

and directed to draw his warrants upon the proper fund in favor of Antoine Wiltz and Cockrel, Cooper, Spearman & King, P.C., his attorneys, in the total sum of \$15,000.00 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 a result of Antoine Wiltz'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:

SYL DELANEY,
Deputy Corporation Counsel

Adopted as follows:

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

Nays — None.

Due to possible conflict of interest, Council Member Cockrel abstained from voting.

Law Department

July 22, 1981

Honorable City Council:

Re: Revised resolution for petitions to convert alleys to easements.

For your consideration, submitted herewith are five (5) petitions requesting the conversion of alleys into easements in the City of Detroit.

The 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 vacating resolution protecting their installations located therein.

The adoption of the attached revised resolution is recommended.

Respectfully submitted,
JOSEPH N. BALTIMORE
Assistant Corp. Counsel

Approved:

SYL DELANEY
Deputy Corp. Counsel

By Council Member Eberhard:

WHEREAS, the following petitions have 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 these alley vacations.

NOW THEREFORE, BE IT
PETITION NO. 2974.

CONVERSION TO EASEMENT OF
THE EAST/WEST ALLEY IN THE
BLOCK BOUNDED BY QUEEN,
HAYES, FAIRCREST AND SARA-
TOGA AVENUES;

RESOLVED, that all that part of the East/West alley, eighteen (18) feet wide in the block bounded by QUEEN, HAYES, FAIRCREST AND SARATOGA AVENUES, abutting Lots 278 to the West 17 feet of Lot 292, both inclusive, on the North of said alley and the West 17 feet of Lot 297 to Lot 311, both inclusive, on the South of said alley in the YOUNG'S GRATIOT VIEW SUBDIVISION ANNEX of the East ¼, of the North-east ¼ of Section 12, Town 1, South, Range 12 East, Gratiot Township, Wayne County, Michigan, as recorded in Liber 41, Page 72 of Plats, Wayne County Records;

PETITION NO. 3648.

CONVERSION TO EASEMENT OF
THE NORTH/SOUTH ALLEY IN
THE BLOCK BOUNDED BY SOMER-
SET, NOTTINGHAM, COURVILLE
AND HAVERHILL AVENUES;

RESOLVED, that all that part of the North/South alley, eighteen (18) feet wide, in the block bounded by SOMERSET, NOTTINGHAM, COURVILLE AND HAVERHILL AVENUES, abutting Lots 25 to 44, both inclusive, on the West of said alley in the LEIGH G. COOPER SUBDIVISION, of Parcels 9 and 10 of the Plat of Commissioners on Partition of the Estate of Joseph Young, deceased, of part of Lot 7 of Subdivision of Back Concession of Private Claim 258, Lots 1, 2, 3 and 4 of the Subdivision of the Southeast ½ of Additional donation to Private Claims 584 and 261, part of the Northwest ½ of Additional Donation to Private Claim's 584 and 261, Lot 6 and the Northwest ½ of Lot 4 of the Subdivision of Back Concession of Private Claim's 262 and 272; as recorded in Liber 46, Page 63 of Plats, Wayne County Records; Also, abutting Lots 92 to 111, both inclusive, on the East of said alley in the RUEHLE HARPER AVENUE SUBDIVISION NO. 1, of the East 14 acres of Lot 5 of the Subdivision of Back Concession of Private Claim 262 and 272, Township of Gratiot, Wayne County, Michigan, as recorded in Liber 47, Page 68 of Plats, Wayne County Records;

PETITION NO. 3556.

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY LAUDER, MARLOWE, KEELER AND MIDLAND AVENUES;

RESOLVED, that all that part of the North/South alley, sixteen (16) feet wide, in the block bounded by LAUDER, MARLOWE, KEELER AND MIDLAND AVENUES, abutting Lots 104 to 112, both inclusive, on the East of said alley and Lots 153 to 161, both inclusive, on the West of said alley in the ANN ARBOR HEIGHTS SUBDIVISION, of the East ½ of the Southeast ¼ of the Southwest ¼ of Section 18, Town 1 South, Range 11 East, Greenfield Township, Wayne County, Michigan, as recorded in Liber 37, Page 56 of Plats, Wayne County Records;

PETITION NO. 3602.

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY, IN THE BLOCK BOUNDED BY GRANDVILLE, PIEDMONT, TIREMAN AND BELTON AVENUES;

RESOLVED, that all that part of the North/South alley, eighteen (18) feet wide, in the block bounded by GRANDVILLE, PIEDMONT, TIREMAN AND BELTON AVENUES, abutting Lots 18 to 25, both inclusive, on the West of said alley in the WARRENDALE ANNEX SUBDIVISION, of part of the West ¾ of the Southeast ¼ of Section 2 and part of the West ¾ of the East ½ of the Southwest ¼ of Section 2, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 54, Page 71 of Plats, Wayne County Records; Also, abutting Lots 422 to 428, both inclusive, on the East of said alley in the WARRENDALE SUBDIVISION, being a subdivision of the East ¾ of the southeast ¼ of the Northwest ¼ of the East ¾ of the East ½ of the Southwest ¼ 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. 4241.

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY RUTLAND, MEMORIAL, WHITLOCK AND WARREN AVENUES;

RESOLVED, that all that part of the North/South alley, eighteen (18) feet wide, in the block bounded by RUTLAND, MEMORIAL, WHITLOCK AND WARREN AVENUES, abutting Lots 235 to 251, both inclusive, on the West of said alley and Lots 261 to 277, both inclusive, on the East

of said alley in the FRISCHKORN'S HIGHLAND SUBDIVISION, of the Northwest ¼ of the Northwest ¼ of Section 12, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 41, Page 14 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 an 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 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 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 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

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 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 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 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 easement 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:

SYL DELANEY

Deputy Corp. Counsel

Adopted as follows:

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

Nays — None.

Law Department

June 24, 1981

Honorable City Council:

Re: Charlia A. Lyles, Administratrix of the Estate of Marilyn Lyles, Deceased vs. City of Detroit, Emergency Medical Service, Ronald J. Bertanzi and John Robinson. Civil Action No. 76 621 153 NM. File No. 40504 MVS.

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 \$10,000.00 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 \$10,000.00 payable to Charlia A. Lyles, Administratrix of the Estate of Marilyn Lyles, Deceased, and her attorney, Jonathan L. Walker, to be delivered upon receipt of properly executed Re-