

munication to provide legal representation to defendants: Alan Kotenko, J. L. Irving, David Williams III, Donna L. Pendergast, John L. McIntosh, Russell Mays, Carl R. Edwards.

Approved:

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

November 24, 1985

Honorable City Council:

Re: PETITION TO CONVERT ALLEYS TO EASEMENTS.

For your consideration, submitted herewith are seventeen (17) petitions requesting the conversion of alleys into easements in the City of Detroit.

The requested conversions into easements for public utilities were recommended by the Community and Economic Development Department upon prior investigation and report. For filing in the office of the City Clerk, please find report, petitions to vacate the public alleys, a sketch of the alley and Notice of the City Council hearing.

All other involved City Departments and privately owned utility companies have no objections to the conversion of the public right-of-way into an 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,

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 petitions have been filed with the City Council, signed by not less than two-thirds of the owners of properties respectively abutting each alley as herein described, pursuant to the ordinance for the purpose of determining the advisability of these alley vacations;

NOW, THEREFORE, BE IT RESOLVED,

PETITION NO. 3382

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY VAUGHN, EVERGREEN, SCHOOLCRAFT AND KENDALL AVENUES;

That all that part of an eighteen (18) foot wide section of public alley running in a North/South direction, in the block bounded by VAUGHAN, EVERGREEN, SCHOOLCRAFT AND KENDALL AVENUES, abutting Lots 213 to 223, both inclusive, on the West of said alley and Lots 256 to 275, both inclusive, on the East of said alley, in the CHAVEY'S SCHOOLCRAFT SUBDIVISION NO. 1, of part of the Southeast $\frac{1}{4}$ of Section 22, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber, 47, Page 67 of Plats, Wayne County Records;

PETITION NO. 3605

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY GRATIOT, MONARCH, LAPPIN AND CORAM AVENUES;

That all that part of a nine (9) foot wide section of public alley running in an East/West direction, in the block bounded by GRATIOT, MONARCH, LAPPIN AND CORAM AVENUES, abutting Lots 328 to 354, both inclusive, on the South of said alley in the GRATIOT AMERICAN PARK SUBDIVISION, a subdivision of a part of the South $\frac{1}{2}$ of the South $\frac{1}{2}$ of Section 1, Town 1 South, Range 12 East, Gratiot Township, Wayne County Records; Also, abutting the West 140 feet of Lot 26, all of Lots 27, 28, and 29, and the East 267.92 feet on the south line of Lot 30, on the North of said alley, in the RUSSELL PARK FARMS, THE CARRIER-KEYS REALTY CO'S SUBDIVISION, of part of Section 1, Town 1 South, Range 12 East, Gratiot Township, Wayne County, Michigan, as recorded in Liber 28, Page 57 of Plats, Wayne County Records;

PETITION NO. 3801

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY ROSEMONT, ASHTON, DAYTON AND PAUL AVENUES;

That all that part of an eighteen (18) foot wide section of public alley running in a North/South direction, in the block bounded by ROSEMONT, ASHTON, DAYTON AND PAUL AVENUES, abutting Lots 173 to 185, both inclusive, on the West of said alley and Lot 218 to 230, both inclusive, on the East of said alley, in the RYCRAFT PARK SUBDIVISION, of part of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 11, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 42, Page 25 of Plats, Wayne County Records;

PETITION NO. 3899

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY TRINITY, BURT, JOY AND DOVER AVENUES;

That all that part of a twenty (20) foot wide section of public alley run-

ning in a North/South direction, in the block bounded by TRINITY, BURT, JOY AND DOVER AVENUES, abutting Lots 43 to 51, both inclusive, on the West of said alley and Lots 66 to 78, both inclusive, on the East of said alley, in the ROUGE PARK BOULEVARD SUBDIVISION, of part of the South 1/2 of Section 34, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 53, Page 21 of Plats, Wayne County Records;

PETITION NO. 3900

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY RUTHERFORD, FORRER, PAUL AND RADCLIFFE AVENUES;

