

Approved:
MARK R. ULICNY
 Deputy Corporation Council

Adopted as follows:
 Yeas — Council Members Collins, Eberhard, Hood, Kelley, Mahaffey, and President Henderson — 6.
 Nays — None.

Law Department
 January 6, 1984

Honorable City Council:
 Re: Yolanda Skop vs. City of Detroit, a Municipal Corporation, William L. Hart, Commissioner of the City of Detroit Police Department, et al. Case No. 81 118 010 NO. File No. 80-8192 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 Eight Thousand (\$8,000.00) Dollars, is in the best interest of the City of Detroit.

We therefore, request the Finance Director to issue her draft in the amount of \$8,000.00 payable to Yolanda Skop and her attorney, Ross B. Meretsky, to be delivered upon receipt of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 81 118 010 NO.

Respectfully submitted,
WILLIAM B. DANIEL,

Sprv. Asst. Corporation Counsel

Approved:
MARK R. ULICNY
 Deputy Corporation Council

By Council Member Mahaffey:

Resolved, that the Finance Director be and she is hereby authorized and directed to draw her warrant upon the proper fund in favor of Yolanda Skop and her attorney, Ross B. Meretsky, in the sum of Eight Thousand (\$8,000.00) Dollars in full payment of any and all claims which she may have against the City of Detroit, William L. Hart, Commissioner of the City of Detroit Police Department, Martin Gagnor and Lawrence Tront by reason of substantial injuries she sustained when she was hit in the face with a flashlight, and that said amount be paid upon receipt of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 81 118 010 NO.

Approved:
MARK R. ULICNY
 Deputy Corporation Council

Adopted as follows:
 Yeas — Council Members Collins, Eberhard, Hood, Kelley, Mahaffey, and President Henderson — 6
 Nays — None.

Law Department
 January 5, 1984

Honorable City Council:
 Re: Roy Martin, et al. vs. City of Detroit, et al. Civil Action No. 82 220 277 NO. Our File No. 82 8037/PR.

Representation by the Law Department of the City employees Michael Foley and John Schroeder has previously been approved by your Honorable Body. A third city employee, Randy Varney was also involved in this incident. Unfortunately, Mr. Varney died in a tragic car accident sometime later and the plaintiffs have filed suit against the Estate of Randy Varney, deceased.

This legal distinction has no effect on the liability of the City of Detroit or the estate. If Mr. Varney had lived, he would have been represented by the Law Department, therefore, it is respectfully requested that you approve by resolution, representation of the Estate of Randy Varney, deceased, by the Law Department because the suit arises out of or involves the performance in good faith of the official duties of Randy Varney.

WILLIAM B. DANIEL,
 Supervising Assistant
 Corporation Counsel

Approved:
MARK R. ULICNY,
 Deputy Corporation Counsel

By Council Member Mahaffey:

Resolved, That the Law Department is hereby authorized under the provisions of Chapter 16, Article 13 of the Municipal Code of the City of Detroit and in accordance with the foregoing communication to provide legal representation to defendant: The Estate of Randy Varney.

Approved:
MARK R. ULICNY,
 Deputy Corporation Counsel

Adopted as follows:
 Yeas — Council Members Collins, Eberhard, Hood, Kelley, Mahaffey, and President Henderson — 6.
 Nays — None.

Law Department
 January 18, 1984

Honorable City Council:
 Re: Amended Resolution — Alley Conversion. Petition Nos. 909 and 1283.

The purpose of this amended resolution is to reflect partial or whole alley closings.

Respectfully submitted,
JOSEPH N. BALTIMORE,
 Supervising Assistant
 Corporation Counsel

Approved:
MARK R. ULICNY,
 Deputy Corporation 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 alleys as herein described, pursuant to ordinance for the purpose of determining the advisability of these alley vacations.

NOW THEREFORE, BE IT
PETITION NO. 909

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY NEWPORT, LAKEWOOD, KORTE AND AVONDALE AVENUES.

