

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

Law Department
September 27, 1982

Honorable City Council:
Re: Diane Martin 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 redemption in the amount of \$25,000.00 is in the best interest of the City of Detroit.

Respectfully submitted,
FRANK W. JACKSON, III
Supervising Assistant
Corporation Counsel

By Council Member Mahaffey:

Resolved, That the Finance Director be and he is hereby authorized and directed to draw his warrants upon the proper fund in favor of Diane Martin and Roderick V. MacNeal, her attorney, in the total sum of \$25,000.00 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 Diane Martin'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:
MARK R. ULICNY
Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

Law Department
October 6, 1982

Honorable City Council:
Re: Derrick D. Rogers 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 redemption in the amount of \$7,500.00 is in the best interest of the City of Detroit.

Respectfully submitted,
FRANK W. JACKSON, III
Supervising Assistant
Corporation Counsel

By Council Member Mahaffey:

Resolved, That the Finance Director be and he is hereby authorized and directed to draw his warrants upon the proper fund in favor of Derrick D. Rogers and Greenspon, Scheff and Washington, P.C., his attorneys, in the total sum of \$7,500.00 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 a result of Derrick D. Roger'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:
MARK R. ULICNY
Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

Law Department
October 13, 1982

Honorable City Council:
Re: Petition to convert alley to easement.

For your consideration, submitted herewith is one (1) petition requesting the conversion of an alley into an easement in the City of Detroit.

The requested conversion into an easement 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 resolution is recommended:

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

Approved:
MARK R. ULICNY
 Deputy Corp. 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 properties respectively abutting the alley as herein described, pursuant to ordinance for the purpose of determining the advisability of this alley vacation.

NOW THEREFORE, BE IT
 PETITION NO. 5845

CONVERSION TO EASEMENT OF
 THE NORTH/SOUTH ALLEY IN
 THE BLOCK BOUNDED MEMO-
 RIAL, ABINGTON, PAUL AND
 WHITLOCK AVENUES;

RESOLVED, that all that part of the eighteen (18) foot wide alley, running North/South in the block bounded by MEMORIAL, ABINGTON, PAUL AND WHITLOCK AVENUES, abutting Lots 19 to 35, both inclusive, on the West of said alley, and Lots 113 to 129, both inclusive, on the East of said alley in the GARDNER PARK SUBDIVISION, of part of the East ½ of the Northwest ¼ Section 12, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 48, Page 81 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 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

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:

MARK R. ULICNY
Deputy Corp. Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

Law Department

October 5, 1982

Honorable City Council:

Re: Arte Sanders v. City of Detroit, et al, Case No. 80 040 970 NI, File No.: 80-3696 HH.

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 \$24,000.00 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 \$24,000.00 payable to Arte Sanders and Robert Kozlow, his attorney, to be delivered upon receipt of properly executed Releases and Stipulation and Order of Dismissal approved by the Law Department.

Respectfully submitted,
WILLIAM DIETRICH
Supv. Asst. Corp. Counsel

Approved:

MARK R. ULICNY
Deputy Corporation Counsel

By Council Member Ravitz:

Resolved, that the Finance Director be, and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of Arte Sanders, and Robert Kozlow, his attorney, in the sum of \$24,000.00 in full payment of any and all claims which they may have against the City of Detroit by reason of injuries sustained when the plaintiff walked in front of the coach which struck him as it approached the designated coach stop, and that said

amount be paid upon presentation of properly executed Releases and Stipulation and Order of Dismissal of Lawsuit No. 80 040 970 NI, approved by the Law Department.

Approved:

MARK R. ULICNY
Deputy Corporation Counsel
Adopted as follows:

Yeas — Council Members Cleveland, Hood, Mahaffey, Peoples, Ravitz and President Henderson — 6.

Nays — Council Members Collins, Eberhard and Kelley — 3.

Law Department

October 6, 1982

Honorable City Council:

Re: Margaret Kelly, et al, vs. Detroit General Hospital, et al. Civil Action No. 80-010-985-NM. File No. 80-9055 WD.

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 \$90,000.00 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 \$90,000.00 payable to Margaret Kelly as personal representative of the estate of David Kelly and her attorneys, Milan, Miller, Berger, Brody & Miller, P.C., to be delivered upon receipt of properly executed Releases and a Consent Judgment approved by the Law Department.

Respectfully submitted,
WILLIAM DIETRICH
Supervising Assistant
Corporation Counsel

Approved:

MARK R. ULICNY,
Deputy Corporation Counsel

By Council Member Ravitz:

Resolved, That the Finance Director be and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of Margaret Kelly as personal representative of the estate of David Kelly, and Milan, Miller, Berger, Brody & Miller, P.C., her attorneys, in the sum of Ninety Thousand Dollars (\$90,000.00) in full payment of any and all claims they may have against the City of Detroit, by reason of alleged injuries as a result of alleged malpractice and that said amount be paid upon presentation of Releases and Consent Judgment in Lawsuit No. 80-010-985-NM approved by the Law Department.

Approved:

MARK R. ULICNY,
Deputy Corporation Counsel