

approached the corner on E. Forest he secured his case on a B-F who waved for him to pull over and she entered his car. Later he observed his coverman pull his car to the curb and stop. Patrolman Brinkley began moving to the right lane in order to get his passenger door against his cover man's driver door. At this time the defendant sensed something was wrong and threw open the passenger door and escaped. After chasing the defendant, with no success, Patrolman Brinkley discovered the defendant had sprung the hinges, the fender and the door were bent, and the paint was chipped on the fender and door of his car.

Inasmuch as the officer has obtained three estimates for the damages, and he was performing police duties at the time his car sustained damages, would you kindly authorize the department to reimburse Patrolman Roger Brinkley \$100, lowest of the estimates, to cover his damages.

Respectfully submitted,  
**STANLEY C. RICH**  
 Second Deputy Commissioner

Approved:  
**W. I. STECHER**  
 Controller.

By Councilman Wierzbicki:  
 Resolved, That the Department of Police be and it is hereby authorized to pay the claim outlined in the above communication; and be it further Resolved, That the Controller be and he is hereby authorized and directed to honor vouchers when presented in accordance with the foregoing communication.

Adopted as follows:  
 Yeas — Councilmen Browne, Eberhard, Hood, Levin, Wierzbicki, and President Ravitz — 6.  
 Nays — None.

Department of Public Works  
 November 9, 1972.

Honorable Common Council:  
 Gentlemen — On July 5, 1955, J.C.C. page 1392 your Honorable Body resolved that the Department continue a fee for future curb replacements on commercial properties which had been in effect since 1925.

At the meeting of the Committee of the Whole on Thursday, November 9, 1972, you expressed concurrence with a plan to adopt an ordinance amendment to dissolve this fee and, when and if necessary, curbs would be replaced as a part of our sidewalk contractual program, with costs assessed to the owner of record. We will immediately write the tentative ordinance amendment with the Office of the Corporation Counsel.

We, therefore, recommend that until the ordinance is submitted and adopted, your Honorable Body resolve

and direct the Department to immediately discontinue the curb reset fee on any applications for driveways from affected commercial developments.

Respectfully submitted,  
**CLARENCE C. RUSSELL,**  
 Commissioner.

**RESOLUTION RE DISCONTINUANCE OF CURB RESET FEES ON COMMERCIAL PROPERTIES**

By Councilman Levin:  
 WHEREAS, The fee charged by the Department of Public Works for future curb replacements on commercial properties has proven to be unnecessary because of the very few occasions that the City has replaced curbs on such property; and

WHEREAS, Common Council has requested the preparation of an ordinance providing that any curb replacement costs be assessed to the owner; and

WHEREAS, The present fee is also unfair because it is not earmarked after collection for future curb replacement but is merely placed in the General Fund; Now Therefore Be It

RESOLVED, That the Department of Public Works discontinue the curb reset fee on any applications for driveways from affected commercial developments pending passage of the ordinance referred to above.

Adopted as follows:  
 Yeas — Councilmen Browne, Eberhard, Hood, Levin, Wierzbicki, and President Ravitz — 6.  
 Nays — None.

Department of Public Works  
 November 1, 1972.

Honorable Common Council:  
 Re: Petition No. 5062. American Commercial-Industrial Realty Company Vacation of a portion of the east-west alley first north of Jefferson between Crane and Hibbard.

Gentlemen — The above petition requests the vacation of the above described alley. The requested vacation was recommended by the City Plan Commission. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

All City departments and privately-owned utility companies reported that they will be unaffected by the vacation or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,  
**CLARENCE C. RUSSELL,**  
 Commissioner.

November 14

By Councilman Eberhard:

Resolved, That all that part of the east-west public alley, 30 feet wide, first northerly of Jefferson between Crane and Hibbard the southerly 20 feet of which abutted the southerly line of lot 87 and was platted in William B. Wesson's Subdivision of lots 2 and 3 in Albert Crane's Subdivision of Private Claim 644 and the east 53.91 feet of Private Claim 728, north of Jefferson Avenue, Hamtramck, Wayne County, Michigan, as recorded in Liber 10, Page 96, Plats, Wayne County records; and the northerly 10 feet of which was deeded to the City on January 27, 1925 and described as the southerly 10 feet, measured at right angles to the southerly line of lot 87 of the above mentioned subdivision;

Be and the same is hereby vacated to become a part and parcel of the abutting property.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Wierzbicki, and President Ravitz — 6.  
Nays — None.

#### Department of Public Works

October 30, 1972.

Honorable Common Council:

Re: Petition No. 5507, William J. Courneya; Conversion to Easement of the alley in the block bounded by Riad, Laing, McCormick, and Kingsville.

Gentlemen: The above petition requests the conversion of the above described alley into an easement for public utilities. The requested conversion into easement for public utilities was recommended by the City Plan Commission. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

All City departments and privately owned utility companies reported that they will be unaffected by the conversion to an easement of said alley or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,

CLARENCE C. RUSSELL,

Commissioner.

By Councilman Eberhard:

Resolved, That all that part of the east-west public alley, 18 feet wide, in the block bounded by Riad, Laing, McCormick, and Kingsville abutting the rear lines of lots 818 to 831 and lots 860 to 873 inclusive of "East Park Manor No. 2", being a subdivision of part of Private Claims 123 and 617, City of Detroit and Township of Gratiot, Wayne County, Michigan, as

recorded in Liber 56, Page 73, Plats, Wayne County records.

Be and the same is hereby vacated as a 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 in said vacated public alley hereinabove 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 owners for their heirs and assigns 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) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval by the Department of Public Works.

Third, that if at any time in the future 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, upon whose property the poles or other utilities are located shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

Provided further, that if any utility located or to be located in said property shall break or be damaged as a result of any action on the part of the petitioner or assigns (by way of illustration but not limitation), such as storage of excessive weights of materials or construction not in accordance with Section 2, mentioned above, then in such event the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Wierzbicki, and President Ravitz — 6.

Nays — None.

#### Department of Public Works

November 8, 1972

Honorable Common Council:  
Re: Petition No. 5377, Society of Arts