

Jean Beland and Ralph Beland and their attorneys Sweeney, Sullivan & Feikens, P.C., to be delivered upon receipt of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 83 300 555 NO approved by the Law Department.

Respectfully submitted,
DENNIS BURNETT
 Supervising Assistant
 Corporation Counsel

Approved:

DONALD PAILEN
 Corporation Counsel
 By: **ABIGAIL ELIAS**
 Deputy Corporation Counsel

By Council Member Collins:

Resolved, That the Finance Director be and she is hereby authorized and directed to draw her warrant upon the proper fund in favor of Jean Beland and Ralph Beland and their attorneys Sweeney, Sullivan & Feikens, P.C., in the sum of Fifty Thousand (\$50,000.00) Dollars in full payment of any and all claims which they may have against the City of Detroit, by reason of a slip and fall on the City's premises on August 3, 1982 as a result of which Plaintiff Jean Beland sustained severe injuries and that said amount be paid upon presentation of Releases and Stipulation and Order of Dismissal of Lawsuit No. 83 300 555 NO approved by the Law Department.

Approved:

DONALD PAILEN
 Corporation Counsel
 By: **ABIGAIL ELIAS**
 Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 8.
 Nays — None.

Law Department

October 11, 1985

Honorable City Council:

Re: Petition of Mid-America Realty Group, Petition No. 3835, to erect 20' flag poles on Washington Boulevard and Woodward Avenue at the David Whitney Building, 1553 Woodward Avenue.

As per your request, this office has prepared the appropriate resolution granting the above petition in accordance with the recommendation of the City departments involved.

Respectfully submitted,
JOSEPH N. BALTIMORE
 Supervising Assistant
 Corporation Counsel

By Council Member Eberhard:

Resolved, That the City Engineering Department be and it is hereby autho-

rized and directed to issue permits to Mid-America Realty Group to erect 20-foot flag poles on Washington Boulevard and Woodward Avenue at the David Whitney Building.

The encroachment shall be maintained in the following manner: Flag poles which will be affixed at a forty-five degree angle and will in no way impede or restrict visibility or access on either throughfare; the flag must be made of flame resistant material; no portion of the flag or staff shall be less than 12' above the grade; the tip of the flag shall be located 2' minimum in back of the city curbs.

Provided, A permit for erection shall be secured from Building & Safety Engineering Department and,

Provided, That the City Engineering Department review the details for the plans for construction prior to issuing permits and that the necessary permits be obtained from the City Engineering Department; and the Department of Public Works, the same shall be construed and maintained under the supervision of said departments in accordance with rules and regulations of the Building Code applicable thereto; and,

Provided, That the permittee file an irrevocable surety bond, in the amount of not less than two thousand dollars (\$2,000) to the City. The bond shall be maintained in an amount sufficient to restore the property affected to a condition satisfactory to the City Engineering Department to be in effect for as long as the encroachment exists notwithstanding the fact that the permittee is or is not the occupant, owner or lessee of the premises, and doing business at the David Whitney Building, 1553 Woodward, and,

Provided, That permittee at the time of obtaining said permits file with the City Finance Department an insurance policy in the amount of \$100,000.00-\$300,000.00 for public liability and \$25,000.00 for property damage, in which the City of Detroit is named as party insured, in a form approved by the Corporation Counsel, saving and holding harmless the City of Detroit from 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 further

Provided, That the sole cost and expense of said encroachment and the maintenance, construction and restoration thereof be borne by the permittee; and,

Provided, That the issuance of per-

mits for said installation shall not in anyway waive the rights of the City to utilize the area for street widening or other purposes as may become necessary in the future, nor are the City's rights in the public streets, alleys or other public places considered waived by this resolution; which resolution is adopted expressly on condition that said encroachment and all obstructions in connection therewith shall be removed at the expense of the permittee at any time when so directed by resolution of the City Council, and be restored to a condition satisfactory to said City Engineering Department and the Department of Public Works by said permittee at its sole cost and expense, and,

Provided, That said permittee shall be subject to any tax which may be levied against it pursuant to law with respect to this encroachment; and,

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

Provided, That the filing of the Insurance Policy, Surety Bond and the securing of the necessary permits referred to herein shall be construed as acceptance of the terms of this resolution by the permittee; and,

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

Provided, That said permits shall be issued only after a certified copy of this resolution has been duly recorded in the office of the Wayne County Register of Deeds, by and at the permittee's expense.

Approved:

DONALD PAILEN
Corporation Counsel
By: ABIGAIL ELIAS
Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 8.

Nays — None.

Law Department

October 11, 1985

Honorable City Council:
Re: Paul Harrington v. 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 \$7,950.00 contribution to total redemption of \$9,950.00 is in the best interest of the City of Detroit.

Respectfully submitted,
THOMAS L. WALTERS,

Sprv. Asst. Corporation Counsel

Approved:

DONALD E. PAILEN
Corporation Counsel
By: ABIGAIL ELIAS
Deputy Corporation Counsel

By Council Member Mahaffey:

Resolved, That the Finance Director be and she is hereby authorized and directed to draw her warrants upon the proper fund in favor of Paul Harrington and Temple & Cutler, P.C., his attorneys, in the total sum of \$7,950.00 contribution to total redemption of \$9,950.00 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 resultant disabilities incurred or sustained as the result of Paul Harrington's employment with the City of Detroit and that said amount be paid upon presentation by the Law Department of a redemption order approved by the Workers' Compensation Department of the State of Michigan.

Approved:

DONALD E. PAILEN
Corporation Counsel
By: ABIGAIL ELIAS
Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 8.

Nays — None.

Law Department

October 10, 1985

Honorable City Council:
Re: Stanley Kowalski v. 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 \$7,500.00 is in the best interest of the City of Detroit.

Respectfully submitted,
THOMAS L. WALTERS,

Sprv. Asst. Corporation Counsel

Approved:

DONALD E. PAILEN
Corporation Counsel
By: ABIGAIL ELIAS
Deputy Corporation Counsel