

132 512 CZ approved by the Law Department.

Respectfully submitted,
BRENDA E. BRACEFUL
 Supervising Assistant
 Corporation Counsel

Approved:
DONALD PAILEN
 Corporation Counsel
ABIGAIL ELIAS
 Deputy Corporation Counsel

By Council Member Peoples:
 Resolved, that the Finance Director be and she is hereby authorized and directed to draw her warrant upon the proper funds in favor of Thomas Woodson, Geneva Woodson and their attorney, Larry Schultz, in the amount of Twenty-Five Thousand (\$25,000.00) Dollars, in full settlement of any and all claims which they may have against the City of Detroit by reason of alleged assault and battery on August 23, 1979 and that said payment be made upon proper presentation of Releases and a Stipulation and Order of Dismissal of Lawsuit No.: 81 132 512 CZ approved by the Law Department.

Approved:
DONALD PAILEN
 Corporation Counsel
ABIGAIL ELIAS
 Deputy Corporation Counsel

Adopted as follows:
 Yeas — Council Members Collins, Eberhard, Peoples, Ravitz, and President Pro Tem. Cleveland — 5.
 Nays — None.

Law Department

September 24, 1984

Honorable City Council:
 Re: Amended Resolution — Alley Conversions, Petitions Nos. 1333 and 2012.

On July 27, 1983, action was taken by your Honorable Body to close a portion of the North/South alley on Petition #1333. Since that time the petitioner has collected sufficient signatures to close the remaining section of alley at the South end as well as the East/West alley.

On January 18, 1984, action was taken by your Honorable Body to deny Petition #2012 due to insufficient signatures. Since that time the petitioner has collected a majority of signatures (72%) to now have the alley closed as first recommended.

The attached resolution is submitted for your approval.

Respectfully submitted,
JOSEPH N. BALTIMORE
 Supervising Assistant
 Corporation Counsel

Approved:
DONALD PAILEN
 Corporation Counsel
ABIGAIL ELIAS
 Deputy Corporation Counsel

By Council Member Peoples:

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 these alley vacations.

Now, Therefore, Be it

Petition No. 1333. Conversion To Easement of the North/South and an East/West Alley in the Block Bounded by Forrer, Winthrop, Curtis and Pickford Avenues:

Resolved, that all that part of an eighteen (18) foot wide section of alley running in a North/South direction, abutting Lots 124 and 125 on the West of said alley and Lots 140 and 141 on the East of said alley; also, an eighteen (18) foot wide alley running in an East/West direction, abutting Lots 125 and 140 on the North of said alley and Lots 126 to 139, both inclusive, on the South of said alley, in the Laurelhurst Subdivision, of the Southeast ¼ of the Northeast ¼ of Section 12, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 47, Page 16 of Plats, Wayne County Records;

Petition No. 2012. Conversion to Easement of the North/South Alley in the Block Bounded by Coyle, Robson, Plymouth and Wadsworth;

Resolved, that all that part of the eighteen (18) foot wide alley running in a North/South direction abutting Lots 316 to 330, both inclusive, on the West of said alley and Lots 355 to 369, both inclusive, on the East of said alley, in the Boadmoor Subdivision, of the South ½ of the Southwest ¼ of Section 30, Town 1 South, Range 11 East, Greenfield Township, Wayne County, Michigan, as recorded in Liber 41, Page 48 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 pub-

lic 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 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 of 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:

DONALD PAILEN

Corporation Counsel

ABIGAIL ELIAS

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Peoples, Ravitz, and President Pro Tem. Cleveland — 5.

Nays — None.

Law Department

July 27, 1984

Honorable City Council:

Re: William Thurston Armor vs. City of Detroit, Officer Daniel Marcum and Officer John Doe, Jointly and Severally, Case No.: 82 214 720 NO, File No.: 81-8186 TD.

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 the Finance Director to issue her draft in the amount of \$4,000.00 payable to William Thurston Armor and his attorney, Joseph Crystal to be delivered upon receipt of properly executed Releases and a Stipulation and Order of Dismissal, approved