

the Office of the Corporation Counsel and dismissal of the lawsuit of this plaintiff against the City of Detroit.

Approved:  
KERMIT G. BAILER  
Corporation Counsel

Adopted as follows:  
Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, and President Levin — 8.

Nays — None.  
\*RECONSIDERATION (No. 4), per motions before adjournment.

**Law Department**

June 2, 1976

Honorable City Council:

Re: Vito's Trucking & Excavating Company, Inc. vs. City of Detroit, Traylor-Mancini and Price Brothers, Macomb Circuit Court File No. 74-903-CK, Contract No. P.C.I. 10-A.

We have reviewed the above captioned suit, the facts and particulars of which are set forth in the attached letter to the Board of Water Commissioners from the Law Department, dated May 28, 1976. From this review, it is our considered opinion that a settlement of the above matter is in the best interest of the City of Detroit.

Therefore, we recommend settlement in the amount of ONE HUNDRED FIFTY-SIX THOUSAND, FOUR HUNDRED AND SEVENTY-FIVE DOLLARS AND NO/100 (\$156,475.00) payable to Vito's Trucking & Excavating Company, and Abba I. Friedman, its attorney, to be delivered upon receipt of Order of Dismissal of the lawsuit, approval of the settlement by the Court and a properly executed indemnification and hold harmless Settlement Agreement.

We respectfully request waiver of reconsideration.

Respectfully submitted,  
KERMIT G. BAILER  
Corporation Counsel  
CHARLES R. SCALES, JR.  
Director  
Detroit Water & Sewerage Department

By Council Member Kelley:

RESOLVED, That the Finance Director be and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of VITO'S TRUCKING & EXCAVATING CO., and ABBA I. FRIEDMAN, its attorney, in the sum of ONE HUNDRED FIFTY-SIX THOUSAND, FOUR HUNDRED AND SEVENTY-FIVE AND NO/100 (\$156,475.00) DOLLARS, in full payment of any and all claims which they may have against the City of Detroit by reason of Macomb Circuit Court C.A. No. 74-903-CK (DWSD Contract No. PCI-10A); and that said amount be paid upon presentation of a properly executed Settlement Agreement approved by the Office of the Corporation Counsel and dismissal of the lawsuit of this plaintiff against the City of Detroit.

Approved:  
KERMIT G. BAILER  
Corporation Counsel

Adopted as follows:  
Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, and President Levin — 8.

Nays — None.  
\*RECONSIDERATION (No. 5), per motions before adjournment.

**Environmental Protection & Maintenance Department**

June 17, 1976

Honorable City Council:

Re: Petition No. 1586 — Water and Sewerage Department Street and Alley Vacations at the Waste Water Treatment Plant.

The above petition requests the vacation of the remaining streets and alleys in the area known as the Waste Water Treatment Plant. The area is bounded by Copland, Dearborn, Jefferson, and Thaddeus. The petition was approved by the Community and Economic Development Department, and referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

We wish to report that the following utilities have removed their facilities under the following conditions:

The Detroit Edison Company has reached an agreement which requires the Water and Sewerage Department to reimburse them \$20,293.00 for removal of their facilities according to the terms of the agreement approved by your Honorable Body on May 19, 1976 (J.C.C. Pages 1043 to 1045).

The Michigan Bell Telephone Company has reached an agreement which agrees that the Michigan Bell Telephone Company does not waive its right to be reimbursed for the cost of removing their facilities according to the terms of the agreement approved by your Honorable Body on June 25, 1974 (J.C.C. Page 1572).

The Michigan Consolidated Gas Company has removed their facilities and has submitted a letter listing their costs as \$12,700.00.

All City Departments have replied that they are not involved or that they have reached satisfactory agreements with the petitioner.

As a part of the development of this site it will be necessary to dedicate a new roadway to allow access to the commercial properties north and west of the site. The Water and Sewerage Department will take the necessary steps to pave the new roadway which is an extension of Copland Avenue (as dedicated on July 24, 1973, J.C.C. Pages 1930 and 1931) to Dearborn Avenue.

