

Law Department

May 12, 1981

Honorable City Council:

Re: Petition of Trizec New Center Development Associates #4584 for encroachment at the Southeast corner of Second and Lothrop Avenues.

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

Respectfully submitted,
JOSEPH N. BALTIMORE

Assistant Corporation Counsel
By Council Member Mahaffey:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue a permit to the Trizec New Center Development Associates #4584 for permission to encroach upon public right-of-way on the south side of Lothrop Ave. immediately east of Second Ave., Detroit, Michigan, property being described as:

"Lot 44, Stewart's Subdivision of Lots 1, 2 & 3 of the Subdivision of the south 1/3 of 1/4 Sections 55 and 56, 10,000 Acre Tract, Greenfield, Wayne County Michigan as recorded in Liber 8, Page 71, Plats, Wayne County Records.

Encroachment to consist of an underground connection from the new building being built at the southeast corner of Lothrop and Second to the existing tunnel which connects the New Center Building and the Fisher Building; depth is approximately 15 feet below road surface.

Provided, That the necessary permit be obtained from the Department of Public Works 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 en-

croachment 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:

SYL DELANEY

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Hood, Kelley, Mahaffey, Rogell, and President Henderson — 7.
Nays — None.

Law Department

May 12, 1981

Honorable City Council:

Re: Tommie L. Paymond vs. City of Detroit.

The Law Department has reviewed the above entitled workers' compensation matter, the facts and particulars of which are contained in the memorandum.

From that review, it is our opinion that a settlement in the amount of \$32,500.00 is in the best interest of the City of Detroit.

Respectfully submitted,

WILLIAM DIETRICH

Supervising Asst. Corp. Counsel

By Council Member Rogell:

Resolved, That the Finance Director be and he is hereby authorized and directed to draw his warrants upon the proper fund in favor of Tommie L. Paymond and Ronald G. Kraft, his attorney, in the total sum of \$32,500.00 in full payment of any and all claims which they may have against the City of Detroit by reason of any injuries or occupational diseases and their resul-