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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 payment of the settlement in the amount of \$4,000 is in the best interests of all parties.

We, therefore, request your Honorable Body to direct the Finance Director to issue his draft in the amount of \$4,000 payable to Ricardo Horton and his attorney Frederic M. Rosen, to be delivered upon receipt of proper documentation approved by the Law Department.

Respectfully submitted,  
WILLIAM M. MOSS

Asst. Corporation Counsel

By Council Member Eberhard:

RESOLVED, That the Finance Director be and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of Ricardo Horton and Frederic M. Rosen, his attorney, in the sum of \$4,000, inclusive of costs and interest, in settlement of the case of Ricardo Horton vs. Icelene Smith, City of Detroit Department of Streets and Traffic, and City of Detroit Department of Police, C. A. #75 055 250 NI, to be delivered upon receipt of proper documentation approved by the Law Department.

Approved:

GEORGE G. MATISH  
Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.  
Nays — None.

#### Law Department

March 20, 1979

Honorable City Council:

Re: William Argo vs. City of Detroit.

The Law Department has reviewed the above entitled workers' compensation matter, the facts and particulars of which are contained in the attached memorandum.

From that review, it is our opinion that a settlement in the amount of \$7,500.00 is in the best interest of the City of Detroit.

Respectfully submitted,  
THOMAS L. WALTERS

Asst. Corporation Counsel

By Council Member Eberhard:

RESOLVED, That the Finance Director be and he is hereby authorized and directed to draw his warrants upon the proper fund in favor of William Argo and Bockoff & Zamler, P.C., his attorneys, in the total sum of \$7,500.00 in full payment of any and all claims which they may have against

the City of Detroit by reason of any injuries or occupational diseases and their resultant disabilities incurred or sustained as the result of William Argo's past employment with the City of Detroit and that said amount be paid upon presentation by the Law Department of a redemption order approved by the Workers' Disability Compensation Department of the State of Michigan.

Approved:

GEORGE G. MATISH  
Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.  
Nays — None.

#### Law Department

March 19, 1979

Honorable City Council:

Re: Petition No. 1281. Conversion to Easement of the North/South Alley in the Block bounded by Somerset, Balfour, Berkshire and Haverhill Avenues.

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

The requested conversion into an easement for public utilities was recommended by the Community and Economic Development Department upon prior investigation and report. Please find, report, petition to vacate the public alley, a sketch of the alley and the Notice of City Council Hearing for filing in the office of the City Clerk.

All other involved City Departments and privately owned utility companies have no objection 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 Eberhard:

WHEREAS, The following petition has been filed with the City Council, signed by not less than two-thirds of the owners of properties respectively abutting the alley as herein described, and a public hearing having been held by this body on January 9, 1979 pursuant to ordinance for the purpose of determining the advisability of this alley vacation;



NOW, THEREFORE, BE IT  
 PETITION NO. 1281  
 CONVERSION TO EASEMENT OF  
 THE NORTH/SOUTH ALLEY IN  
 THE BLOCK BOUNDED BY SOM-  
 ERSET, BALFOUR, BERKSHIRE and  
 HAVERHILL AVENUES;

RESOLVED, that all that part of  
 the North/South alley, eighteen (18)  
 feet wide, in the block bounded by  
 SOMERSET, BALFOUR, BERK-  
 SHIRE and HAVERHILL AVENUES,  
 abutting the North 2 feet of Lots 63 to  
 78, both inclusive, on the West of said  
 alley and Lots 167 to 181 both inclu-  
 sive, on the East of said alley, in the  
 LEIGH G. COOPER SUBDIVISION  
 of Parcels 9 and 10 of the Plat of  
 Commissioners on Partition of the Es-  
 tate of Joseph Young, deceased of part  
 of Lot 7 of the Subdivision, of Back  
 Concession of Private Claim's 262 and  
 272; as recorded in Liber 1559 of  
 Deeds, Page 328, Gratiot Township,  
 Wayne County, Michigan, as recorded  
 in Liber 46, Page 63 of Plats, Wayne  
 County Records.

Be and the same is hereby vacated  
 as a public alley and is hereby con-  
 verted into a public easement of the  
 full width of the alley, which easment  
 shall be subject to the following co-  
 venants and agreements, uses, reser-  
 vations 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 ease-  
 ments or right of ways over said vac-  
 ated public alleys hereinabove de-  
 scribed for the purposes of maintain-  
 ing, 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 in-  
 stalled 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 au-  
 thorized by them for the purpose of in-  
 specting, installing, maintaining, re-  
 pairing, 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 un-  
 derstanding that the utility com-  
 panies shall use due care in such cross-  
 ing 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, retain-  
 ing or partition walls (except neces-  
 sary line fence) shall be built or placed  
 upon said easments, nor any change of  
 surface grade made, without prior ap-  
 proval by the Environmental Protec-  
 tion 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 inciden-  
 tal 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 il-  
 lustration but not limitation), such as  
 storage of excessive weights of mate-  
 rials 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 dam-  
 aged 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 Tre-  
 asurer, and shall further transmit a  
 copy of this resolution to the City En-  
 gineer, 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 neces-  
 sary parties that the alleys or portions  
 thereof have been vacated and con-  
 verted into easments 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



