

April 16

Law Department

April 7, 1980

Honorable City Council:

Re: Mary Jarjosa vs. Jarjis Kejobou and City of Detroit, a Municipal Corporation, Case No. 77 706 048 NO.

We have reviewed the above captioned lawsuit, the facts and particulars of which are set forth in the memorandum. From this review, it is our considered opinion that a settlement in the amount of \$16,500.00 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 \$16,500.00 payable to Mary Jarjosa and her attorney Douglas Webster to be delivered upon receipt of properly executed Releases and Stipulation and Order of Dismissal approved by the Law Department.

Respectfully submitted,

ROBERT D. HORVATH

Assistant 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 Mary Jarjosa and her attorney Douglas Webster in the sum of \$16,500.00 in full payment of any and all claims which she may have against the Detroit Public Works Department (EPMD) and City of Detroit by reason of alleged injuries sustained on July 8, 1975 as a result of slipping and falling on a sidewalk that said amount be paid upon presentation of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 77 706 048 NO approved by the Law Department.

Approved:

KAY SCHLOFF

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 28, 1980

Honorable City Council:

Re: Stephanie Godziszewski vs. Department of Street Railways (Department of Transportation), a Municipal Corporation, City of Detroit, a Municipal Corporation, 20th District Court No. 20-C-4096, Our File No. 73-4126.

This matter was previously presented to Council for settlement in the amount of \$6,250. On May 16, 1979,

your Honorable Body approved the above sum as settlement.

Since that time, the case has been remanded to the District Court in Hamtramck. The remand process, which generally cuts in favor of the City has, in this instance, worked to our disadvantage. The expected prejudice, a black bus driver as defendant, can expect to receive from a mostly Polish jury judging a Polish plaintiff and witness, is substantial.

Therefore, it is the considered opinion of the Law Department to raise the settlement value to \$9,000. The increase of \$2,750 represents the value of the changed circumstances.

In light of the plaintiff's prior and present physical condition, arthritis and laminectomy, associated with the bus accident, the \$9,000 figure is still a very conservative assessment of the value of the lawsuit.

Respectfully submitted,

LAMONT E. BUFFINGTON

Assistant Corporation Counsel

By Council Member Kelley:

RESOLVED that the Resolution adopted by Council May 16, 1979 J.C.C. Page No. 1373, approving settlement of the Case Stephanie Godziszewski vs. Department of Street Railways, (Department of Transportation) a Municipal Corporation, City of Detroit, a municipal corporation, 20th District Court No. 20-C-4096, be and the same is hereby amended for the purpose of increasing the amount from \$6,250 to \$9,000.

Approved:

KAY SCHLOFF

Acting Corporation Counsel

Adopted as follows:

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

Nays — None.

Law Department

April 10, 1980

Honorable City Council:

Re: Petitions for conversion of alleys to easements.

The attached resolution requested the conversion of nineteen (19) alleys into easements for public utilities which were recommended by the Community & Economic Development Department upon the prior investigation and reports. Copies of the reports, petitions to vacate public alleys, sketches of the alleys and notices have been hereto attached.

All other involved City departments and privately owned utility companies have no objections to the conversion

of the public right-of-way 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 H. HIRATA

Asst. Corporation Counsel

By Council Member Mahaffey:

WHEREAS, the following petitions have been filed with the City Council, signed by not less than two-thirds of the owners of the properties respectively abutting the alleys as herein described, pursuant to ordinance for the purpose of determining the advisability of these alley vacations;

NOW THEREFORE, BE IT

Petition No. 2322 — Conversion to easement of the North/South Alley in the block bounded by Westwood, Grandville, Paul and Whitlock Avenues.

RESOLVED, that all that part of the North/South alley, eighteen (18) feet wide in the block bounded by Westwood, Grandville, Paul and Whitlock Avenues, abutting Lots 598 to 633, both inclusive, on the West of said alley and Lots 711 to 746, both inclusive, on the East of said alley in the Frischkorn's Estate Subdivision, of part of the Northwest $\frac{1}{4}$ of Section 11, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 42, Page 93 of Plats, Wayne County Records;

Petition No. 2393 — Conversion to easement of the East/West and the North-South alley in the block bounded by Park Drive, Dickerson, August, Fournier and Houston Avenues;