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

Respectfully submitted,  
JAMES W. WATTS  
Director



By Council Member Eberhard:

Resolved, That all that part of Copland Avenue, 50 feet wide, lying between and abutting the westerly line extended of Leigh Street, 50 feet wide, and the easterly line extended of Beaumont Avenue 60 feet wide; also

All that part of Leigh Street, 50 feet wide, lying between and abutting the northerly line of Copland Avenue, 50 feet wide, and the southerly line of Portland Avenue, 50 feet wide; also

All that part of Beaumont Avenue, 60 feet wide, lying between and abutting the northerly line of Copland Avenue, 50 feet wide, and the southerly line of Pulaski Avenue, 50 feet wide; also

All that part of Portland Avenue, 50 feet wide, lying between and abutting the southerly line extended of Copland Avenue, 40 feet wide, as opened on July 24, 1973, J.C.C. Pages 1930 and 1931, and abutting the easterly line extended of Beaumont Avenue, 60 feet wide; also

All that part of Portland Avenue, 50 feet wide, lying between and abutting the westerly line of the 18 foot wide public alley first west of Jefferson Avenue and the west line of Jefferson Avenue, 66 feet wide; also

All that part of Pulaski Avenue, 50 feet wide, lying between and abutting a line which is 40 feet southerly of and parallel to the southerly line of the ConRail (New York Central) Railroad right of way, and the westerly line extended of Anson Avenue, 50 feet wide; also

All that part of Pulaski Avenue, 50 feet wide, lying between and abutting the easterly line extended of Harbaugh Avenue, 50 feet wide, and the westerly line of Jefferson Avenue, 66 feet wide; also

All that part of Lyle Street, 50 feet wide, lying northerly of and abutting the northerly line of Pulaski Avenue, 50 feet wide, and southerly of and abutting the southerly line of the east-west public alley, of variable width, first southerly of White Street; also

All that part of Posen Street, 30 feet wide, between Lyle Street and the alley first west of Jefferson Avenue, said Posen Street being opened by the Village of Delray on March 16, 1906; also

All that part of White Street, 40 feet wide, lying between and abutting a line 40 feet southerly of and parallel to the southerly line of the ConRail (New York Central) Railroad right of way, and abutting the westerly line extended of the north-south public alley, 16 feet wide, first west of Jefferson Avenue; also

All that part of the northerly 175 feet of the north-south alley, 18 feet wide, first west of Jefferson Avenue, between Copland and Portland Avenues; also

All that part of the east-west alley, 10 feet wide, not previously vacated in the block bounded by vacated

Beaumont Avenue, Jefferson, vacated Peterson Avenue, and vacated Copland Avenue; also

All that part of the north-south public alley, 18 and 15 feet wide, in the block bounded by vacated Harbaugh Avenue, Jefferson, Portland, and Pulaski Avenues; also

All that part of all of the north-south and east-west alleys in the blocks bounded by Harbaugh, Jefferson, Pulaski, and White Avenues; also

All that part of the east-west alley, 7 feet wide, first northerly of White Street, lying between and abutting a line which is 40 feet southerly of and parallel to the southerly line of the ConRail (New York Central) Railroad right of way and abutting the westerly line of the 16 foot wide north-south alley first west of Jefferson Avenue; also

All that part of the east-west alley, variable width, in the block bounded by Anson, Harbaugh, Pulaski, and the ConRail (New York Central) Railroad right of way, abutting the westerly line of Harbaugh Avenue and abutting a line 40 feet southerly of and parallel to the southerly line of said ConRail (New York Central) Railroad right of way; also

All that part of the east-west alley, 15 feet wide, northerly of Pulaski Avenue and westerly of Anson Avenue lying between and abutting a line perpendicular to the alley, said line being 105.25 feet west of the west line of Anson Avenue, 50 feet wide, and a line which is 40 feet southerly of and parallel to the southerly line of the ConRail (New York Central) Railroad right of way; also

All that part of the east-west alley, 16 feet wide, northerly of Portland Avenue and westerly of Beaumont Avenue, lying between and abutting the westerly line of Beaumont Avenue, 60 feet wide, and a line 40 feet southerly of and parallel to the southerly line of the ConRail (New York Central) Railroad right of way;

All of the above mentioned streets and alleys appear in the following subdivisions:

"Tait and Harbaugh's Addition to the Village of Delray" of part of Private Claim 11 in rear of Private Claim 45, Springwells, Wayne County, Michigan, as recorded in Liber 11, Page 81, Plats, Wayne County records, also

"Tait and Harbaugh's Addition to Delray on the Rouge" of McGregor's Subdivision of part of Private Claim 45, 11, in rear of Private Claim 45, Springwells, Wayne County, Michigan, as recorded in Liber 16, Page 83, Plats, Wayne County records, also

"White's Subdivision of the south part of Lot No. 6B of the Subdivision of Private Claim No. 45" as recorded in Liber 43, Page 135, Detroit, Wayne County, Michigan, as recorded in Liber 12, Page 97, Plats, Wayne County records; also



"Plat showing division of Private Claim 45" (Cass Tract), Springwells, Wayne County, Michigan, as recorded in Liber 43, Page 135, Deeds, Wayne County records; and