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maps and records; and be it further  
**RESOLVED**, That upon the receipt  
 of a copy of the resolution, the En-  
 vironmental Protection and Mainte-  
 nance Department shall adjust its  
 garbage and refuse collection services  
 accordingly.

Approved:  
**GEORGE G. MATISH**  
 Deputy Corporation Counsel

Adopted as follows:  
 Yeas — Council Members Cleveland,  
 Eberhard, Hood, Kelley, Mahaffey,  
 McFadden, Rogell, and President  
 Henderson — 8.  
 Nays — None.

### Law Department

March 23, 1979

Honorable City Council:  
 Re: Jessie Bell Armstrong, et al, v.  
 City of Detroit, et al. Circuit  
 Court No. 78 821 628 NO.

The Law Department requests a  
 meeting with your Honorable Body in  
 closed session to consider trial  
 strategy in this lawsuit.

Act 267 of the Public Acts of 1976  
 commonly referred to as the "Open  
 Meetings Act" allows a public body  
 upon a two-thirds roll call vote of its  
 members . . ."

"(a) To consider the dismissal, sus-  
 pension, or discipling of, or to hear  
 complaints or charges brought  
 against, a public officer, employee,  
 staff member, or individual agent,  
 when the named person requests a  
 closed hearing."

"(e) To consult with its attorney re-  
 garding trial or settlement strategy  
 in connection with specific pending  
 litigation, but only when an open  
 meeting would have a detrimental  
 financial effect on the litigating or  
 settlement position of the public  
 body."

It is our opinion that an open meet-  
 ing would have an adverse financial ef-  
 fect on the City of Detroit in this liti-  
 gation.

Respectfully submitted,  
**MERCEDES MUECKENHEIM,**  
 Asst. Corporation Counsel

By Council Member Hood:

**RESOLVED**, that pursuant to Act  
 No. 267 of the Public Acts of 1976 a  
 closed session of the Detroit City  
 Council is hereby called on TUES-  
 DAY, APRIL 3, 1979 at 11:15 A.M. for  
 the purpose set forth in preceding  
 communication.

Approved:  
**GEORGE G. MATISH**  
 Acting Corporation Counsel

Adopted as follows:  
 Yeas — Council Members Cleveland,

Eberhard, Hood, Kelley, Mahaffey,  
 McFadden, Rogell, and President  
 Henderson — 8.  
 Nays — None.

### Law Department

March 23, 1979

Honorable City Council:  
 Re: Carlotta A. Hampton v City of  
 Detroit, Civil Action No. 75 059  
 290 NO.

We have reviewed the above-  
 captioned lawsuit, the facts and par-  
 ticulars of which are set forth in the  
 attached memorandum. From this re-  
 view, it is our considered opinion that  
 a settlement in the amount of  
 \$125,000.00 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  
 \$125,000.00 payable to Carlotta A.  
 Hampton and Zussman, Doctoroff &  
 Wartell, her attorneys, to be delivered  
 upon receipt of properly executed Re-  
 leases and Stipulation and Order of  
 Dismissal approved by the Law De-  
 partment.

Respectfully submitted,  
**HURTICENE HARDAWAY**  
 Asst. Corporation Counsel

By Council Member Kelley:

Resolved, that the Finance Director  
 be and he is hereby authorized and di-  
 rected to draw his warrant upon the  
 proper fund in favor of Carlotta A.  
 Hampton and her attorneys, Zussman,  
 Doctoroff & Wartell in the sum of  
 \$125,000.00 in full payment of any and  
 all claims which they may have  
 against the City of Detroit as a result  
 of an alleged fall on an elevated sec-  
 tion of the public sidewalk on Larned  
 near Rivard on or about April 24, 1974  
 in the City of Detroit and that said  
 amount be paid upon presentation of  
 Releases and Stipulation and Order of  
 Dismissal of lawsuit No. 75 059 290 NO  
 approved by the Law Department.

Approved:  
**GEORGE G. MATISH**  
 Acting Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland,  
 Eberhard, Hood, Kelley, Mahaffey,  
 McFadden, Rogell, and President  
 Henderson — 8.

Nays — None.

### Auditor General

March 21, 1979

Honorable City Council:  
 Detroit, Michigan

We are submitting the following re-  
 ports for your consideration:  
 Management Report