

Weipert's Order Lowers Estral Beach Dike Level

ESTRAL BEACH — Ted Cuda of Estral Beach says for two years he's been fighting politicians and the courts to lower his Operation Foresight rock dike. And now the fight is over.

"Thank God he approved it," Mr. Cuda said today after obtaining permission Monday from Monroe County Circuit Court Judge William J. Weipert Jr. to alter his rock crib to an approved height.

"It's like being cooped up in a prison with these dikes surrounding you and blocking the view from the lake. Holy mackerel, I must have spent a mint fighting this thing."

Like a number of county shoreline residents who want to replace their dikes, Mr. Cuda's case may have set a precedent for removing a dike.

"I just hope the rest of the beaches don't have the trou-

ble we've had the past few years," Mr. Cuda said.

In 1973, the Army Corps of Engineers constructed the Foresight dikes as a stopgap protection against Lake Erie's record high levels. They did a fine job, civil preparedness officials have said, and withstood a number of storms which would have meant millions of dollars worth of damage.

But their life expectancy was only three years and the corps since has relinquished all responsibility to local municipalities for maintaining the dike. More recently, the corps has said the lake no longer is a threat to the shoreline because of lower lake levels.

The uncertainty that flooding was over remained, however, in a court order issued by Judge Weipert in 1973 that prohibited removing or altering the dikes.

On Monday, after an

agreement was reached as to prescribed levels to which dikes may be lowered, the judge decided to sign a new order allowing certain portions of the village to replace the dikes with the consent of the village council and Daniel C. Knierim, the dike coordinator.

Judge Weipert termed his new order as a "change where there is still adequate protection" for property owners on the lakefront.

"It (the order) is still very restrictive," he added. The order has not been signed yet.

James J. Rostash, the village's attorney who represented a faction of villagers opposed to the removal of the dikes, emphasized the new order does not mean anyone can take the law into their own hands and remove a dike.

"The judge's modified order only affects Estral Beach property owners," Mr. Rostash said.

Under the order, the attorney said, the temporary sand cribs along the village canal can be lowered no more than 3 feet to a 574-foot sea level minimum.

Temporary stone cribs on the north and south peninsulas of the village can be lowered from the present 581-foot level to a 579-foot minimum, the order also stipulates.

The earth dikes constructed by the corps in 1952 will remain standing in order to protect the low-lying, flood-prone areas of the village.

The new order takes effect as soon as Judge Weipert signs it. Villagers who wanted to leave the dikes intact hashed out the agreement for two hours Monday with the village council and Mr. Cuda before the judge decided to sign the order.

Mr. Cuda maintained throughout proceedings that he has a right to "live the way I wanted to and do what I want with my property."

"I bought a nice home here in 1953. Like most people I enjoy the water and boating and hoped to stay here as long as possible. But with the poor condition these dikes are in, it's a wonder the people didn't burn their houses down and collect the insurance," Mr. Cuda said.

He spent about \$9,000 to replace his rat-infested rock crib with a cement seawall reinforced with steel and aesthetically more appealing than the dilapidated dike, he said.

In doing so, he was fined by the court for violating the original court order, and told that his seawall would have to comply with certain height specifications that were agreed upon Monday.

Adding it up, Mr. Cuda said his court costs for two years will exceed \$3,000.

Communities in Wayne County, such as Gibraltar, had removed their dikes when it was common knowledge they were no longer needed, he maintained through his court fight.

"Some of the people living on the lakefront have it worst than me because they have to deal with rats and snakes living in the dikes. We couldn't bring our grandchildren to our homes for fear they would be bitten," he said, adding some rats were larger than a muskrats.

The corps offered no help in keeping the rats from infesting the homes, he said.

He praised the council and president for their backing during the court fight, but lashed out at the group which opposed his attempts to lower the dike.

"They hurt the village more than they have helped it," he said bitterly.

One of those opponents to the project was Joseph Vasicek, formerly a village dike coordinator. Mr. Vasicek said the new court order represented a compromise of his interest in preserving the dikes and he could live with it.

Village President Frank E. Borbely, long a proponent for removing the dikes, said after the order was issued, "We have a very good working agreement now."

Officials declined to speculate whether other municipalities will seek the type of order granted to the village. However, several inquiries were made from Monroe and Frenchtown Township officials during the Cuda case, it was reported.