

attached memorandum. From this review, it is our considered opinion that a settlement in the amount of \$1,500.00 total, or in such amount as your Honorable Body may deem advisable, to be 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 recommended, payable to Kenneth Clay, Tom Gronewald and James Brown and Zeff and Zeff, their attorneys, to be delivered upon receipt of property executed releases and a Stipulation and Order of Dismissal of Lawsuit No. DC 78-2795 CZ, former Circuit Court No. 75 060 942 NI and Lawsuit No. DC 78-2796 CZ, former Circuit Court No. 75 600 943 NI, satisfactory to the Law Department.

Respectfully submitted,

**RONALD W. RICE**

Asst. Corporation Counsel

By Council Member Hood:

RESOLVED, That the Finance Director be and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of Kenneth Clay, Tom Gronewald and James Brown and Zeff and Zeff, their attorneys in the sum of \$1,500.00 in full payment of any and all claims which they may have against the City of Detroit, Department of Transportation by reason of injuries sustained on July 25, 1972 when the coach rear-ended automobile in which Plaintiffs were passengers, and that said amount be paid upon presentation of Releases and Stipulation and Order of Dismissal of Lawsuit No. DC 78-2796 CZ, former Circuit Court No. 75 060 942 NI and Lawsuit No. DC 78-2796 CZ, former Circuit Court No. 75 600 943 NI, approved by the Law Department.

Approved as to Form:

**ROGER E. CRAIG**

Corporation Counsel

Adopted as follows:

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

Nays — None.

**Law Department**

January 19, 1979

Honorable City Council:

Re: Helen Koenig vs. City of Detroit.  
Department of Transportation.  
DOT File: 73-1071 Circuit Court  
No. 75-050-272 NI.

We have reviewed the above-captioned lawsuit, the facts and particulars 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 \$6,000.00, or in such amount as your Honorable Body may deem advisable, to be 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 recommended, payable to Helen Koenig and John F. Kane, her attorney, to be delivered upon receipt of properly executed releases and a Stipulation and Order of Dismissal of Lawsuit No. 75-050-272 NI, satisfactory to the Law Department.

Respectfully submitted,

**RONALD W. RICE**

Asst. Corporation Counsel

By Council Member Hood:

RESOLVED, that the Finance Director be and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of Helen Koenig and John F. Kane, her attorney, in the sum of \$6,000.00, in full payment of any and all claims which they may have against the City of Detroit, Department of Transportation by reason of injuries sustained on January 10, 1973 as a result of plaintiff having the front doors of coach closed on her, and that said amount be paid upon presentation of Releases and Stipulation and Order of Dismissal of Lawsuit No. 75-050-272 NI, approved by the Law Department.

Approved as to Form:

**ROGER E. CRAIG**

Corporation Counsel

Adopted as follows:

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

Nays — None.

**Law Department**

January 11, 1979

Honorable City Council:

Re: Petition No. 5760 — Conversion to Easement.

For your consideration, submitted herewith is a petition requesting the conversion of the public alley in the block bounded by BROCK, SALTER, SPRING GARDEN AND MAPLE-RIDGE, to an easement.

The requested conversion into an easement for public utilities was 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, petition to vacate the public alley, a 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 the 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 properties respectively abutting the alley as herein described, and a public hearing having been held by this body on November 21, 1978 pursuant to ordinance for the purpose of determining the advisability of this alley vacation;

NOW, THEREFORE BE IT

PETITION NO. 5760

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY BROCK, SALTER, SPRING GARDEN AND MAPLERIDGE;

RESOLVED, That all that part of the East/West alley eighteen (18) feet wide, in the block bounded by BROCK, SALTER, SPRING GARDEN AND MAPLERIDGE, abutting Lots 2283 to 2296, both inclusive, on the North of said alley and Lots 2342 to 2356, both inclusive, on the South of said alley, in the PARK DRIVE SUBDIVISION NO. 7, of part of Private Claim 231, City of Detroit, Wayne County, Michigan, as recorded in Liber 60, Page 28 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 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

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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, McFadden, Rogell, and President Henderson — 8.

Nays — None.

#### Law Department

January 18, 1979

Honorable City Council:

Re: William Neelsen, Deborah Neelsen and Harold Reed vs. City of Detroit Department of Transportation and Arthur Davis, Jointly and Severally. Civil Action No. 78 837 494 NI.

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): Arthur Davis — Badge No. 1720.

Respectfully submitted,  
**HURTICENE HARDAWAY**

Asst. Corporation Counsel

By Council Member Kelley:

**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): Arthur Davis — Badge No. 1720.

Approved:

**ROGER E. CRAIG**  
Corporation Counsel

Adopted as follows:

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

Nays — None.

#### Law Department

January 23, 1979

Honorable city Council:

Re: Murray Clay and Mable Clay vs. City of Detroit. Department of Transportation. DOT File: 72-1589. Circuit Court No. 75-053-615 NO.

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 \$2,000.00 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 \$2,000.00 payable to Murray Clay and Mable Clay and their attorney Arvin J. Pearlman to be delivered upon receipt of properly executed Releases and Stipulation and Order of Dismissal approved by the Law Department.

Respectfully submitted,

**RONALD W. RICE**  
Asst. Corporation Counsel

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 Murray Clay and Mable Clay and their attorney Arvin J. Pearlman in the sum of \$2,000.00 in full payment of any and all claims which they may have against the City of Detroit, Department of Transportation by reason of injuries sustained on February 9, 1972 as a result of plaintiff Mabel Clay slipping when alighting from coach and that said amount be paid upon presentation of Releases and Stipulation and Order of Dismissal of lawsuit No. 75-053-615 NO, approved by the Law Department.

Approved:

**ROGER E. CRAIG**  
Corporation Counsel