

rial Development District.
Submitted herewith is a resolution establishing an Industrial Development District in the area of 20101 Fenkell according to the provisions of Act No. 198 of the Public Acts of 1974, as amended.

Respectfully submitted,
CARL RASHID, JR.,
Asst. Corporation Counsel

By Council Member Hood:

WHEREAS, Pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish "Industrial Development Districts" within the boundaries of the City of Detroit; and

WHEREAS, Norwest Heating & Air Conditioning, Inc. (Petition No. 1714) has petitioned this Council to establish an Industrial Development District in the area of 20101 Fenkell, more particularly described in Exhibit A attached hereto; and

WHEREAS, On the 9th day of July, 1979 in the City Council Committee Room, 13th Floor, City-County Building, a public hearing was held on the question of the establishment of this Industrial Development District at which time any owners of real property within the proposed district and any other resident or taxpayer of the City of Detroit had an opportunity to be heard; and

WHEREAS, Written notice of this public hearing was given by certified mail to the owners of all real property within the proposed Industrial Development District;

NOW THEREFORE BE IT

RESOLVED, That the property referred to above and more particularly described in Exhibit A attached hereto is hereby established as an Industrial Development District for purposes of Act No. 198 of the Public Acts of 1974, as amended; and be it further

RESOLVED, That the said Industrial Development District is hereby designated as City of Detroit Industrial Development District No. 40.

Approved:

KAY SCHLOFF
Acting Corporation Counsel

EXHIBIT "A"

Land in the City of Detroit, County of Wayne, State of Michigan described as follows:

Lot No. 52 to 63 inclusive "B. E. Taylor's Coronado Subdivision", lying South of Grand River Avenue, being a part of the Northeast ¼ of Section 22, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 54, page 84 plats, Wayne County Records.

Adopted as follows:
Yeas — Council Members Eberhard, Hood, Kelley, McFadden, and President Henderson — 5.
Nays — Council Member Cockrel — 1.

Law Department

August 21, 1979

Honorable City Council:
Re: Petition No. 1059. Conversion to Easement of the North/South Alley in the Block Bounded by Whitcomb, Sussex, Puritan and Florence Avenues.

The above petition requests the conversion of the above described alley, eighteen (18) feet wide, into an easement for public utilities.

The requested conversion into easements for public utilities was recommended by the Community and Economic Development Department upon prior investigation and report. Attached please find said report, petition to vacate the public alley, sketch of the 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-way into an easement 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 H. HIRATA
Asst. Corporation Counsel

By Council Member Hood:

WHEREAS, the following petition has been filed with the City Council, signed by not less than two-thirds of the owners of property respectively abutting the alley as herein described, and a public hearing having been held by this body on June 19, 1979 pursuant to ordinance for the purpose of determining the advisability of this alley conversion.

NOW THEREFORE, BE IT RESOLVED THAT PETITION NO. 1059 CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY WHITCOMB, SUSSEX, PURITAN AND FLORENCE AVENUES.

RESOLVED, that all that part of the North/South alley eighteen (18) feet wide, in the block bounded by WHITCOMB, SUSSEX, PURITAN AND FLORENCE AVENUES, abutting Lots 67 to 70, both inclusive, on the West of said alley and Lots 71 to 74, both inclusive, on the East of said alley in the TARABUSI GREEN-

FIELD GARDENS SUBDIVISION of the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 18, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 50, Page 46 of Plats, Wayne County Records. Also, abutting Lots 32 to 41, both inclusive, on the East of said alley and Lots 52 to 61, both inclusive, on the West of said alley in the PURITAN GREENFIELD SUBDIVISION of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 18, Town 1 South Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 51, Page 8 of Plats, Wayne County Records.

Be and the same are hereby vacated as public alleys and are hereby converted into 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 easement 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:
KAY SCHLOFF
 Acting Corporation Counsel
 Adopted as follows:
 Yeas — Council Members Cockrel,
 Hood, Kelley, McFadden, and Presi-
 dent Henderson — 5.
 Nays — Council Member Eberhard
 — 1.

Law Department

August 22, 1979

Honorable City Council:
 Re: Jeanne Lacelle and Levi Lacelle
 vs. City of Detroit, Department of
 Transportation. Our File: 75-5066.
 Circuit Court No. 76 613 044 NO.