"Coulson and Clipper's Re-Subdivision of part of Lots 110-111 and 112" Gaulkler's allotment of Tait and Harbaugh's Addition to Delray on the Rouge of McGregor's Subdivision of part of Private Claim 11 in the rear of Private Claim 45, T.2S., R.11 E., Detroit, Wayne County, Michigan, as recorded in Liber 27, Page 95, Plats, Wayne County records,

Be and the same are hereby vacated as public streets and alleys to become a part and parcel of the abutting property; and be it further

RESOLVED, That the following described property is hereby dedicated for street purposes and shall be known as Copland Avenue:

Land in the City of Detroit, Wayne County, Michigan being a part of Lots 85 to 92 and the southerly 10 feet of the 16 foot wide public alley adjacent to lots 85 to 87 all inclusive of "Tait and Harbaugh's Addition to the Village of Delray" of part of Private Claim 11 in rear of Private Claim 45, Springwells, Wayne County, Michigan, as recorded in Liber 11, Page 81, Plats, Wayne County records; and being a part of Lot 54 and the northerly 6 feet of the 16 foot alley adjacent to the southerly line of said Lot 54, and the 10 foot wide alley adjacent to the northwesterly line of said Lot 54, and being a part of Pulaski Avenue, 50 feet wide; and being a part of lots 55 to 59, and the 15 foot wide alley adjacent to the northerly line of lots 56 to 59, and being a part of lots 66 to 68 and the 10 foot wide alley adjacent to the northwesterly line of said lots 66 to 68; and being a part of lots 69 and 70 and the 10 foot wide alley which was opened through lot 69 on February 21, 1961 (J.C.C. Page 268) and a part of the 15 foot wide alley adjacent to the easterly line of said lot 69; and being a part of lots 88 and 89, all inclusive of "Tait and Harbaugh's Addition to Delray on the Rouge" of McGregor's Subdivision of part of Private Claim 11 in rear of Private Claim 45, Springwells, Wayne County, Michigan, as recorded in Liber 16, Page 83, Plats, Wayne County records; and being a part of lot 21 and the alley adjacent to the southerly line of said lot 21, and being a part of lot 22, and being a part of White Street, 40 feet wide, and being a part of lots 19 and 20 and the 16 foot alley adjacent to the northwesterly line of lot 20 and a part of the 7 foot wide alley adjacent to the northerly line of said lots 19 and 20 all inclusive of "White's Subdivision" of the south part of Lot No. 6B of the Subdivision of Private Claim No. 45 as recorded in Liber 43, Page 135, Detroit, Wayne County, Michigan, as recorded in Liber 12, Page 97, Plats,

Wayne County records; also being a part of lot 6B of the Plat showing Division of Private Claim 45 (Cass Tract), Springwells, Wayne County, Michigan, as recorded in Liber 43, Page 135, Plats, Wayne County records; all of the above mentioned portions of the subdivisions lie northerly of and abutting a line which begins at the easterly property line of Leigh Street, 50 feet wide, and ending at the westerly property line of Dearborn Avenue, 66 feet wide, said line also being 40 feet southerly of and parallel to the southerly line of the ConRall (New York Central) Railroad right of way.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, and President Levin — 8.

Nays — None.

\*RECONSIDERATION (No. 6), per motions before adjournment.

#### Personnel Department

June 4, 1976

Honorable City Council:

Re: Intergovernmental Personnel Grant (Evaluation Method for Probationary Employees).

The United States Civil Service Commission has allocated funds to the State of Michigan which are now available as a grant for the development of an Evaluation Method for Probationary Employees. The total grant funding will be \$33,431.00. The Federal funds will be supplied in the amount of \$16,088.00. The City of Detroit is required to supply \$17,343.00 in matched funds. This quota will be met by providing in-kind service of assigned City personnel available from current staff.

The goal of the grant is to assess the scope and procedures utilized by the City of Detroit in the application of available probationary evaluation tools. The present fiscal situation precludes activating this study solely with local support.

The benefits expected to be realized in conducting this project are:

1. A well documented probationary evaluation process.
2. Probationary evaluation that exhibit reliability and job relatedness.
3. The ability to analyze and bring together the output of previously conducted I.P.A. projects.

Authorization to accept the grant contract by adoption of the attached resolutions is respectfully requested.

Respectfully submitted,  
(MRS.) DENISE J. LEWIS  
Personnel Director

Approved:

MERVIN D. WINSTON  
Deputy Budget Director  
GERALD F. FISCHER  
Deputy Finance Director

By Council Member Henderson:

Resolved, That the Personnel Department be and is hereby authorized