

Adopted as follows:
 Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.
 Nays — None.

Law Department

February 2, 1979

Honorable City Council:
 Re: John P. Petrozzi vs. The City of Detroit, et al. C.A. #78 837 422 NO.

Representation by the Law Department of the City employee(s) or officer(s) listed below is hereby recommended, as we concur with the recommendation of the Head of the Department and believe that the City Council should find and determine that the suit against the defendant(s) arises out of or involves the performance in good faith of the official duties of such defendant(s).

Copies of the relevant documents are attached hereto.

Defendant(s): James Praught, Allan Koziol and Joseph Radtke.

Respectfully submitted,
WILLIAM M. MOSS
 Asst. Corporation Counsel

By Council Member Mahaffey:

RESOLVED, that the Law Department is hereby authorized under the provisions of Chapter 16, Article 13 of the Municipal Code of the City of Detroit and in accordance with the foregoing communication to provide legal representation to defendant(s): James Praught, Allan Koziol and Joseph Radtke.

Approved:

ROGER E. CRAIG
 Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.
 Nays — None.

Law Department

January 24, 1979

Honorable City Council:
 Re: Arnold Gregoire and Juanita Gregoire vs. City of Detroit, Department of Transportation — C.A. No. 77 737 968 NI.

We have reviewed the above captioned lawsuit, the facts and particulars of which are set forth in the attached memorandum. From this review, it is our considered opinion that a settlement in the amount of Sixty-Thousand (\$60,000) Dollars is in the best interest of the City of Detroit.

We, therefore, request your Honorable Body to direct the Finance Director to issue his draft in the amount of

\$60,000, payable to Arnold Gregoire, Juanita Gregoire and Peter R. Barbara and Associates, their attorney, to be delivered upon receipt of properly executed releases and a Stipulation and Order of Dismissal of Lawsuit No. 77 737 968 NI, satisfactory to the Law Department.

Respectfully submitted,
LAMONT E. BUFFINGTON
 Asst. Corporation Counsel

By Council Member McFadden:

Resolved, that the Finance Director be and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of Arnold Gregoire and Juanita Gregoire and Peter R. Barbara and Associates, their attorneys in the sum of Sixty Thousand (\$60,000) Dollars, in full payment of any and all claims which they may have against the City of Detroit, as a result of a DOT coach rear-ending another DOT coach in which plaintiff was a passenger, causing personal injuries, to be paid upon receipt of properly executed releases and a Stipulation and Order of Dismissal of Lawsuit No. 77 737 968 NI, satisfactory to the Law Department.

Approved as to form:

ROGER E. CRAIG
 Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.
 Nays — None.

Law Department

January 29, 1979

Honorable City Council:
 Re: Petitions to convert alleys to easements.

For your consideration, submitted herewith are three (3) petitions requesting the conversion of various alleys into easements in the City of Detroit.

The requested conversions into easements for public utilities were recommended by the Community and Economic Development Department upon prior investigation and report. For filing in the office of the City Clerk, please find report, petitions to vacate the public alleys, a sketch of each alley and Notice of City Council Hearing.

All other involved City Departments and privately owned utility companies have no objections to the conversion of the public right-of-ways into easements provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
HILDA S. HIRATA
 Asst. Corporation Counsel
**Community & Economic
 Development Department**
 February 2, 1979

Honorable City Council:
 Re: Petitions #5701, 5762 and 6116 to close residential alleys.

At the January 9, 1979 public hearings for the vacation of thirty one (31) alleys in various locations in the City, several people appeared and spoke in opposition to three (3) of the alley closings referred to above.

We have again reviewed these petitions and still find that they contain the required signatures to permit the City to close these alleys. We recommend that the City Council adopt the resolutions provided by the Law Department closing the alleys.

Respectfully submitted,
RONALD J. HEWITT
 Director

By Council Member McFadden:

WHEREAS, The following petitions have been filed with the City Council, signed by not less than two-thirds of the owners of properties respectively abutting the alleys as herein described, and public hearings were held by this body on January 9, 1979, pursuant to ordinance for the purpose of determining the advisability of these alley vacations;

NOW, THEREFORE, BE IT
 PETITION NO. 5701.

**CONVERSION TO EASEMENT OF
 THE NORTH/SOUTH ALLEY IN
 THE BLOCK BOUNDED BY LONG-
 ACRE, RUTLAND, WARREN AND
 MAJESTIC AVENUES;**

RESOLVED, That all that part of the North/South alley, eighteen (18) feet wide in the block bounded by LONGACRE, RUTLAND, WARREN and MAJESTIC AVENUES, abutting Lot 52 to 57, both inclusive, on the West of said alley and Out Lot "A" on the East of said alley, also all that part of the Southwest ¼ of the Southwest ¼ of Section 1, lying South of Majestic Avenue between Longacre and Rutland North of and adjoining Easthaven Subdivision, of the Southwest ¼ of the Southwest ¼ of Section 1, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 47, Page 1 of Plats, Wayne County Records.

