

veston & Waldman, P.C., his attorneys, as the city's deductible portion under the applicable insurance policy, said draft to be delivered upon receipt of properly executed Satisfaction of Judgment and Consent Judgment of lawsuit number 85-501310 NI approved by the Law Department. We further request waiver of reconsideration.

Respectfully submitted,
DENNIS BURNETT
 Supv. Asst. Corp. Counsel

Approved:

DONALD E. PAILEN
 Corporation Counsel

By: **ABIGAIL ELIAS**
 Deputy Corporation Counsel

By Council Member Hood:

Resolved, That the Finance Director be, and is hereby authorized to honor a draft in the amount of One Hundred Thousand Dollars (\$100,000.00) payable to Jerome DiMaggio, Personal Representative of the Estate of Giovanni DiMaggio, Deceased and Sachs, Nunn, Kates, Kadushin, O'Hare, Helveston & Waldman, P.C., drawn by Underwriters Adjusting Company out of the appropriate fund, as the city's deductible under the appropriate insurance policy as part of settlement in the amount of Three Hundred Twenty-five Thousand Dollars (\$325,000.00) in full payment of any and all claims Jerome DiMaggio, as Personal Representative of the Estate of Giovanni DiMaggio, Deceased, may have against the City of Detroit as a result of the death of Giovanni DiMaggio, due to an automobile accident on or about November 16, 1984, and that said amount be paid upon entry of a Consent Judgment and Satisfaction of Judgment of lawsuit number 85-501310 NO, approved by the Law Department.

Approved:

DONALD E. PAILEN
 Corporation Counsel

By: **ABIGAIL ELIAS**
 Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Collins, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 7.

Nays — None.

*RECONSIDERATION (No. 3), per Motions before Adjournment.

City Engineering Department

June 3, 1988

Honorable City Council:

Re: Petition No. 1263. Michigan Bell Telephone Company. Conversion to easement of portion of east-west public alley with a loading dock encroachment in the block bounded by Schoenherr, Grotto Court, Greiner, and Mapleridge; also maintain

existing ramp encroachment into Greiner.

Petition No. 1263 of Michigan Bell Telephone Company requests the conversion of a portion of east-west public alley, 20 feet wide, in the block bounded by Schoenherr Avenue, Grotto Court, Greiner and Mapleridge Avenues into an easement for public utilities.

Further, the petitioner requests permission to encroach across the proposed utility easement with a loading dock. Also, permission is necessary to maintain an existing enclosed ramp encroaching (approximately 5 feet by 47 feet) into Greiner Avenue, 76 feet wide.

The requested conversion into a public utility easement was approved by the Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation and report. This is our report:

The petitioner plans to use the paved alley return entrance (into Grotto Court) and requests such remain in its present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

The proposed loading dock encroachment will be built over the City sewer. The entire construction over the public sewer shall be performed in accordance with plans and specifications approved by the Water and Sewerage Department — Sewer Services Section. The petitioner shall pay all incidental costs for plan review, inspection and permits.

All involved City departments and privately-owned utility companies have reported no objection to the conversion of public right-of-way into a utility easement, the proposed loading dock encroachment, or the existing enclosed ramp encroachment. However, care and caution are necessary in the placement of below-grade foundations. Should damages to utilities occur (as a result of the existing enclosed ramp, or the proposed loading dock) the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations.

An appropriate resolution, granting the petition, is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS
 Director

By Council Member Hood:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "Michigan Bell, An Ameritech Company, for the Detroit-Pingree Office Building, 13635 Greiner, Detroit, MI 48205" to maintain an existing enclosed handicapped ramp

encroaching into the north side of Greiner Avenue (76 feet wide), west of Grotto Court; also to construct and maintain a loading dock encroaching across a portion of the east-west public alley, 20 feet wide, in the block bounded by Schoenherr Avenue, Grotto Court, Greiner and Mapleridge Avenues, property described as:

The east 15.00 feet of Lot 44, and Lots 45 to 50 of "Grotto View Subdivision" of Part of Northwest Quarter of Section 12, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan as recorded in Liber 50, Page 74, Plats, Wayne County Records;

Encroachment(s) to consist of an enclosed handicapped ramp with below-grade foundation (approximately 5 feet by 47 feet) extending into the north side of Greiner Avenue, in front of the above described Lots 47 to 49; also a loading dock with below grade foundation (approximately 18 feet by 26 feet, from drawings supplied by the petitioner) extending across the east-west (public) alley, 20 feet wide, at the rear of the above described property;

