

Adopted as follows:
 Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Peoples, Ravitz and President Henderson — 8.
 Nays — None.

Law Department

April 20, 1983

Honorable City Council:
 Re: Oscar Traylor vs. City of Detroit, et al Case No. 79 940 355 CZ. Our File No. L-7366 (ML).

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 \$92,500.00 is in the best interest of the City of Detroit.

We, therefore, request your Honorable Body to direct the Finance Director to issue her draft in the amount of \$92,500.00 payable to Oscar Traylor and Becker & Van Cleef, his attorneys, to be delivered upon receipt of properly executed Releases and Stipulation and Order of Dismissal approved by the Law Department.

Respectfully submitted,
 WILLIAM B. DANIEL
 Supervising Asst.
 Corp. Counsel

Approved:

MARK ULICNY
 Deputy Corp. Counsel

By Council Member Cleveland:
 Resolved, That the Finance Director be, and she is hereby authorized and directed to draw her warrant upon the proper fund in favor of Oscar Traylor and his attorneys, Becker & Van Cleef, in the sum of \$92,500.00 in full payment of any and all claims which they may have against the City of Detroit by reason of alleged injuries sustained resulting from a police shooting, and that said amount be paid upon presentation of properly executed Releases and Stipulation and Order of Dismissal of Lawsuit No. 79 940 355 CZ approved by the Law Department.

Approved:

MARK ULICNY
 Deputy Corp. Counsel

Adopted as follows:
 Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Peoples, Ravitz and President Henderson — 8.
 Nays — None.

Law Department

April 22, 1983

Honorable City Council:
 Re: Sarah A. Lawson vs. Public Lighting Commission, Division of City of Detroit, a Municipal Corporation, and Michigan Bell Telephone Company, a Michigan Municipal Corpo-

ration — Case No. 81 138 569 NO/ File No. 80-9635 HHH.
 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 Four Thousand Dollars (\$4,000.00) is in the best interest of the City of Detroit.

We, therefore, request your Honorable Body to direct the Finance Director to issue her draft in the amount of \$4,000.00 payable to Sarah A. Lawson and her attorney, Melvin R. Schwartz, to be delivered upon receipt of properly executed Releases and Stipulation and Order of Dismissal of Lawsuit No. 81 138 569 NO, approved by the Law Department.

Respectfully submitted,
 WILLIAM DIETRICH
 Supervising Assistant
 Corporation Counsel

Approved:

MARK R. ULICNY
 Deputy Corporation Counsel
 By Council Member Collins:

Resolved, That the Finance Director be, and she is hereby authorized and directed to draw her warrant upon the proper fund in favor of Sarah A. Lawson and her attorney, Melvin R. Schwartz, in the sum of \$4,000.00 in full payment of any and all claims they may have against the City of Detroit by reason of alleged injuries including but not limited to right knee as a result of tripping and falling on a loose Public Lighting Department guywire or cable lying on the sidewalk and that said amount be paid upon presentation of properly executed Releases and Stipulation and Order of Dismissal of Lawsuit No. 81 138 569 NO, approved by the Law Department.

Approved:

MARK R. ULICNY
 Deputy Corporation Counsel

Adopted as follows:
 Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Peoples, Ravitz and President Henderson — 8.
 Nays — None.

Law Department

April 22, 1983

Honorable City Council:
 Re: Petitions to Convert Alley to Easement.

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

The requested conversion into an easement for public utilities was recommended by the Community and Economic Development Department upon

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prior investigation and report. For filing in the office of the City Clerk, please find report, petitions 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

Assistant Corporation Counsel

Approved:

MARK R. ULICNY

Acting Corporation Counsel

By Council Member Collins:

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 alley as herein described, pursuant to ordinance for the purpose of determining the advisability of this alley vacation.

NOW, THEREFORE, BE IT
PETITION NOS. 782 and 783.

CONVERSION TO EASEMENT OF THE
NORTH/SOUTH ALLEY IN THE BLOCK
BOUNDED BY ROXBURY, GREENSBORO,
HAVERHILL AND COURVILLE
AVENUES;

RESOLVED, that all that part of the eighteen (18) foot wide alley, running North/South in the block bounded by ROXBURY, GREENSBORO, HAVERHILL AND COURVILLE AVENUES, Wayne County, Michigan, as recorded in Liber 41, Page 95 of Plats, Wayne County Records; Also, a twenty (20) foot wide alley running in an East/West direction, abutting Lots 1151 to 1157, both inclusive, on the North of said alley and Lot 1085 on the South of said alley, in the ROUGE PARK SUBDIVISION NO. 2, of part of Lots 2 and 6 of Joseph Coon Estate Subdivision on Fractional Sections 3 and 4, Town 2 South, Range 10 East, and North part of Private Claim 615, and part of Lots 5 and 6 of Hiram Coon Estate Subdivision of part of Fractional Sections 4 and 9, Town 2 South, Range 10 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 62, Page 70 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 easement, 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 ULICNY

Acting Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Peoples, Ravitz and President Henderson — 8.

Nays — None.

Law Department

April 22, 1983

Honorable City Council:

Re: Thomas Hull 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 \$7,500.00 is in the best interest of the City of Detroit.

Respectfully submitted,

FRANK W. JACKSON

Supervising Assistant Corporation Counsel

By Council Member Eberhard:

Resolved, That the Finance Director be and she is hereby authorized and directed to draw her warrants upon the proper fund in favor of Thomas Hull and J. Leonard Schrieman, his

attorney, 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 the result of Thomas Hull'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

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Peoples, Ravitz and President Henderson — 8.

Nays — None.

Law Department

April 27, 1983

Honorable City Council:

Re: Detroit Pure Milk Company, a Michigan Corporation, vs. The City of Detroit, a Municipal Corporation, and the Department of Health: WCA #79-906-210-CK.

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in the memorandum. From our review, it is our considered opinion that settlement of the case in the total amount of Fifteen Thousand Dollars and Zero Cents (\$15,000.00) is in the best interest of the City of Detroit.

We therefore request that Your Hoorable Body direct the Finance Director to issue her draft to Detroit Pure Milk Company and its attorney, Lawrence J. Stockler, in the amount of fifteen thousand dollars and zero cents (\$15,000.00) to be tendered upon receipt of a properly executed release and stipulation for dismissal of lawsuit number 79-906-210-CK.

Respectfully submitted,

JOSEPH N. BALTIMORE

Supervising Assistant Corporation Counsel

Approved:

MARK R. ULICNY

For DONALD PAILEN,

Corporation Counsel

By Council Member Hood:

Resolved, That the Finance Director be and is hereby authorized to draw her warrant upon the proper fund in favor of Detroit Pure Milk Company, a Michigan Corporation, and its Attorney, Lawrence J. Stockler, in the sum of Fifteen Thousand Dollars and Zero Cents (\$15,000.00) in full payment of any and all claims they may have against the City of Detroit by reason of