

tor to issue his draft in the amount of \$8,000.00 payable to Mary Jarjosa and her attorneys Fabrizio, Miller and Webster, P.C. to be delivered upon receipt of properly executed releases and a Stipulation and Order of Dismissal of Lawsuit No. 77 706 048 NO approved by the Law Department.

Respectfully submitted,
MERCEDES MUECKENHEIM
Supervising Assistant
Corporation Counsel

Approved:
SYL DELANEY
Deputy Corporation Counsel

By Council Member Eberhard:
Resolved, That the Finance Director be and he is hereby authorized and directed to draw his warrant upon proper fund in favor of Mary Jarjosa and her attorneys Fabrizio, Miller and Webster, P.C. in the sum of \$8,000.00 in full payment of any and all claims which she may have against the city of Detroit, a Municipal Corporation, by reason of alleged slip and fall of Plaintiff at 533 W. Robinwood and that said amounts be paid upon presentation of General Release and Stipulation and Order of Dismissal of Lawsuit No. 77 706 048 NO approved by the Law Department.

Approved:
SYL DELANEY
Deputy Corporation Counsel

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

Law Department
August 28, 1980

Honorable City Council:
Re: Revised Petitions to Convert Alleys to Easements. PETITIONS NO. 3064, 3263, 3265.

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

The revised 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, 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 an easement provided that proper provisions are incorporated into the vacat-

ing resolution protecting their installations located therein.

The adoption of the attached revised resolutions is recommended.

Respectfully submitted,
KAY D. SCHLOFF
Supervising Assistant
Corporation Counsel

Approved:
SYL DELANEY
Deputy 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 alleys as herein revised and described, pursuant to ordinance for the purpose of determining the advisability of this alley vacation.

NOW THEREFORE, BE IT
PETITION NO. 3064.
CONVERSION TO EASEMENT OF
THE NORTH/SOUTH ALLEY IN
THE BLOCK BOUNDED BY ILENE,
WASHBURN, PICKFORD AND
MARGARETA AVENUES;

RESOLVED, that all that part of the eighteen (18) foot wide alley, running North and South, in the block bounded by ILENE, WASHBURN, PICKFORD AND MARGARETA AVENUES, abutting Lots 48 to 62, both inclusive, on the East of said alley, and abutting Lots 67 to 81, both inclusive, on the West of said alley, in the DWYER'S MARYGROVE SUBDIVISION, of the North ½ of the South ½ of the Northeast ¼ of Section 8, Town 1 South, Range 11 East, City of Detroit and Greenfield Township, Wayne County, Michigan, as recorded in Liber 51, Page 93 of Plats, Wayne County Records;

PETITION NO. 3263.
CONVERSION TO EASEMENT OF
THE NORTH/SOUTH ALLEY IN
THE BLOCK BOUNDED BY WARD,
SORRENTO, MIDLAND AND PILGRIM
AVENUES;

RESOLVED, that all that part of the eighteen (18) foot wide alley, running North and South, in the block bounded by WARD, SORRENTO, MIDLAND AND PILGRIM AVENUES, abutting Lots 359 to 372, both inclusive, on the West of said alley and Lots 418 to 431, both inclusive, on the East of said alley, in the COLLEGE CREST SUBDIVISION NO. 1, of part of the West ½ of the East ½ of the Southwest ¼ of Section 17, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 50, Page 13 of Plats, Wayne County Records;

PETITION NO. 3265.
CONVERSION TO EASEMENT OF

THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY STAHELIN, BRACE, SAWYER AND TIREMAN AVENUES;

RESOLVED, that all that part of the eighteen (18) foot wide alley, running North and South, in the block bounded by STAHELIN, BRACE, SAWYER AND TIREMAN AVENUES, abutting Lots 635 to 643, both inclusive, on the West of said alley and Lots 748 to 756, both inclusive, on the East of said alley, in the WARRENDALE SUBDIVISION NO. 1, being a subdivision of part of the Southeast $\frac{1}{4}$ of Section 2, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 45, Page 14 of Plats, Wayne County Records. Also, abutting Lots 313 to 328, both inclusive, on the East of said alley and Lots 329 to 344, both inclusive, on the West of said alley in the RICHLAND PARK SUBDIVISION, being a subdivision of the North 40 acres of the Southeast $\frac{1}{4}$ of Section 2, and the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 2, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 41, Page 63 of Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, which easement 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 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 easement or right-of-way over said vacated public alley hereinabove described for the purpose 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 easement for the purpose above set forth.

SECOND, said utility easement or right-of-way in and over said vacated alley 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-way. 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 easement, nor any change or surface grade made, without prior approval by the Department of Public Works.

FOURTH, that if at any time in the future the owners of any lots abutting on said vacated alley shall request the removal and/or relocations 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 or 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 revised 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 revised resolution, the Law Department shall notify the owners of the property abutting on such alley or portion thereof and other necessary parties that the alley or por-

tion thereof have been vacated and converted in easement for utilities; and be it further

RESOLVED, that upon the receipt of a copy of the revised 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 revised resolution, the Department of Public Works shall adjust its garbage and refuse collection services accordingly.

Approved:

SYL DELANEY

Deputy Corporation Counsel

Adopted as follows:

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

Nays — None.

Law Department

September 4, 1980

Honorable City Council:

Re: John Andrysiak vs. City of Detroit, et al. Civil Action No. 77 718 126 NI. Our File No. 40860-HH.

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. . . .

"(e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigative or settlement positions of the public body." Rf Section 8(e)

It is our opinion that an open meeting would have an adverse financial effect on the City of Detroit in this litigation.

We are requesting that the session be held immediately because of an October 19, 1980 trial date.

Respectfully submitted,

MERCEDES D. MUEKCENHEIM
Supervising Assistant
Corporation Counsel

By Council Member Eberhard:

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 **THURSDAY, SEPTEMBER 18, 1980** at 10:30 a.m., for the purpose set forth in the preceding communication.

Approved:

SYL DELANEY

Deputy Corporation Counsel

Adopted as follows:

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

Nays — Council Member Cockrel — 1.

Law Department

July 31, 1980

Honorable City Council:

Re: James A. Tibbetts, Jr., vs. William Whiting and the City of Detroit. Civil Action No. 76 630 412 NO. File No. L-6738 APW.

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 \$50,000.00 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 \$50,000.00 payable to James A. Tibbetts, Jr., and his attorney, Calvin Klyman, P.C., to be delivered upon receipt of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 76 630 412 NO approved by the Law Department.

Respectfully submitted,
WILLIAM B. DANIEL
Supervising Corp. Counsel

Approved:

SYL DELANEY

Deputy Corporation Counsel

By Council Member Eberhard:

Resolved, that the Finance Director be and he is hereby directed and authorized to draw his warrant upon the proper fund in favor of James A. Tibbetts, Jr. and his attorney Calvin Klyman, P.C., in the sum of \$50,000.00 in full payment of any and all claims which he may have against the City of Detroit Police Department, P.O. Whiting and the City of Detroit by reason of injuries sustained on August 31, 1975, as a result of a shooting, and that said amount be paid upon presentation of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 76 630 412 NO approved by the Law Department.

Approved:

SYL DELANEY

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Hood, Kelley, Mahaffey, McFadden and President Henderson — 7.

Nays — Council Members Cockrel and Rogell — 2.