RESOLVED, that all that part of the East/West alley, eighteen (18) feet wide, in the block bounded by Park Drive, Dickerson, August, Fournier and Houston Avenues, abutting Lots 1 to 12, both inclusive, on the North of said alley in the Rivard's Home Subdivision, of part of Lot 2 Mary Ann Fournier Estate Subdivision of Private Claim 613 and part of Private Claim 394, City of Detroit, Wayne County, Michigan, as recorded in Liber 40, Page 64 of Plats, Wayne County Records; Also, abutting Lots 35 to 46, both inclusive, on the South of said alley in the Trombley's Sunny Side Subdivision, of Lot 1 of the division of the Estate of Mary Ann Fournier being the Northeast $\frac{1}{4}$ of Private Claim 613, City of Detroit, Wayne County, Michigan, as recorded in Liber 42, Page 55 of Plats, Wayne County Records; Also, abutting Lot

237 on the South of said alley and Lot 254 on the North of said alley in the D.J.R. Subdivision, of part of Fractional Sections 13 and 14, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 41, Page 64 of Plats, Wayne County Records;

Petition No. 2419 — Conversion to easement of the East/West alley in the block bounded by Reno, Hoyt, Bringard and Edmore Avenues;

RESOLVED, that all that part of the East/West alley, eighteen (18) feet wide, in the block bounded by Reno, Hoyt, Bringard and Edmore Avenues, abutting Lots 64 to 79, both inclusive, on the South of said alley and Lots 80 to 95, both inclusive, on the North of said alley, in the Hund's Regent Park Subdivision, a part of the Northwest $\frac{1}{4}$ of Section 1, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 8 of Plats, Wayne County Records;

Petition No. 2423 — Conversion to easement of the East/West alley in the block bounded by Queen, Hayes, Seymour and Springarden Avenues;

RESOLVED, that all that part of the East/West alley, eighteen (18) feet wide, in the block bounded by Queen, Hayes, Seymour and Springarden Avenues, abutting Lots 1 to 13, both inclusive, on the North of said alley and Lots 27 to 39, both inclusive, on the South of said alley in the Diegel Homestead Park Subdivision, of the East $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 12, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 60, Page 31 of Plats, Wayne County Records;

Petition No. 2424 — Conversion to easement of the East-West alley in the block bounded by Queen, Hayes, Wilshire and Promenade Avenues;

RESOLVED, that all that part of the East/West alley, eighteen (18) feet wide, in the block bounded by Queen, Hayes, Wilshire and Promenade Avenues, abutting Lots 490 to 500, both inclusive, on the North of said alley and Lots 512 to 522, both inclusive, on the South of said alley, in the Park Drive Subdivision No. 1, 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 51, Page 47 of Plats, Wayne County Records;

Petition No. 2425 — Conversion to easement of the North-South Alley in the block bounded by Bishop, Grayton, I-94 and King Richard Avenues;

RESOLVED, that all that part of the North/South alley, eighteen (18) feet wide, in the block bounded by Bishop, Grayton, I-94 and King Richard Avenues abutting Lots 21 to 36, both inclusive, on the East of said alley and Lots 37 to 50, both inclusive, on the West of said alley, in the Yorkshire Woods Subdivision, of Parcel 3 of the Plat of Commissioners on Partition of the Estate of Joseph Young, Deceased, of part of Lot 7 of the Subdivision of Back Concession of Private Claim 258, Lots 1-2-3-4 of Subdivision of the Southeast $\frac{1}{2}$ of Additional Donation to Private Claim 584 and 261, Lot 6 and the Northwest $\frac{1}{4}$ of Subdivision of Back Concession of Private Claim 262 and 272 as recorded in Liber 1559 Page 328 of Deeds, City of Detroit, and Gratiot Township, Wayne County, Michigan, as recorded in Liber 44, Page 99 of Plats, Wayne County Records;

Petition No. 2426 — Conversion to easement of the North/South alley in the block bounded by Mansfield, Rutherford, Davison and Schoolcraft Avenues;

RESOLVED, that all that part of the North-South alley, eighteen (18) feet wide, in the block bounded by Mansfield, Rutherford, Davison and Schoolcraft Avenues, abutting Lots 47 to 62, both inclusive, on the East of said alley and abutting Lots 7 to 22, both inclusive, on the West of said alley in the Schoolcraft Gardens Subdivision, a Subdivision of the East $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 25, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 40, Page 35 of Plats, Wayne County Records;

Petition No. 2427 — Conversion to easement of the North/South alley in the block bounded by Terry, Lauder and Wadsworth Avenues;