That all that part of an eighteen (18) foot wide section of public alley running in a North/South direction, in the block bounded by RUTHERFORD, FORRER, PAUL AND RADCLIFFE AVENUES, abutting Lots 1 to 10, both inclusive, on the West of said alley and Lots 61 to 70, both inclusive, on the East of said alley, in the LAUREL PARK SUBDIVISION, of the Southeast 1/4 of the Northeast 1/4 of Section 12, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 46, Page 69 of Plats, Wayne County Records;

PETITION NO. 3965

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY PENROD, ROSEMONT, DAYTON AND PAUL AVENUES;

That all that part of an eighteen (18) foot wide section of public alley running in a North/South direction, in the block bounded by PENROD, ROSEMONT, DAYTON AND PAUL AVENUES, abutting Lots 118 to 127, both inclusive, on the West of said alley and Lots 160 to 169, both inclusive, on the East of said alley, in the RYCRAFT SUBDIVISION of part of the North 1/2 of the Southeast 1/4 of Section 11, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 42, Page 25 of Plats, Wayne County Records;

PETITION NO. 3967

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY MC NICHOLS, GRATIOT, ALCOY AND HICKORY AVENUES;

That all that part of an eighteen (18) foot wide section of public alley running in an East/West direction, in the block bounded by MC NICHOLS, GRATIOT, ALCOY AND HICKORY AVENUES, abutting Lots 332 to 344, both inclusive, on the North of said alley and Lots 351 to 366, both inclusive, on the South of said alley, in the MICHAEL GREINER ESTATE SUBDIVISION, being a subdivision of Lots 1 to 16, both inclusive, of the Plat of the Estate of

Catherine Greiner of part of the South 1/2 of Sections 11 and 12, Town 1 South, Range 12 East, as recorded in Liber 560 of Deeds, Page 11, City of Detroit, Wayne County, Michigan, as recorded in Liber 41, Page 67 of Plats, Wayne County Records;

PETITION NO. 3968

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY BROCK, CRUSADE, BRINGARD AND EDMORE AVENUES;

That all that part of an eighteen (18) foot wide section of public alley running in an East/West direction, in the block bounded by BROCK, CRUSADE, BRINGARD AND EDMORE AVENUES, abutting Lots 642 to 658, both inclusive, on the North of said alley and Lots 748 to 764, both inclusive, on the South of said alley, in the DRENNAN AND SELDON'S REGENT PARK SUBDIVISION NO. 1, of part of the Northeast 1/4 of Section 1, Town 1 South, Range 12 East, and part of the Northwest 1/4 of Section 6, Town 1 South, Range 13 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 88 of Plats, Wayne County Records;

PETITION NO. 3969

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY CONNER, GUNSTON, CHELSEA AND WILSHIRE AVENUES;

That all that part of a nineteen (19) foot wide section of public alley running in an East/West direction, in the block bounded by CONNER, GUNSTON, CHELSEA AND WILSHIRE AVENUES, abutting Lots 215 to 235, both inclusive, on the South of said alley in the CHELSEA PARK SUBDIVISION of the Northerly part of Private Claim 11 between Connors Creek Road and Connors Creek, Gratiot Township, Wayne County, Michigan, as recorded in Liber 28, Page 85 of Plats, Wayne County Records; Also, abutting Lots 165 to 182, both inclusive, on the North of said alley, in the STEVENS ESTATE SUBDIVISION, of part of Private Claim 389 lying east of Connors Creek Road, City of Detroit, Wayne County, Michigan, as recorded in Liber 44, Page 41 of Plats, Wayne County Records;

PETITION NO. 4009

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY CADIEUX, MORANG, DUPREY AND MARNE AVENUES;

That all that part of an eighteen (18) foot wide section of public alley running in an East/West direction, in the block bounded by CADIEUX, MORANG, DUPREY AND MARNE AVENUES, abutting Lots 226 to 231, both

inclusive, on the South of said alley and Lots 232, 233 and 234 on the North of said alley, in the SEVEN MILE CADIEUX SUBDIVISION NO. 1, being part of Lots 6 & 7 of the Subdivision of the Back Concession of Private Claim 258, City of Detroit, Wayne County, Michigan, as recorded in Liber 54, Page 58 of Plats, Wayne County Records;

