

tation to defendants: Michael Kniaz, Marcus Edwards, Thomas McCue, Frank Walls, Philip Dorman, Gary Merte.

Approved:

DONALD PAILEN
Corporation Counsel
ABIGAIL ELIAS
Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 8.
Nays — None.

Law Department

October 5, 1984

Honorable City Council:

Re: Glenda Carson vs. City of Detroit, Richard Chandler and Donald Denys, Case No. 84 416 387 NI, File No. 83-9570 (MAH).

Representation by the Law Department of the City employee listed below is hereby recommended, as we concur with the recommendation of the Head of the Department and believe that the City Council should find and determine that the suit against the Defendant arises out of or involves the performance in good faith of the official duties of such Defendant.

Defendant: Richard Chandler.
Respectfully submitted,
WILLIAM DIETRICH
Supv. Asst. Corp. Counsel

Approved:

DONALD PAILEN
Corporation Counsel
ABIGAIL ELIAS
Deputy Corporation Counsel

By Council Member Peoples:

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: Richard Chandler.

Approved:

DONALD PAILEN
Corporation Counsel
ABIGAIL ELIAS
Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 8.
Nays — None.

Law Department

October 4, 1984

Honorable City Council:

Re: Amended Resolution — Alley Conversion. Petition No. 4300.

On August 5, 1981, your Honorable

Body adopted a resolution for the conversion of an alley into an easement. The purpose of this amended resolution is to reflect a change in the alley closing.

Respectfully submitted,
JOSEPH N. BALTIMORE
Supervising Assistant
Corporation Counsel

Approved:

DONALD PAILEN
Corporation Counsel
By: 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 this alley vacation.

NOW THEREFORE, BE IT
PETITION NO. 4300.

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY ELECTRIC, LIDDESDALE, PETERS AND GLEASON AVENUES;

RESOLVED, that all that part of the sixteen (16) foot wide alley, running North/South in the block bounded by ELECTRIC, LIDDESDALE, PETERS AND GLEASON AVENUES, abutting Lots 117 to 125, both inclusive, on the East of said alley and Lots 97 to 111, both inclusive, on the West of said alley in the LIBERTY PARK SUBDIVISION of part of the Southwest ¼ of Fractional Section 28, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 33, Page 98 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 service accordingly.

Approved:

DONALD PAILEN

Corporation Counsel

By: ABIGAIL ELIAS

Deputy Corporation Counsel

Adopted as follows:

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

Nays — None.

Law Department

October 3, 1984

Honorable City Council:

Re: Ladislaus Buraczek 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 \$12,500.00 is in the best interest of the City of Detroit.

Respectfully submitted,

THOMAS L. WALTERS,

Supervising Assistant

Corporation Counsel

Approved:

DONALD PAILEN,

Corporation Counsel

ABIGAIL ELIAS,

Deputy Corporation Counsel

By Council Member Ravitz:

Resolved, That the Finance Director be and she is hereby authorized and directed to draw her warrants upon the proper fund in favor of Ladislaus Buraczek and Ruby & Ruby, P.C., his attorneys, in the total sum of \$12,500.00 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 sustain-