RESOLVED, that all that part of the North/South alley, eighteen (18) feet wide in the block bounded by Terry, Lauder, and Wadsworth Avenues, abutting Lot 450 on the West of said alley and lot 451 on the East of said alley in the Broadmoor Subdivision, of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 30, Town 1 South, Range 11 East, Greenfield Township, Wayne County, Michigan, as recorded in Liber 41, Page 48 of Plats, Wayne County Records;

Petition No. 2494 — Conversion to easement of the North/South alley in the block bounded by Montrose, Winthrop, Ellis and Westfield Avenues;

RESOLVED, that all that part of the North/South alley, sixteen (16) feet

wide, in the block bounded by Montrose, Winthrop, Ellis and Westfield Avenues, abutting Lots 1488 to 1516, both inclusive, on the East of said alley and Lots 1517 to 1545, both inclusive, on the West of said alley, in the Frischkorn's West Chicago Boulevard Subdivision No. 2 of part of the Southeast $\frac{1}{4}$ of Section 36, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 47, Page 7 of Plats, Wayne County Records;

Petition No. 2495 — Conversion to easement of the East/West alley in the block bounded by Brock, Kelly, Hazelridge and Cedargrove Avenues;

RESOLVED, that all that part of the East/West alley, eighteen (18) feet wide, in the block bounded by Brock, Kelly, Hazelridge and Cedargrove Avenues, abutting Lots 316 to 327, both inclusive, on the North of said alley and Lots 352 to 361, both inclusive, on the South of said alley in the John Kelly Estate Subdivision, of part of Rear Concession Private Claim 231, City of Detroit, Wayne County, Michigan, as recorded in Liber 59, Page 1 of Plats, Wayne County Records.

Petition No. 2497 — Conversion to easement of the North/South alley in the block bounded by Chapel, Bentler, Glendale and Davison Avenues;

RESOLVED, that all that part of the North/South alley, sixteen (16) feet wide, in the block bounded by Chapel, Bentler, Glendale and Davison Avenues, abutting Lots 555 to 577, both inclusive, on the East of said alley, and abutting Lots 618 to 640, both inclusive, on the West of said alley in the B.E. Taylor's Brightmoor Gardner Subdivision, lying South of Grand River Avenue, being a part of the Northwest $\frac{1}{4}$ of Section 27, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 47, Pages 64 and 65 of Plats, Wayne County Records;

Petition No. 2498 — Conversion to easement of the North/South alley in the block bounded by Heyden, Vaughan, Warren and Sawyer Avenues;

RESOLVED, that all that part of the North-South alley, sixteen (16) feet wide, in the block bounded by Heyden, Vaughan, Warren and Sawyer Avenues, abutting Lots 202 to 230, both inclusive, on the East of said alley and lots 300 to 328, both inclusive, on the West of said alley in the John H. Walsh's Warren Avenue Evergreen Park Subdivision, of the East $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 3, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 41, Page 65 of Plats, Wayne

County Records;

Petition No. 2499 — Conversion to easement of the North-South alley in the block bounded by Ardmore, Stansbury, Outer Drive and Thatcher Avenues;

RESOLVED, that all that part of the North/South alley, twenty (20) feet wide, in the block bounded by Ardmore, Stansbury, Outer Drive and Thatcher Avenues, abutting Lots 320 to 340, both inclusive, on the West of said alley and Lots 356 to 367, both inclusive, on the East of said alley, in the Benjamin F. Mortenson's Mortencrest Subdivision No. 2, of the North-East $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 7, Town 1 South, Range 11 East, Greenfield Township, Wayne County, Michigan, as recorded in Liber 52, Page 85 of Plats, Wayne County Records;

Petition No. 2501 — Conversion to easement of the North/South alley in the block bounded by Grandville, Piedmont, Sawyer and Tireman Avenues;

RESOLVED, that all that part of the North/South alley, eighteen (18) feet wide, in the block bounded by Grandville, Piedmont, Sawyer and Tireman Avenues, abutting Lots 36 to 62, both inclusive, on the West of said alley in the St. Peter and Paul Subdivision, of part of the East $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 2, Town 2 South, Range 10 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 67, Page 59 of Plats, Wayne County Records; Also, abutting Lots 446 to 472, both inclusive, on the East side of said alley, in the Warrendale's Subdivision, being a Subdivision of the East $\frac{2}{3}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the East $\frac{2}{3}$ of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 2, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 43, Page 38 of Plats, Wayne County Records;