PETITION NO. 5762

**CONVERSION TO EASEMENT OF
 THE NORTH/SOUTH ALLEY IN
 THE BLOCK BOUNDED BY MET-**

**TETAL, ST. MARY'S, WARREN AND
 MAJESTIC AVENUES;**

RESOLVED, That all that part of the North/South alley, eighteen (18) feet wide, in the block bounded by METTETAL, ST. MARY'S, WARREN and MAJESTIC AVENUES, abutting Lots 182 to 196, both inclusive on the West of said alley and Lots 212 to 226, both inclusive, on the East of said alley in the MORIN PARK SUBDIVISION NO. 1, of part of the West ½ of the West ½ of the Southeast ¼ of Section 1, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 41, Page 94 of Plats, Wayne County Records.

PETITION NO. 6116

**CONVERSION TO EASEMENT OF
 THE EAST/WEST ALLEY IN THE
 BLOCK BOUNDED BY CHALMERS,
 QUEEN, OUTER DRIVE EAST AND
 ROSEMARY AVENUES;**

RESOLVED, That all that part of the East-West alley eighteen (18) feet wide, in the block bounded by CHALMERS, QUEEN, OUTER DRIVE EAST and ROSEMARY AVENUES, abutting 738 to 741, both inclusive, on the South of said alley and abutting Lots 742 to 746, both inclusive, on the North of said alley, in the PARK DRIVE SUBDIVISION NO. 2, of part of Fractional Section 13, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 52, Page 63 of Plats, Wayne County Records. Also abutting Lots 126 to 137, both inclusive on the South of said alley and Lots 138 to 151, both inclusive, on the North of said alley in the MC GIVERIN - HALDEMAN'S CHALMERS AVENUE SUBDIVISION, of part of Fractional Section 13, Town 1 South, Range 12 East, City of Detroit and Township of Gratiot, Wayne County, Michigan, as recorded in Liber 50, Page 10 of Plats, Wayne County Records. Also abutting Lots 4 thru 11, both inclusive, on the North of said alley and Lots 12 to 19, both inclusive, on the South of said alley in the ROSEWOOD OUTER DRIVE SUBDIVISION, of parts of Lots 7, 8 and 9 of the Joseph Lang Estate Subdivision of Lots 10 and 11 of the Subdivision of the Joseph Trombly Farm of part of Private Claim 389 also of part of Fractional Section 13, Town 1 South, Range 12 East, Gratiot Township and City of Detroit, Wayne County, Michigan as recorded in Liber 45, Page 66 of Plats, Wayne County Records.

Be and the same are hereby vacated as public alleys and are hereby converted to public easements of the full

width of the alley, which easements 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 alleys and by their heirs, executors, administrators and assigns, forever to wit:

FIRST, said owners hereby grant to and for the use of the public easements or right of ways over said vacated public alleys 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 easements for the purpose above set forth.

SECOND, said utility easements or right of ways in and over said vacated alleys hereinabove 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 easements or right of ways. 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 easements 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 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 easements, nor any change of surface grade made, without prior approval by the Environmental Protection and Maintenance Department.

FOURTH, that if at any time in the future the owners of any lots abutting on said vacated alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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 3, 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 and be it further

RESOLVED, That the City Clerk shall, within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds, and shall send a certified copy to the State Treasurer, and shall further transmit a copy of this resolution to the City Engineer, to the Law Department and to the Environmental Protection and Maintenance Department; and be it further

RESOLVED, That upon the receipt of a copy of the resolution, the Law Department shall notify the owners of the property abutting on such alleys or portions thereof and other necessary parties that the alleys or portions thereof have been vacated and converted into easements for utilities; and be it further

RESOLVED, That upon the receipt of a copy of the resolution, the City Engineer shall correct the official city maps and records; and be it further

RESOLVED, That upon the receipt of a copy of the resolution, the Environmental Protection and Maintenance Department shall adjust its garbage and refuse collection services accordingly.

Approved:

ROGER E. CRAIG

Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.

Nays — None.

Law Department

January 30, 1979

Honorable City Council:

Re: Ollie McClain, et al vs. City of Detroit (EPMO) — C/A No. 77 731 187 NO.

This lawsuit settlement was submitted to your Honorable Body for consideration on October 19, 1978. It was, on that date, rejected by your Body's vote of nine (9) to none. Pursuant to