

longer meets the needs of affected City personnel; and

WHEREAS, A revised acceptable City-wide policy on damage claims reimbursement to City employees has not been forthcoming as requested by the City Council; and

WHEREAS, The Detroit City Council desires the expeditious settlement of some longstanding damage claims; NOW, THEREFORE, BE IT

RESOLVED, That payment of employee claims from all City Departments for reimbursements for damages incurred to any person or departmental property will be made under the following restrictions:

1) The Finance Director will honor damage claims between \$1.00 and \$50.00 when the claim has been recommended for payment by the department head and approved by the Small Claims Committee.

2) The Finance Director will honor damage claims over \$50.00 on the recommendation and approval of the City Council. Such recommendation being made pursuant to a written description of loss from the employee's department head denoting circumstances surrounding the loss and the results of any investigation of the loss undertaken by the department; and BE IT FURTHER

RESOLVED, That all damage claims honored must have arisen directly out of the performance of the employee's duties and be in no way attributable to the carelessness of the employee; and BE IT FURTHER

RESOLVED, That any damage claim paid in accordance with the above specified restrictions is paid without recognition of any legal obligation on the part of the City of Detroit to do so; and BE IT FURTHER

RESOLVED, That the Finance Director be and is hereby authorized and directed to honor vouchers in accordance with the foregoing communication and this resolution, these vouchers to be charged against the General Fund Damage Claims Account.

Adopted as follows:

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

Nays — None.

City Engineering Department
March 12, 1984

Honorable City Council:
Re: Petition No. 3913 (1981). Mr. Ghassan Qaqish, et al. Conversion to Easement of the Alley south of Winchester between Woodward and Ralston.

The above petition requests the conversion of the above described public

alley, 18 feet wide into an easement for public utilities was approved by the Community and Economic Development Department. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

The petitioner has made the following deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated:

City Engineering — Intersection Fund, Receipt No. C0528 — \$232.60, for the original cost of paving the south one-half of Winchester Avenue at the intersection of the alley to be vacated. The petitioner has also requested that the paved return at the entrance to the alley to be vacated remain in its present status as the petitioner plans to utilize same, and has agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions of public right-of-way into 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,
CLYDE R. HOPKINS
Director

By Council Member Eberhard:

Resolved, That all that part of the north-south public alley, 18 feet wide, south of Winchester and first east of Woodward Avenue, abutting the rear line of Lots 19 to 24 and the westerly line of Lot 25 all inclusive of the State Fair Subdivision No. 2, Detroit, Wayne County, Michigan as recorded in Liber 28, Page 20, 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 an easement or right-of-way over said vacated public alley hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, elec-

tric 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 fence) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval of the City Engineering Department,

Fourth, that if 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 that poles or other utilities are located 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 2, 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.

Adopted as follows:

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

Nays — None.

City Engineering Department

March 13, 1984

Honorable City Council:

Re: Petition No. 2011, Mother's Tavern, Inc., Conversion to Easement of a Portion of the Alleys in the Block bounded by Klein, Mt. Elliott, Conant and Farr.

The above petition requests the conversion of the southerly portion of the above described alleys, 20 feet wide, into easements for public utilities. The requested conversion into easement for public utilities was approved by the Community and Economic Development Department. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

The petitioner has made the following deposit with the City Treasurer, which has been credited to the department named, for the purpose indicated:

City Engineering Department — Intersection Fund, Receipt No. C21264 — \$833.00, for the original cost of paving the west one-half of Mt. Elliott Avenue and the north one-half of Conant Avenue at the intersection of the alleys to be vacated. The petitioner has also requested that the paved returns at the entrance to the alleys to be vacated remain in their present status as the petitioner plans to utilize same, and has agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions of public right-of-ways into easements 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,
CLYDE R. HOPKINS
Director

By Council Member Eberhard:

Resolved, That all that part of the north-south public alley, 20 feet wide, in the block bounded by Klein, Mt. Elliott, Conant and Farr lying between and abutting a line which begins at a point in the easterly line of the north-south public alley, 20 feet wide, said point being 10.04 feet south of the northwesterly corner of Lot 64, and ends at a point in the southerly line of the east-west public alley, 20 feet wide, said point being 13.35 feet easterly of the northwesterly corner of Lot 100; and the northerly line of the east-west