

Fifty Eight Dollars and Fifty-Two Cents (\$49,758.52) which includes attorney fees plus interest, which brings the total to an excess of \$62,000.00. This office has considered filing an appeal in this matter. However, negotiations with the Plaintiff continued, and the Plaintiffs has indicated a willingness to accept a total amount of Forty Five Thousand (\$45,000.00) Dollars in full settlement of all claims. We are of the opinion that a settlement of \$45,000.00 is in the best interest of the City of Detroit.

We, therefore, request you to approve this settlement agreement with the Plaintiff. Upon your approval, we request the Finance Director to issue a draft in the amount of Forty Five Thousand (\$45,000.00) Dollars payable to Michael A. Gantz and Elwood S. Simon, Esq., his attorney.

Respectfully submitted,
WILLIAM B. BEACH

Supervising Asst. Corp. Counsel

Approved:

SYL DELANEY

Deputy Corp. Counsel

By Council Member Cockrel:

Resolved, that the Finance Director be and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of Michael A. Gantz and his attorney, Elwood S. Simon, in the sum of \$45,000.00 in full payment of any and all claims which he may have against the City of Detroit by reason of alleged improper discharge based on no substantial proof, resulting in violation of due process rights, and that said amount be paid upon presentation of Satisfaction of Judgment or Stipulation and Order of Dismissal of Lawsuit No. 71 181 646 approved by the Law Department.

Approved:

SYL DELANEY

Deputy Corp. Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Hood, Kelley, Mahaffey, Rogell, and President Henderson — 7.
Nays — None.

Law Department

October 16, 1981

Honorable City Council:

Re: Petitions to Convert Alleys to Easements Amended Resolution.

For your consideration, submitted herewith are two (2) 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 amended resolution is recommended.

Respectfully submitted,
JOSEPH N. BALTIMORE,
Asst. Corp. Counsel

Approved:

SYL DELANEY

Deputy Corp. Counsel

By Council Member Cockrel:

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 this alley vacation.

NOW THEREFORE BE IT
PETITION NO. 3602

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

RESOLVED, that all that part of the eighteen foot wide (18) alley, running East-West in the block bounded by GRANDVILLE, PIEDMONT, TIREMAN AND BELTON AVENUES, abutting 433 on the North of said alley and Lots 434 to 439, both inclusive, on the South of said alley in the WARRENDALE being a subdivision, of East 2/3 of the Southeast 1/4 of the Northwest 1/4 and the East 2/3 of the East 1/2 of the Southwest 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. 4011

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY LAKEPOINTE, GREENSBORO, DALE AND ELMDALE AVENUES;

RESOLVED, That all that part of the North/South alley, eighteen (18) feet wide, in the block bounded by LAKEPOINTE, GREENSBORO, DALE AND ELMDALE AVENUES, abutting Lots 153 to 169, both inclusive, on the West of said alley and Lots

182 to 198, both inclusive, on the East of said alley, in the DAVID TROMBLY'S HARPER AVENUE SUBDIVISION, NO. 1, being a subdivision of part of Lot 15 and all of Lot 16 of Subdivision of Private Claim 10, City of Detroit, Wayne County, Michigan, as recorded in Liber 51, Page 24 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 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 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 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, Hood, Kelley, Mahaffey, Rogell, and President Henderson — 7.
Nays — None.

Law Department

October 20, 1981

Honorable City Council:

Re: Michael Catalano 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 \$16,000.00 is in the best interest of the City of Detroit.

Respectfully submitted,

WILLIAM DIETRICH

Supervising Asst.
Corp. Counsel

By Council Member Rogell:

Resolved, That the Finance Director be and he is hereby authorized and directed to draw his warrants upon the proper fund in favor of Michael Catalano and Paul A. Wright, his at-

torney, in the total sum of \$16,000.00 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 Michael Catalano'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 Corp. Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Hood, Kelley, Mahaffey, Rogell, and President Henderson — 7.
Nays — None.

Law Department

October 20, 1981

Honorable City Council:

Re: Donald W. Waddy 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 \$17,500.00 is in the best interest of the City of Detroit.

Respectfully submitted,

WILLIAM DIETRICH

Supervising Asst.
Corp. Counsel

By Council Member Rogell:

Resolved, That the Finance Director be and he is hereby authorized and directed to draw his warrants upon the proper fund in favor of Donald W. Waddy and William S. Stern, his attorney, in the total sum of \$17,500.00 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 Donald W. Waddy'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 Corp. Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Hood, Kelley, Mahaffey, Rogell, and President Henderson — 7.
Nays — None.