is recorded at Liber 49612, Page 386 Wayne County Records.

However, a review by DPW - City Engineering has been made and additional encroachments consisting of the extent of the decorative façade along with two protective bollards and signage have been identified. The revisions to the resolution for encroachment are represented in **bold print**.

Respectfully submitted,


Richard Doherty, City Engineer
City Engineering Division – DPW

NRP/JK

Cc: Ron Brundidge, Director, DPW
Mayor’s Office – City Council Liaison
Law Department – Bruce Goldman

CITY CLERK 2019 APR 5 PM 4:22



BY COUNCIL MEMBER _____

RESOLVED, The City Engineering Division – DPW is hereby authorized and directed to issue permits to “Greektown Casino and assigns”, to install and/or maintain encroachments of a 16.00 feet wide strip into Macomb Street, 50 feet wide, with a cantilever parking structure with an additional 2.00 feet for decorative façade **with lighting** at least 17.00 feet above grade, 2.00 feet into the east – west public alley, 20 feet wide, with caissons and parking structure **including decorative façade with lighting the full length of the alley, and two bollards 4.00 to 6.00 feet west of the west line of St Antoine Avenue**, and a pedestrian bridge 25.00 feet wide and at least 17.00 feet above grade, a pedestrian bridge 25.00 feet wide over Monroe Street, 50 feet wide, at least 17.00 feet above grade, and a reinforced underground caisson into the south side of Monroe Street, 50 feet wide, **and a 2.00 feet wide strip of St Antoine Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting plus signage at the parking garage entrance and a 2.00 feet wide strip of Beaubien Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting**; said public rights-of-way being nearby or adjoining property described as follows:

Lying within the Southside of Macomb Street, 50 feet wide, between St. Antoine Avenue, 50 feet wide, and Beaubien Avenue, 60 feet wide, adjacent to the North of Lots E,F,G, and H in the “Plat of a part of the Beaubien Farm” in the City of Detroit as surveyed into Townlots for the proprietors by John Mullett Surveyor July 1831 recorded January 13th 1835 as recorded in Liber 6 Page 475-8, City Records, Wayne County Records; and North of Lots 5 through 9, both inclusive, in the “Plat of the Antoine Beaubien Farm” April 22nd 1846 as recorded in Liber 27, Page 197-8, Deeds, Wayne County Records; **also lying within the Eastside of Beaubien Avenue, 60 feet wide, lying easterly of and adjoining the easterly line of said Lot E “Plat of a part of the Beaubien Farm” in the City of Detroit as surveyed into Townlots for the proprietors by John Mullett Surveyor July 1831 recorded January 13th 1835 as recorded in Liber 6 Page 475-8, City Records, Wayne County Records; also lying within the Westside of St Antoine, 50 feet wide, lying easterly of and adjoining the easterly line of said Lot 5 “Plat of the Antoine Beaubien Farm” April 22nd 1846 as recorded in Liber 27, Page 197-8, Deeds, Wayne County Records.**

Public Alley Encroachments

Also, lying within the north portion of the East – West public alley, 20 feet wide, between St. Antoine Avenue, 50 feet wide, and Beaubien Avenue, 60 feet wide adjacent to the South of Lots E,F,G, and H in the “Plat of a part of the Beaubien Farm” in the City of Detroit as surveyed into Townlots for the proprietors by John Mullett Surveyor July 1831 recorded



January 13th 1835 as recorded in Liber 6 Page 475-8, City Records, Wayne County Records; and South of Lots 5 through 9, both inclusive, in the “Plat of the Antoine Beaubien Farm” April 22nd 1846 as recorded in Liber 27, Page 197-8, Deeds, Wayne County Records;

Pedestrian Bridge Encroachment

Also, lying within the East – West public alley, 20 feet wide, between St. Antoine Avenue, 50 feet wide, and Beaubien Avenue, 60 feet wide adjacent to the East 25.00 feet of Lot 7 (on the north and south side of said public alley) in the “Plat of the Antoine Beaubien Farm” April 22nd 1846 as recorded in Liber 27, Page 197-8, Deeds, Wayne County Records;

