

On July 9, 1984 your Honorable Body passed a resolution giving the Law Department authority for six months to continue settlement of City-related lawsuits in the amount of \$2,500 or less without City Council approval or consent.

I am again requesting that that authority be continued and have attached hereto a resolution for your approval.

Respectfully submitted,
DONALD PAILEN
Corporation Counsel

By Council Member Mahaffey:

It Is Hereby Resolved, That the Law Department is authorized and directed for a period of six months from December 7, 1984 to settle any City-related lawsuits in the amount of \$2,500 or less, without the necessity of any further approval of consent of the City Council.

Approved:

DONALD PAILEN
Corporation Counsel

Adopted as follows:

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

Nays — None.

Law Department

December 6, 1984

Honorable City Council:

Re: James B. McClure and Ora McClure vs. City of Detroit, a Municipal Corporation, and W. Peter, Jr., Jointly and Severally. Case No. 84 424 233 NO. Our File No. 83-9266 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 Nine Thousand (\$9,000.00) 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 \$9,000.00 payable to James B. McClure and Ora McClure and their attorney Mark A. Manning, to be delivered upon receipt of properly executed General Releases, Hold Harmless Agreement and Stipulation and Order of Dismissal approved by the Law Department.

Respectfully submitted,
WILLIAM DIETRICH
Supervising Assistant
Corporation Counsel

Approved:

DONALD PAILEN
Corporation Counsel

ABIGAIL ELIAS
Deputy Corporation Counsel

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 James B. McClure and Ora McClure and their attorney Mark A. Manning in the sum of Nine Thousand (\$9,000.00) Dollars in full payment of any and all claims which they may have against the City of Detroit by reason of the personal injuries James B. McClure sustained as a result of tripping and falling on the sidewalk in front of 2023 West Davison and that said amount be paid upon presentation of properly executed General Releases, Hold Harmless Agreement, and Stipulation and Order of Dismissal of Lawsuit No. 84 424 233 NO approved by the Law Department.

Approved:

DONALD PAILEN
Corporation Counsel
ABIGAIL ELIAS
Deputy Corporation Counsel

Adopted as follows:

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

Nays — None.

Law Department

December 5, 1984

Honorable City Council:

Re: Amended Resolution — Alley Conversion Petition No. 4241.

On August 5, 1981, action was taken by your Honorable Body to close a portion of the North/South alley on Petition #4241. Since that time the petitioner has collected sufficient signatures to close the remaining section of alley at the East and West ends.

The attached resolution is submitted for your approval.

Respectfully submitted,
JOSEPH N. BALTIMORE,
Sprv. Asst. Corporation Counsel

Approved:

DONALD PAILEN
Corporation Counsel
ABIGAIL ELIAS
Deputy Corporation Counsel

By Council Member Mahaffey:

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.

PETITION NO. 4241
CONVERSION TO EASEMENT OF
THE NORTH/SOUTH ALLEY IN THE
BLOCK BOUNDED BY RUTLAND, MEMORIAL, WHITLOCK AND WARREN
AVENUES:

Now, Therefore, Be It

Resolved, that all that part of an eighteen (18) foot wide section of alley running in a North South direction, abutting Lots 220 to 232, both inclusive, on the West of said alley and Lots 280 to 292, both inclusive, on the East of said alley, in the FRISCHKORN'S HIGHLAND SUBDIVISION, of the Northwest ¼ of the Northwest ¼ of Section 12, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 41, Page 14 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:

DONALD PAILEN

Corporation Counsel

ABIGAIL ELIAS

Deputy Corporation Counsel

Adopted as follows:

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

Nays — None.