Resolved, That all that part of the eighteen (18) foot wide alley, running North/South in the block bounded by NEWPORT, LAKEWOOD, KORTE and AVONDALE AVENUES, abutting Lots 19 to 32, both inclusive, on the West of said alley in the RIVERSIDE HOMES SUBDIVISION of part of Lots 6 and 7, according to the plat thereof made by George Martin for the heirs of John Martin, deceased, of the front and rear concession of Private claim 219 lying South of Private Claim No. 128, as recorded in Liber 2, Page 26 of Plats, City of Detroit, Wayne County, Michigan, as recorded in Liber 37, Page 94 of Plats, Wayne County Records; Also, abutting Lots 76 to 91, both inclusive, on the East of said alley, in the LAKEWOOD BOULEVARD ADDITION SUBDIVISION, of part of Lot 8, Subdivision of the Estate of George Martin, P.C. 321, lying South of Jefferson Avenue, City of Detroit, Wayne County, Michigan, as recorded in Liber 30, Page 6 of Plats, Wayne County Records;

PETITION NO. 1283

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY ROBSON, TERRY, GRAND RIVER AND LYNDON AVENUES;

Resolved, That all that part of the sixteen (16) foot wide alley, running in a North/South direction, in the block bounded by ROBSON, TERRY, GRAND RIVER AND LYNDON AVENUES, and abutting Lots 306 to 342, both inclusive, on the East of said alley and Lots 350 to 386, both inclusive, on the West of said alley in the B. E. TAYLOR'S MONMOOR SUBDIVISION of part of the East ½ of the Southwest ¼ of Section 19, Town 1 South, Range 11 East, lying North of Grand River Avenue, Greenfield Township, Wayne County, Michigan, as recorded in Liber 33, Page 20 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 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 Corporation Counsel

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Hood, Kelley, Mahaffey, and President Henderson — 6.

Nays — None.

Law Department

January 23, 1984

Honorable City Council:

Re: Ethel T. Shaw d/b/a Pete's Fix-It Shop vs. City of Detroit, Detroit Water and Sewerage Department, a Municipal Corporation. C.A. No. 81 138 357 ND. Our File No. 79-7135.

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 Fifteen Thousand (\$15,000.00) Dollars 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 \$15,000.00 payable to Ethel T. Shaw d/b/a Pete's Fix-It Shop, and her attorney Brantley Chauncey, to be delivered upon receipt of properly executed General Releases and Stipulation and Order of Dismissal approved by the

Law Department, and upon approval by the Board of Water Commissioners.

Respectfully submitted,

WILLIAM DIETRICH,
Supervising Assistant
Corporation Counsel

Approved:

MARK R. ULICNY,

Deputy Corporation Counsel

By Council Member Hood:

Resolved, That the Finance Director be and she is hereby authorized and directed to draw her warrant upon the proper fund in favor of Ethel T. Shaw d/b/a Pete's Fix-It Shop and her attorney Brantley Chauncey in the sum of Fifteen Thousand (\$15,000.00) Dollars in full payment of any and all claims which she may have against the City of Detroit, Department of Water and Sewerage, by reason of flooding of her real and personal property located at 8055-8075 West Warren, Detroit, Michigan, due to a water main break and that said amount be paid upon presentation of properly executed General Releases and Stipulation and Order of Dismissal of Lawsuit No. 81 138 357 ND approved by the Law Department, and upon approval of the Board of Water Commissioners.

Approved:

MARK R. ULICNY,

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Hood, Kelley, Mahaffey, and President Henderson — 6.

Nays — None.

Law Department

January 31, 1984

Honorable City Council:

Re: Camillo Capua vs. City of Detroit, Department of Transportation. Case No. 82 232 202 NI. File No. 82-1201 (LFK).

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 \$10,500.00 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 \$10,500.00 payable to Camillo Capua and his attorneys, Angell and Lech, to be delivered upon receipt of properly executed Releases and Stipulation and Order of Dismissal approved by the Law Department.

Respectfully submitted,

WILLIAM DIETRICH,
Supervising Assistant
Corporation Counsel