Pedestrian Bridge Encroachment

Also, lying within Monroe Street, 50 feet wide, between St. Antoine Avenue, 50 feet wide, and Beaubien Avenue, 60 feet wide, adjacent to the East 25.00 feet of Lot 7 (on both sides of said Monroe Street) in the “Plat of the Antoine Beaubien Farm” April 22nd 1846 as recorded in Liber 27, Page 197-8, Deeds, Wayne County Records;

Encroachment(s) to consist of “permanently” (meaning more than thirty days, or other long-term duration) installed and/or existing within public rights-of-way, nearby or adjacent to the above-described property;

PROVIDED, That nothing in this resolution shall be construed as giving any authority, permission or grant to the permittee for any part of encroachments of a 16.00 feet wide strip into Macomb Street, 50 feet wide, with a cantilever parking structure with an additional 2.00 feet for decorative façade **with lighting** at least 17.00 feet above grade, 2.00 feet into the east – west public alley, 20 feet wide, with caissons and parking structure **including decorative façade with lighting the full length of the alley, and two bollards 4.00 to 6.00 feet west of the west line of St Antoine Avenue**, and a pedestrian bridge 25.00 feet wide and at least 17.00 feet above grade, a pedestrian bridge 25.00 feet wide over Monroe Street, 50 feet wide, at least 17.00 feet above grade, and a reinforced underground caisson into the south side of Monroe Street, 50 feet wide, **and a 2.00 feet wide strip of St Antoine Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting plus signage at the parking garage entrance and a 2.00 feet wide strip of Beaubien Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting;** that is placed above the surface or underground rights of privately-owned property. Enforcement of violations of fire safety regulations and buildings code is the responsibility of the Fire Marshal and Buildings and Safety Engineering Department. The petitioner shall apply to the Buildings and Safety Department for approval and permits for encroachments of a 16.00 feet wide strip into Macomb Street, 50 feet wide, with a cantilever parking



structure with an additional 2.00 feet for decorative façade **with lighting** at least 17.00 feet above grade, 2.00 feet into the east – west public alley, 20 feet wide, with caissons and parking structure **including decorative façade with lighting the full length of the alley, and two bollards 4.00 to 6.00 feet west of the west line of St Antoine Avenue**, and a pedestrian bridge 25.00 feet wide and at least 17.00 feet above grade, a pedestrian bridge 25.00 feet wide over Monroe Street, 50 feet wide, at least 17.00 feet above grade, and a reinforced underground caisson into the south side of Monroe Street, 50 feet wide, **and a 2.00 feet wide strip of St Antoine Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting plus signage at the parking garage entrance and a 2.00 feet wide strip of Beaubien Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting** encroachments (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 to require the permit applicant to perform any reasonable task to protect public property interests including, but not limited to, the submission of engineering plans and/or surveys (containing construction details and distances from property lines) of the 16.00 feet wide strip into Macomb Street, 50 feet wide, with a cantilever parking structure with an additional 2.00 feet for decorative façade **with lighting** at least 17.00 feet above grade, 2.00 feet into the east – west public alley, 20 feet wide, with caissons and parking structure **including decorative façade with lighting the full length of the alley, and two bollards 4.00 to 6.00 feet west of the west line of St Antoine Avenue**, and a pedestrian bridge 25.00 feet wide and at least 17.00 feet above grade, a pedestrian bridge 25.00 feet wide over Monroe Street, 50 feet wide, at least 17.00 feet above grade, and a reinforced underground caisson into the south side of Monroe Street, 50 feet wide, **and a 2.00 feet wide strip of St Antoine Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting plus signage at the parking garage entrance and a 2.00 feet wide strip of Beaubien Avenue from Monroe Street to Macomb Street, at least 17.00 feet above grade, for decorative façade with lighting**. Also, the City Engineering Division – DPW may require the permit applicant to secure approval(s) of said encroachments from Wayne County, the State of Michigan, any city departments (including city commissions, authorities, corporations, councils, boards, contractors, and agencies whenever applicable) and/or utility companies are specifically enumerated in this resolution or not; and further