PETITION NO. 4012

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY REX, REDMOND, SARATOGA AND EASTWOOD AVENUES;

That all that part of an eighteen (18) foot wide section of public alley running in an East/West direction, in the block bounded by REX, REDMOND, SARATOGA AND EASTWOOD AVENUES, abutting Lots 323 to 331, both inclusive, on the North of said alley and Lots 368 to 376, both inclusive, on the South of said alley, in the DALBY'S EAST POINTE SUBDIVISION, of part of Private Claim 231, Gratiot Township, Wayne County, Michigan, as recorded in Liber 50, Page 77 of Plats, Wayne County Records;

PETITION NO. 4034

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY RIEDEN, DIX, VERNOR AND PITT AVENUES;

That all that part of an eighteen (18) foot wide section of public alley running in an East/West direction, in the block bounded by RIEDEN, DIX, VERNOR AND PITT AVENUES, abutting the West 32.01 feet of Lot 1, and all of Lots 2 to 4, both inclusive, on the North of said alley and Lot 110 on the South of said alley, in the RIEDEN'S SUBDIVISION, of part of Lot 8 of Subdivision of Private Claim 60 which lies South of Dix Avenue, City of Detroit, Wayne County, Michigan, as recorded in Liber 29, Page 77 of Plats, Wayne County Records;

PETITION NO. 4035-A

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY WOODMONT, ASBURY PARK, ELMIRA AND PLYMOUTH AVENUES;

That all that part of an eighteen (18) foot wide section of public alley running in a North/South direction, in the block bounded by WOODMONT, ASBURY PARK, ELMIRA AND PLYMOUTH AVENUES, abutting Lots 730 to 745, both inclusive, on the West of said alley and Lots 764 to 779, both inclusive, on the East of said alley, in the FRISCHKORN'S GRANDALE SUBDIVISION, being part of the North ½ of Section 36, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 50, Page 66 of Plats, Wayne County Records;

PETITION NO. 4035-B

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY ASBURY PARK, METTETAL, ELMIRA AND PLYMOUTH AVENUES;

That all that part of an eighteen (18) foot wide section of public alley running in a North/South direction, in the block bounded by ASBURY PARK, METTETAL, ELMIRA AND PLYMOUTH AVENUES, abutting Lot 786 to 790, both inclusive, on the East of said alley and Lots 791 to 795, both inclusive, on the West of said alley, in the FRISCHKORN'S DYNAMIC SUBDIVISION, being part of the Northeast ¼ of Section 36, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 48, Page 66 of Plats, Wayne County Records; Also, abutting Lots 1217 to 1229, both inclusive, on the West of said alley and Lots 1242 to 1254, both inclusive, on the East of said alley in the FRISCHKORN'S GRANDALE SUBDIVISION NO. 2, being part of the Northwest ¼ of the Northeast ¼ of Section 36, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 52, page 2 of Plats, Wayne County Records;

PETITION NO. 4089

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY GRIGGS, ILENE, LYNDON AND EATON AVENUES;

That all that part of a sixteen (16) foot wide section of public alley running in a North/South direction, in the block bounded by GRIGGS, ILENE, LYNDON AND EATON AVENUES, abutting Lots 79 to 104, both inclusive, on the West of said alley and Lots 105 to 130, both inclusive, on the East of said alley, in the WARK-GILBERT COMPANY'S ORCHARD GROVE SUBDIVISION, of the South ¾ of the Southeast ¼ of the Northeast ¼ of the Northeast ¼ of Section 20, and the North 18 acres of the West ½ of the Northeast ¼ of the Southeast ¼ of Section 20, Town 1 South, Range 11 East, excepting Penn-Detroit R.R.R. of West Greenfield township, Wayne County, Michigan, as recorded in Liber 41, Page 22 of Plats, Wayne County Records;

