

**Law Department**

May 4, 1979

Honorable City Council:

Re: George Ray vs. City of Detroit, DOT, Civil Action No. 79 903 459 NI.

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 \$750.00 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 recommended payable to George Ray and his attorney, Ernest L. Citron, to be delivered upon receipt of properly executed releases and a Stipulation and Order of Dismissal of Lawsuit No. 79 903 459 NI, satisfactory to the Law Department.

Respectfully submitted,  
**ROBERT D. HORVATH**

Assistant Corp. Counsel

By Council Member Hood:

Resolved, that the Finance Director be and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of George Ray and his attorney, Ernest L. Citron, in the sum of \$750.00, in full payment of any and all claims which he may have against the City of Detroit, a municipal corporation, Department of Transportation, by reason of alleged injuries as a result of falling on a DOT coach due to a sudden stop and that said amount be paid upon presentation of properly executed releases and Stipulation and Order of Dismissal of Lawsuit No. 79 903 459 NI, approved by the Law Department.

Approved:

**KAY SCHLOFF**

Acting Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.

Nays — None.

**Law Department**

May 10, 1979

Honorable City Council:

Re: Petition of Fort Street Presbyterian Church No. 972 for encroachment at 631 W. Fort Street for purpose of planting trees.

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 Kelly:

**RESOLVED**, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue a permit to the Fort Street Presbyterian Church for permission to encroach at 631 W. Fort Street, Detroit, Michigan, property being described as:

“East side of Third Avenue south of Fort Street being adjacent to Lot 7 of Block 12 of the Map of the Western Addition to the City of Detroit as surveyed into Lots, as recorded in Liber 7, Page 164, City Records.”

Encroachment to consist of planting trees in planters cut in the sidewalk of the above location.

**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 encroachment; 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:

JOHN HATHAWAY

Acting Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President HENDERSON — 9.

Nays — None.

Law Department

May 8, 1979

Honorable City Council:

Re: Petitions to Convert Alleys to Easements.

For your consideration, submitted herewith are twenty-eight (28) petitions requesting the conversion of various alleys into easements in the City of Detroit.

The requested conversions into easements for public utilities were recommended by the Community and Economic Development Department upon prior investigation and report. For filing in the office of the City Clerk, please find report, petitions to vacate the public alleys, a sketch of each alley and Notice of City Council Hearing.

All other involved City Departments and privately owned utility companies have no objections to the conversion of the public right-of-ways into easements provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

HILDA H. HIRATA,

Asst. Corporation Counsel

By Council Member Mahaffey:

WHEREAS, the following petitions have been filed with the City Council, signed by not less than two-thirds of the owners of properties respectively abutting the alleys as herein described, and public hearings having been held by this body on May 15, 1979, pursuant to these alley vacations;

NOW, THEREFORE, BE IT

PETITION NO. 41

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY METTETAL, ST. MARY'S, CHALFONTE AND ELLSWORTH AVENUES;

RESOLVED, that all that part of the North/South alley sixteen (16) feet wide, in the block bounded by METTETAL, ST. MARY'S, CHALFONTE AND ELLSWORTH AVENUES, abutting Lots 45 to 52, both inclusive, on the East of said alley and Lots 69 to 76, both inclusive, on the West of said alley, in the NORWOOD SUBDIVISION, Northwest part of the Northeast 1/2 of Section 24, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 36, Page 29 of Plats, Wayne County Records.

PETITION NO. 513

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY W. PARKWAY, BEAVERLAND, MAJESTIC AND SAWYER AVENUES;

RESOLVED, that all that part of the North/South alley eighteen (18) feet wide, in the block bounded by W. PARKWAY, BEAVERLAND, MAJESTIC AND SAWYER AVENUES, abutting Lots 10 to 29, both inclusive, on the West of said alley and Lots 45 to 64, both inclusive, on the East of said alley in the FRISCHKORN'S PARK VIEW SUBDIVISION of part of Lots 3, 4 and 5 of Joseph Coon's Farm Subdivision of Fractional Sections 3 and 4 and the North part of Private Claim 615, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 41, Page 95 of Plats, Wayne County Records;

PETITION NO. 533

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY PIERSON, BRAILE, 7 MILE ROAD AND CAMBRIDGE AVENUES;

RESOLVED, that all that part of the North/South alley eighteen (18) feet wide in the block bounded by PIERSON, BRAILE, 7 MILE ROAD, AND CAMBRIDGE AVENUES, abutting Lots 83 to 94, both inclusive, on the West of said alley and Lots 108 to 119, both inclusive, on the East of said alley, in the EAST DETROIT DEVELOPMENT COMPANY'S NORTHERN SUBDIVISION, of the West 1/2 of the Southwest 1/4 of Section 3, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 53, Page 38 of Plats, Wayne County Records;