PROVIDED, that an easement of the full width of the public right-of-way of Monroe Street between St. Antoine and Beaubien is reserved for utility easement, and must be free from any obstructions, and if petitioner can not meet these qualifications please contact Michcon Gas Company Improvement Department at 313-389-7261 for estimate cost of abandoning, removing, relocation, or rerouting DTE’s facilities; and further



PROVIDED, that a 24-hrs. vehicle access to this site to perform circuit maintenance is maintain. No structure can be built over PLD installations. As per PLD requirements, any structure proposed to be built shall maintain a minimum of 10 feet horizontal clearance for the overhead PLD lines and installations and shall maintain a minimum of 3 feet horizontal clearance and 12 inch vertical clearance from the PLD conduit bank and manholes. The contractor will be liable for any damages to any PLD underground or overhead facilities; and further

PROVIDED, that if there is a cost for removing and/or rerouting of said utility installations in said requested area the petitioner and its assigns/heirs will pay all cost, and 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 streets or alley, and at all times, DWSD, its agents or employees, shall have the right to enter upon the streets or alley to maintain, repair, alter service, inspect, or install its facilities. All cost incident to the damaging, dismantling, demolish, removal and replacement of structures or other improvements herein permitted and including in gaining access to DWSD shall be born by the petitioner. All cost associated with gaining access to DWSD facilities which could normally be expected had the petitioner not encroached into the streets or alley shall be born by DWSD; and further

PROVIDED, That all construction performed, if any, under this petition shall not be commenced until after (5) five 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 further

PROVIDED, that any such 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 further

PROVIDED, that if DWSD facilities located within the streets or alley 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 cost 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 damage to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD facilities; and be it further



PROVIDED, That at any time in the future or present the petitioner shall request removal and/or relocation of DWSD facilities in the street being encroached upon the petitioner agrees to pay all cost for such removal/relocation; and be it further

PROVIDED, That the petitioner has, concurrently herewith, filed with the Finance Department and/or City Engineering Division – DPW 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 faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages, or expenses that may arise out of the maintenance of the proposed encroachments; and further

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

PROVIDED, That no other rights in the public streets, alley or other public places shall be consider waived by this permission which is granted expressly on the condition that said encroachments 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 City Engineering Division – DPW at the permittee sole cost and expense; and further

PROVIDED, That, if not already a member, the petitioner shall apply to become a participating member of the “MISS DIG” organization; and further

PROVIDED, That said permits issued by the City Engineering Division – DPW and/or the Buildings and Safety Engineering Department(s) 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 the public rights-of-ways) are amended to provide for levying thereafter, of 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 dose hereby bind itself thereunto, and 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, 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



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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PROVIDED, That installation and maintenance of the encroachments referred to herein shall be construed as acceptance of this resolution by the permittee; and further

PROVIDED, That this encroachment permits shall not be assigned or transferred by the permittee, excepting by transfer of the title to the building, without the written approval of the City Council; and further

PROVIDED, That a minimum sidewalk width of 6.00 feet and a vertical clearance of 17.00 feet clear sidewalk is maintained at all times and the access of the existing ADA ramps is maintained at all times, and ; and be it further

PROVIDED, That all necessary permits for the encroachments (caissons under and above ground, cantilever building, pedestrian bridge, and reinforced caisson) are obtained;

PROVIDED, That, all requirements required herein having been met by petitioner, the City Clerk shall within 30 days of City Council's approval of this encroachment, record a certified copy of this resolution with the Wayne County Register of Deeds.



A2

April 5, 2019

Honorable City Council:

Re: Request for issuance of new encroachment permits to Greektown Propco LLC.