We have reviewed the above-
 captioned lawsuit, the facts and particu-
 lars of which are set forth in the
 attached memorandum. Form this re-
 view, it is our considered opinion that
 a settlement in the amount of
 \$129,000.00 is in the best interest of the
 City of Detroit.

We, therefore, request your Honora-
 ble Body to direct the Finance Direc-
 tor to issue his draft in the amount of
 \$129,000.00 payable to Jeanne Lacelle,
 Levi Lacelle and their attorney
 Samuel I. Bernstein to be delivered
 upon receipt of properly executed Re-
 leases and Stipulation and Order of
 Dismissal approved by the Law De-
 partment.

Respectfully submitted,
MERCEDES MUECKENHEIM
 Asst. Corporation Counsel

By Council Member Hood:

RESOLVED, that the Finance Di-
 rector be and he is hereby authorized
 and directed to draw his warrant upon
 the proper fund in favor of Jeanne
 Lacelle, Levi Lacelle and their attor-
 ney Samuel I. Bernstein in the sum of
 \$129,000.00 in full payment of any and
 all claims which they may have
 against the City of Detroit, Depart-
 ment of Transportation by reason of
 injuries sustained on August 28, 1975
 by Plaintiff Jeanne Lacelle when she
 allegedly fell as she stepped off of the
 front door of coach that she claims
 was not lined up with cement
 sidewalk, and that said amount be
 paid upon presentation of Releases
 and Stipulation and Order of Dismissal
 of lawsuit #76 613 044 NO, ap-
 proved by the Law Department.

Approved:
ALFRED A. SAWAYA
 Acting Corporation Counsel
 Adopted as follows:
 Yeas — Council Members Cockrel,
 Hood, Kelley, McFadden, and Presi-
 dent Henderson — 5.
 Nays — Council Member Eberhard
 — 1.

Law Department

August 21, 1979

Honorable City Council:
 Re: Dollie Lipscomb Carter, Guar-
 dian of the Estate of Patricia
 Freeman vs. City of Detroit, De-
 partment of Street Railways and
 John Doe. 34th District Court
 C79-211.

We have reviewed the above cap-
 tioned lawsuit, the facts and particu-
 lars of which are set forth in the at-
 tached memorandum. From this re-
 view, it is our considered opinion that
 a settlement in the amount of
 \$1,200.00, is in the best interest of the
 City of Detroit.

We, therefore, request your Honora-
 ble Body to direct the Finance Direc-
 tor to issue his drafts in the amount of
 \$1,200.00 payable to Dollie Lipscomb
 Carter, Guardian of the Estate of Pa-
 tricia Freeman and her attorney Hugh
 Davis to be delivered upon receipt of
 properly executed Releases and Stipu-
 lation and Order of Dismissal ap-
 proved by the Law Department.

Respectfully submitted,
ALAN L. KAUFMAN

Asst. Corporation Counsel

By Council Member Hood:

RESOLVED, that the Finance Di-
 rector be and he is hereby authorized
 and directed to draw his warrant upon
 the proper fund in favor of Dollie
 Lipscomb Carter, Guardian of the Es-
 tate of Patricia Freeman and her at-
 torney Hugh Davis in full payment of
 any and all claims which she may
 have against the City of Detroit, De-
 partment of Transportation by reason
 of injuries sustained on 6-8-73 as a re-
 sult of plaintiff being trapped in closed
 doors on a DOT coach and that said
 amounts be paid upon presentation of
 Releases and Stipulation and Order of
 Dismissal of Lawsuit No. C79-211 (34th
 District Court) approved by the Law
 Department.

Approved:
KAY SCHLOFF
 Acting Corporation Counsel
 Adopted as follows:
 Yeas — Council Members Cockrel,
 Hood, Kelley, McFadden, and Presi-
 dent Henderson — 5.
 Nays — Council Member Eberhard
 — 1.

Law Department

August 21, 1979

Honorable City Council:
 Re: Jeanette Chatman vs. City of De-
 troit, Department of Transporta-
 tion, a Municipal Corporation,
 Circuit Court 77 700 185 NO, Dis-
 trict Court No. C790-743-C.
 We have reviewed the above cap-