PETITION NO. 4090

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY SANILAC, FORD FREEWAY, MOROSS AND MC CORMICK AVENUES;

That all that part of a twenty (20) foot wide section of public alley running in an East/West direction, in the block bounded by SANILAC, FORD FREEWAY, MOROSS AND MC CORMICK AVENUES, abutting Lots 82 to 93, both

inclusive, on the South of said alley and Lots 185 to 190, both inclusive, on the North of said alley in the East Park Manor Subdivision, of part of Private Claims 123 and 617, City of Detroit and Township of Gratiot, Wayne County, Michigan, as recorded in Liber 54, Page 45 of Plats, Wayne County Records;

**PETITION NO. 4159
CONVERSION TO EASEMENT OF THE
NORTH/SOUTH ALLEY IN THE BLOCK
BOUNDED BY BARRETT, ROSEBERRY,
CHELSEA AND WILSHIRE AVENUES;**

That all that part of a twenty (20) foot wide section of public alley running in a North/South direction, in the block bounded by BARRETT, ROSEBERRY, CHELSEA AND WILSHIRE AVENUES, abutting the South 115 feet of Lot 226, on the West of said alley and the South 10 feet of Lot 228 and all of Lots 229 to 233, both inclusive, on the East of said alley, in the STEVENS ESTATE SUBDIVISION, of part of Private Claim 389 lying east of Connors Creek Road, City of Detroit, Wayne County, Michigan, as recorded in Liber 44, Page 41 of Plats, Wayne County Records;

Be and the same are hereby vacated as public alleys and are hereby converted into public easements of the full width of the alleys, which easements 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 easements or rights-of-way over said vacated public alleys 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 easements or rights-of-way in and over said vacated alleys 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 poles or any utility facility placed or installed in the utility easement or rights-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 easements, 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 alleys 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 the copy of the resolution, the Law Department shall notify the owners of the property abutting on such alleys or portions thereof, and other necessary parties, that the alleys or portions thereof have been vacated and converted into easements 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

By: 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

November 18, 1985

Honorable City Council:

Re: Victor Steele v. 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 \$7,500.00 is in the best interest of the City of Detroit.

Respectfully submitted,

THOMAS L. WALTERS

Supv. Asst. Corp. Counsel

Approved:

DONALD PAILEN

Corporation Counsel

By: 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 warrants upon the proper fund in favor of Victor Steele and Fred Ruby, P.C., his attorney, in the total sum of \$7,500.00 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 sustained as the result of Victor Steele's employment with the City of Detroit and that said amount be paid upon presentation by the Law Department of a redemption order approved by the Workers' Compensation Department of the State of Michigan.

Approved:

DONALD PAILEN

Corporation Counsel

By: 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

November 15, 1985

Honorable City Council:

Re: Jean R. Kinsler vs. City of Detroit, a Municipal Corporation, Case No. 84 411 754 NO, File No. 82-9585 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 Four Thousand Dollars (\$4,000.00) 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 Four Thousand Dollars (\$4,000.00) payable to Jean R. Kinsler and her attorneys, Langs, Schatzberg, Patterson & Lang, P.C., to be delivered upon receipt of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 84 411 754 NO approved by the Law Department.

Respectfully submitted,

DENNIS BURNETT

Supv. Asst. Corp. Counsel

Approved:

DONALD PAILEN

Corporation Counsel

By: 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 fund in favor of Jean R. Kinsler and her attorneys, Langs, Schatzberg, Patterson & Lang, P.C., in the sum of Four Thousand Dollars (\$4,000.00) in full payment of any and all claims which they may have against the City of Detroit, by reason of alleged injuries including but not limited to the left arm, left eye and cheek as a result of tripping and falling on a defect near the aisleway at the Chene-Ferry Market and that said amount be paid upon presentation of Releases and Stipulation and Order of Dismissal of Lawsuit No. 84 411 754 NO approved by the Law Department.

Approved:

DONALD PAILEN

Corporation Counsel

By: 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.