

Law Department

May 3, 1978

Honorable City Council:
Re: Lavell Green vs. City of Detroit,
Department of Transportation,
DOT File: 76-3006, Circuit Court
No. 77 715 272 CK.

We have reviewed the above captioned lawsuit, the facts and particulars of which are set forth in the attached memorandum. From this review, it is our considered opinion that a settlement in the amount of \$4,200.00 is in the best interest of the City of Detroit.

We, therefore, request your Honorable Body to direct the Finance Director to issue his draft in the amount of \$4,200.00 payable to Lavell Green and his attorney P. Charles Peters to be delivered upon receipt of properly executed Releases and Stipulation and Order of Dismissal approved by the Law Department.

Respectfully submitted,
MERCEDES MUECKENHEIM
Asst. Corporation Counsel

By Council Member Cockrel:

RESOLVED, that the Finance Director be and he is hereby authorized and directed to draw his warrants upon the proper fund in favor of Lavell Green and his attorney P. Charles Peters in the sum of \$4,200.00 in full payment of any and all claims which they may have against the City of Detroit, Department of Transportation by reason of injuries sustained on April 2, 1976 while a passenger on coach that was hit by an automobile, and that said amount be paid upon presentation of Releases and Stipulation and Order of Dismissal No. 77 715 272 CK, approved by the Law Department.

Approved:
ROGER E. CRAIG
Corporation Counsel

Adopted as follows:
Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, and President Henderson — 8.
Nays — None.

Law Department

May 8, 1978

Honorable City Council:
Re: Petition of Pierson Interiors, (6188) for communication cables between 19556 Grand River and 19450 Grand River.

Pursuant to your request, this office has prepared the appropriate resolution granting the above petition in accordance with the recommendation of the Public Lighting Department and

Environmental Protection and Maintenance Department.

Respectfully submitted,
WALTER KOLTUNCHIK
Condemnation Services
Coordinator

By Council Member Cockrel:

RESOLVED, that the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue a permit to the **PIERSON INTERIORS (6188)** requesting permission to install communication cables between 19556 and 19450 Grand River. The cable will be suspended from 19450 across the east-west alley to Detroit Edison Company poles and then return across the same alley to 19556 Grand River.

PROVIDED, that the necessary permit be obtained from the Environmental Protection and Maintenance Department and that the same shall be constructed and maintained under its rules and regulations, and in accordance with plans submitted to and approved by said department.

PROVIDED, that permittee at the time of obtaining said permit file with the Finance Department an indemnity agreement, in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages, or expenses that may arise by reason of the issuance of said permits and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages, or expenses that may arise out of the maintenance of said encroachments; and

PROVIDED, that no rights in the public streets, alleys, or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee at any time when so directed by the City Council, and that the public property so affected shall be restored to a condition satisfactory to said department by said permittee at its expense; and

PROVIDED, that this resolution is revocable at the will, whim, or caprice of the City Council, and permittee hereby expressly waives any right to claim damages or compensation for removal of said encroachment, and further, that permittee acquires no implied or other privileges hereunder not expressly stated herein; and

PROVIDED, that these permits shall not be assigned or transferred without the written approval of the City Council; and

PROVIDED, that the filing of the indemnity agreement and the securing of the necessary permits referred

to heretofor shall be construed as acceptance of this resolution by the permittee;

PROVIDED, that a certified copy of this resolution shall be recorded with the Office of the Register of Deeds for Wayne County by and at permittee's expense.

Approved:

GEORGE G. MATISH
Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, and President Henderson — 8.

Nays — None.

Law Department

May 8, 1978

Honorable City Council:

Re: Petition #1967, Joseph Jacob, Jr. (Motown Coney Island) for building encroachment at: 3745 Third Avenue.

Pursuant to your request, this office has prepared the appropriate resolution granting the above petition in accordance with the recommendation of the Environmental Protection and Maintenance Department.

Respectfully submitted,
WALTER KOLTUNCHIK
Condemnation Services
Coordinator

By Council Member Cockrel:

RESOLVED, that the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue a permit to Joseph Jacob, Jr. d/b/a MOTOWN CONEY ISLAND, for permission to encroach at: 3745 Third Avenue, Detroit, Michigan, property being described as:

"South 25.70 feet of Lot 3, Block 4 - Plat of the Subdivision of the Crane Farm, being the Rear Concession to PC 274, according to the Plat thereof, as recorded in Liber 60 of Deeds, Page 58, Wayne County Records, City of Detroit, Wayne County, Michigan.

ENCROACHMENT TO CONSIST OF a stone front placed over existing walls for a distance of 25.85 feet and encroaching a maximum of .90 feet on the Third Avenue side of building, and an encroachment of .35 feet for a distance of 23.70 feet on the Selden Avenue side of building.

PROVIDED, that the necessary permit to be obtained from the Environmental Protection and Maintenance Department and that the same shall be constructed and maintained under its rules and regulations, and in accordance with plans submitted to and approved by said Department.

PROVIDED, that permittee at the

time of obtaining said permit file with the Finance Department an indemnity agreement, in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permits and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and

PROVIDED, that no rights in the public streets, alleys, or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee at any time when so directed by the City Council, and that the public property so affected shall be restored to a condition satisfactory to said department by said permittee at its expense; and

PROVIDED, that this resolution is revocable at the will, whim, or caprice of the City Council, and permittee hereby expressly waives any right to claim damages or compensation for removal of said encroachment, and further, that permittee acquires no implied or other privileges hereunder not expressly stated herein; and

PROVIDED, that these permits shall not be assigned or transferred without the written approval of the City Council; and

PROVIDED, that the filing of the indemnity agreement and the securing of the necessary permits referred to herein shall be construed as acceptance of this resolution by the permittee; and

PROVIDED, that a certified copy of this resolution shall be recorded with the Office of the Register of Deeds for Wayne County by and at permittee's expense.

Approved:

GEORGE G. MATISH
Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, and President Henderson — 8.

Nays — None.

Law Department

May 8, 1978

Honorable City Council:

Re: Petition of Wayne State University (5380), for enclosed pedestrian bridge walkway over Canfield and St. Antoine.

Pursuant to your request, this office has prepared the appropriate resolution granting the above petition in ac-