Your Honorable Body previously approved the Resolutions (as defined below) related to the issuance of certain encroachment permits that affect property owned by Greektown Casino, L.L.C., a Michigan limited liability company ("Greektown Casino") as set forth in such Resolutions (collectively, the "Encroachment Permits").

Greektown Casino has entered into an agreement with Greektown Propco LLC, a Delaware limited liability company ("Propco"), for the sale of the Casino Complex, pending necessary regulatory and City approvals and therefore seeks approval to have new encroachment permits issued to Propco in place of the existing Encroachment Permits effective upon closing of the contemplated transaction.

The resolutions previously adopted by your honorable body are: a Resolution adopted by City Council on December 4, 1998, a copy of which is recorded in the Wayne County, Michigan Register of Deeds at Liber 30102, Page 2115; a Resolution adopted by City Council on November 10, 1999, a copy of which is recorded at Liber 31283, Page 467; a Resolution adopted by City Council on May 17, 2006, a copy of which is recorded at Liber 45733, Page 800 and later corrected in a Resolution adopted by City Council on November 8, 2006, a copy of which is recorded at Liber 46207, Page 1298; a Resolution adopted by City Council on October 18, 2011, a copy of which is recorded at Liber 49612, Page 386; a Resolution adopted by City Council on July 18, 2007, a copy of which is recorded at Liber 47629, Page 872; a Resolution adopted by City Council on November 17, 2006, a copy of which is recorded at Liber 47420, Page 1284; a Resolution adopted by City Council on July 28, 2015, a copy of which is recorded at Liber 52402, Page 410 (as the same may have been or may be amended from time to time, collectively, the "Resolutions").

City Engineering Division – DPW and the City Law Department have reviewed and approve of the transfer conditions.

I am recommending adoption of the attached resolution.

Respectfully submitted,

Richard Doherty, P.E., City Engineer
City Engineering Division – DPW

JMK/

Cc: Ron Brundidge, Director, DPW
Mayor's Office – City Council Liaison
Law Department – Bruce N. Goldman



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BY COUNCIL MEMBER _____

Whereas, the City Council adopted a number of Resolutions relating to encroachment permits that affect property owned by Greektown, including a Resolution adopted by City Council on December 4, 1998, a copy of which is recorded in the Wayne County, Michigan Register of Deeds at Liber 30102, Page 2115; a Resolution adopted by City Council on November 10, 1999, a copy of which is recorded at Liber 31283, Page 467; a Resolution adopted by City Council on May 17, 2006, a copy of which is recorded at Liber 45733, Page 800 and later corrected in a Resolution adopted by City Council on November 8, 2006, a copy of which is recorded at Liber 46207, Page 1298; a Resolution adopted by City Council on October 18, 2011, a copy of which is recorded at Liber 49612, Page 386; a Resolution adopted by City Council on July 18, 2007, a copy of which is recorded at Liber 47629, Page 872; a Resolution adopted by City Council on November 17, 2006, a copy of which is recorded at Liber 47420, Page 1284; a Resolution adopted by City Council on July 28, 2015, a copy of which is recorded at Liber 52402, Page 410 (as the same may have been or may be amended from time to time, collectively, the "Resolutions").

Whereas, to the best of the City's knowledge, Greektown has complied with and is in compliance with all of the requirements set forth in the Resolutions.

Whereas, Greektown has entered into an agreement to sell to Propco the real property comprising the Casino Complex, pending regulatory and necessary City approvals.

Now Therefore, Be It

Resolved, that the Detroit City Council hereby approves the issuance of new encroachment permits to Greektown Propco LLC in place of the Encroachment Permits described above, effective upon the closing of the sale of Greektown's real estate to Propco, and also be it

Resolved, that the Department of Public Works, City Engineering Division is hereby authorized and directed to issue new encroachment permits pursuant to this Resolution and the terms and conditions of the original Resolutions to Greektown Propco LLC effective upon the closing of the sale of the Casino Complex to Greektown Propco LLC.