Petition No. 2503 — Conversion to easement of the North/South alley in the block bounded by Prevost, Forrer, Santa Maria and Outer Drive Avenues;

RESOLVED, that all that part of the North/South alley, eighteen (18) feet wide, in the block bounded by Prevost, Forrer, Santa Maria and Outer Drive Avenues, abutting Lots 84 to 93, both inclusive, on the West of said alley and Lots 166 to 175, both inclusive, on the East of said alley, in the Rugby Boulevard Subdivision, of part of the East $\frac{1}{2}$ of the Southeast $\frac{1}{2}$ of Section 12, Town 1 South, Range 10 East, City of Detroit and Redford Township, Wayne County, Michigan,

as recorded in Liber 50, Page 56 of Plats, Wayne County Records;

Petition No. 2551 — Conversion to easement of the North/South alley in the block bounded by Forrer, Montrose, Ellis and Westfield Avenues;

RESOLVED, that all that part of the North/South alley, sixteen (16) feet wide, in the block bounded by Forrer, Montrose, Ellis and Westfield Avenues, abutting Lots 1546 to 1574, both inclusive, on the East of said alley and Lots 1575 to 1603, both inclusive, on the West of said alley in the Frischkorn's West Chicago Boulevard Subdivision No.2, of part of the Southeast $\frac{1}{4}$ of Section 36, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 47, Page 7 of Plats, Wayne County Records;

Petition No. 2552 — Conversion to easement of the North/South alley in the block bounded by Greenview, Faust, Paul and Whitlock Avenues;

RESOLVED, that all that part of the North/South alley, sixteen (16) feet wide, in the block bounded by Greenview, Faust, Paul and Whitlock Avenues, abutting Lots 255 to 283, both inclusive, on the East of said alley and Lots 346 to 374, both inclusive, on the West of said alley in the Frischkorn's Warren Park Subdivision, being a Subdivision of part of the Northeast $\frac{1}{4}$ of Section 11, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 39, Page 89 of Plats, Wayne County Records;

Petition No. 2553 — Conversion to easement of the North/South alley in the block bounded by Wayburn, Rossiter, Whittier and Yorkshire Avenues;

RESOLVED, that all that part of the North/South alley, in the block bounded by Wayburn, Rossiter, Whittier and Yorkshire Avenues, eighteen (18) feet wide, abutting Lots 21 to 36, both inclusive, on the West of said alley and Lots 50 to 65, both inclusive, on the East of said alley, in the King Heights Subdivision, of part of the Rear Concession of Private Claims 584 to 261, Gratiot Township, Wayne County, Michigan, as recorded in Liber 50, Page 60 of Plats, Wayne County Records;

Petition No. 5628 — Conversion to easement of the North-South alley in the block bounded by Prest, Whitcomb, Puritan and Florence Avenues;

RESOLVED, that all that part of the North/South alley, an eighteen (18) foot section, North of Puritan, between Prest and Whitcomb Avenues, abutting Lots 69 to 73, both inclusive, on the East of said alley and Lots 80 to 84, both inclusive, on the West of said

alley in the Puritan Greenfield Sub-division, of the South $\frac{1}{2}$ of the South-west $\frac{1}{4}$ 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;

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 fences) shall be built or placed upon said easements, nor any change of surface grade made, without prior approval by the Department of Public Works.

FOURTH, that if 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 thirty (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 Department of Public Works; 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 Department of Public Works shall adjust its garbage and refuse collection services accordingly.

Approved:

GEO. W. CROCKETT, JR.

Acting Corporation Counsel

Adopted as follows:

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

Nays — None.

Law Department

April 11, 1980

Honorable City Council:

Re: James H. Lockaby vs. County of Wayne, et al, Civil Action No. 191-631 R, Law Department File No. 26411.

We have reviewed the above captioned lawsuit, the facts and particulars of which were discussed with your Honorable Body as a closed session held on Monday, March 24, 1980. From this review it is our considered opinion that a settlement in the amount of \$500,000.00 is in the best interest of the City of Detroit. \$100,000.00 of that amount is to be paid by underwriters at Lloyds of London under applicable insurance.

We, therefore, request your Honorable Body to authorize settlement in the amount of \$500,000.00 and to authorize and direct the Finance Director to issue his draft in the amount of \$400,000.00 payable to James H. Lockaby and William Goodman, his attorney, to be delivered upon receipt of properly executed documents satisfactory to the Law Department.

Respectfully submitted,

WILLIAM DIETRICH