

partment of the City officers 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 defendants arises out of or involves the performance in good faith of the official duties of such defendants.

Defendants: Emmet S. Moten, Jr., Russell J. Chambers, Ronald Hewitt, John Kanters and Coleman A. Young.

Respectfully submitted,

GEORGE G. MATISH,

Deputy Corporation Counsel

By Council Member Cockrel:

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 defendants: Emmet S. Moten, Jr., Russell J. Chambers, Ronald Hewitt, John Kanters and Coleman A. Young.

Approved:

GEORGE G. MATISH

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

February 21, 1980

Honorable City Council:

Re: Roosevelt Dunwoody 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 memorandum.

From that review, it is our opinion that a settlement in the amount of \$10,000.00 is in the best interest of the City of Detroit.

Respectfully submitted,

THOMAS L. WALTERS

Asst. Corp. Counsel

By Council Member Cockrel:

RESOLVED, That the Finance Director be and he is hereby authorized and directed to draw his warrants upon the proper fund in favor of Roosevelt Dunwoody and Herman J. Anderson, P.C., his attorneys, in the total sum of \$10,000.00 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 Roosevelt Dunwoody'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' Compensation Department of the State of Michigan.

Approved:

KAY SCHLOFF

Acting Corporation Counsel

Adopted as follows:

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

Nays — None.

Law Department

February 27, 1980

Honorable City Council:

Re: Petition to Convert Alley to Easement.

For your consideration, submitted herewith is one (one) petition requesting the conversion of the alley in the block bounded by Celestine, MacCrary, Troester and Seymour Avenues into an easement in the City of Detroit.

The requested conversion into 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 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 alleys as herein described, pursuant to ordinance for the purpose of determining the advisability of this alley vacation.

NOW THEREFORE, BE IT

PETITION NO. 2034

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY CELESTINE, MACCRARY, TROESTER AND SEYMOUR AVENUES;

RESOLVED, that all that part of

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the East-West alley sixteen (16) feet wide in the block bounded by CELESTINE, MACCRARY, TROESTER AND SEYMOUR AVENUES, abutting Lots 166 to 173, both inclusive, on the South of said alley and Lots 174 to 181, both inclusive, on the North of said alley in the JAHN'S ESTATE SUBDIVISION, of the East 25 acres of the West 4 of the Southeast ¼ of Section 12, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 52, Page 74 of Plats, Wayne County Records; Also, abutting Lots 340 to 345, both inclusive, on the South of said alley and Lots 346 to 351, both inclusive, on the North of said alley in the YOUNG'S GRATIOT VIEW SUBDIVISION, of the West 55 acres of the West ½ of the Southeast ¼ of Section 12, Town 1 South, Range 12 East, lying in the Township of Gratiot and City of Detroit, Wayne County, Michigan, as recorded in Liber 40, Page 53 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 easements, nor any change of 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 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 location 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 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 alley or portion thereof and other necessary parties that the alley or portion thereof have been vacated and converted in easment 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 De-

partment of Public Works shall adjust its garbage and refuse collection services accordingly.

Approved:

KAY SCHLOFF

Acting Corporation Counsel

Adopted as follows:

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

Law Department

Februray 26, 1980

Honorable City Council:

Re: George Yono, Individually and as survivor of Alice Yono, Deceased, Norman Yono, Tom Yono and Patrick Yono vs. State of Michigan, County of Wayne, City of Detroit, a Municipal Corporation, and Russell Chambers as Manager of the Property Division of the Community and Economic Development Commission of the City of Detroit, a Municipal Corporation, Jointly and Severally; Civil Action No. 80-006-693-CC.

The Law Department has reviewed the above-entitled lawsuit and based on that review and evaluation it is the opinion of this office that the employee named in the attached proposed resolution was acting in the good faith performance of his official duties at all times material thereto.

The employee's request for representation has been approved by the Director of the Community and Economic Development Department as indicated by the attached communication.

Accordingly, the Law Department respectfully recommends that this Honorable Body grant representation of said employee in accordance with provisions of Chapter 16, Article 13 of the City Code.

The facts and particulars of the case are contained in the memorandum.

Respectfully submitted,

HILDA H. HIRATA

Asst. Corporation Counsel

By Council Member Hood:

RESOLVED, that the Law Department is hereby authorized under the provisions of Section 16-3-3 of the Code of the City of Detroit to provide legal representation for Russell G. Chambers, an employee of the Community and Economic Development Department.

Approved:

KAY SCHLOFF

Acting Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley,

Mahaffey, McFadden, Rogell, and President Henderson — 9.
Nays — None.

Law Department

February 22, 1980

Honorable City Council:

Re: James L. Schmit vs. City of Detroit, a Municipal Corporation. Civil Action No. 76 639 382 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 \$1,500.00 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 \$1,500.00 payable to James Schmit and Donald J. Morbach & Associates, his attorneys, to be delivered upon receipt of properly executed Release and a Stipulation and Order of Dismissal approved by the Law Department.

Respectfully submitted,

MARK V. SCHOEN

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 James L. Schmit and his attorneys, Donald J. Morach & Associates in the sum of \$1,500.00 in full payment of any and all claims which they may have against the City of Detroit in which plaintiff sustained injuries as a result of a fall from a ladder at Brennan Pool on or about August, 1976 in the City of Detroit and that said amount be paid upon presentation of Releases and Stipulation and Order of Dismissal of Lawsuit No.76 639 382 No, approved by the Law Department.

Approved:

KAY SCHLOFF

Acting Coprporation Counsel

Adopted as follows:

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

Law Department

February 29, 1980

Honorable City Council:

Re: Lucille Jackson vs. City of Detroit, Department of Police and George Powell, Jointly and Severally. Case No. 970914.

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in the