Provided, Said loading dock shall be constructed according to sealed plans drawn by SYJ Associates, Inc., Architects & Engineers, 29433 Southfield Rd., Suite 110, Southfield, MI 48076; dated March 28, 1988; sheets 1 thru 5 entitled "Michigan Bell, An Ameritech Company, Detroit Pingree Employee Entrance, 13635 Greiner Avenue, Detroit, MI" (submitted by the petitioner); and

Provided, The petitioner shall make application to the Buildings and Safety Engineering Department for a building permit. Also, said building attachment (loading dock) shall be constructed and maintained according to Detroit Building Code specifications and permits as required; and

Provided, The petitioner (at the time of obtaining a building permit) shall submit sealed plans to the Water and Sewerage Department — Sewer Services Section. The entire construction over the public sewer shall be performed in accordance with plans and specifications approved by the Water and Sewerage Department — Sewer Services Section. All costs for plan review, inspection and permits shall be paid by the petitioner; and

Provided, The use and maintenance of said loading dock and enclosed handicapped ramp encroachments shall comply with the rules and regulations of the City Engineering Department, the Buildings and Safety Engineering Department, and the Water and Sewerage Department; and

Provided, The petitioner shall be liable for all incidental repair costs and/or damages to any public or private utility

installations located therein. Additionally, if it becomes necessary to repair or replace the utilities located or to be located in said public rights-of-way (or converted utility easement), by the acceptance of this permission, the owners for themselves, their heirs and assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary; and

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

Provided, That this permit shall not be assigned or transferred without the written approval of the City Council; and be it further

Resolved, All that part of the east-west public alley, 20 feet wide, in the block bounded by Schoenherr Avenue, Grotto Court, Greiner and Mapleridge Avenues lying southerly of and abutting the south line of Lot 50; also lying northerly of and abutting the north line of the east 15.00 feet of Lot 44, and Lots 45 to 49 of "Grotto View Subdivision" of Part of Northwest Quarter of Section 12, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan as recorded in Liber 50, Page 74, Plats, Wayne County Records;

Be and the same is hereby vacated as public alley and is hereby converted into a public easement of the full width of the alley, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said alley and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers,

gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public alley in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

Second, said utility easement or right-of-way in and over said vacated alley herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above-mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition,

Third, said owners for their heirs further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls (except necessary line fence and herein above described "loading dock" encroachment) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Department,

Fourth, that if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and

Provided, That if it becomes necessary to remove the paved alley return (into Grotto Court) at the entrance, such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City

Engineering Department specifications with all costs borne by the petitioner, their heirs or assigns; and

Provided Further, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

Yeas — Council Members Collins, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 7.

Nays — None.

*RECONSIDERATION (No. 4), per Motions before Adjournment.

Neighborhood Services Department

May 16, 1988

Honorable City Council:

Re: Authorization to Increase Appropriation #7560 for the 1987-88 Head Start Program by \$519,217 from \$9,490,001 to \$10,009,218.

When your Honorable Body approved the Neighborhood Services Department's (NSD) budget for Fiscal Year 1987-88, Appropriation #7560 was established at \$9,095,806 based on our estimate at that time of the grant amount we would receive for the 1987-88 Head Start program.

We have received grant documents increasing the Head Start program grant by \$394,195 to \$9,490,001. The appropriation for this additional money was already approved by your Honorable Body.

We have recently received notification of a subsequent grant award increasing our funding level to \$10,009,218. The local match of twenty-five (25%) will be provided by the delegate agencies.

Therefore, we respectfully request your authorization to increase the 1987-88 Appropriation #7560 from \$9,490,001 to \$10,009,218 with a waiver of reconsideration.

Respectfully submitted,
CASSANDRA SMITH GRAY
Executive Director

Approved:

CLYDE D. DOWELL
Deputy Budget Director
ROLLIN W. HENDERSON
Chief Accounting Officer

By Council Member Ravitz:

Resolved, That the Neighborhood Services Department be and is hereby authorized to increase the Appropriation Account #7560 by \$519,217 due to an increase in funding from \$9,490,001 to \$10,009,218 and be it further;

Resolved, That the Finance Director be and is hereby authorized to increase the necessary accounts and honor vouchers in accordance with the foregoing communication and regulations of the Department of Health and Human Services.