

of Transportation, Ronald Towns and City of Detroit. Case No. 83 338 444 NI. File No. 83 2360 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 Seven Thousand Five Hundred Dollars Exactly (\$7,500.00) 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 Seven Thousand Five Hundred Dollars Exactly (\$7,500.00) payable to Mary F. Coleman and her attorneys, Cohen and Ross, to be delivered upon receipt of properly executed Releases and a Stipulation and Order of Dismissal approved by the Law Department.

Respectfully submitted,
DENNIS BURNETT,

Acting Sprv. Asst. Corp. Counsel

Approved:

DONALD E. 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 Mary F. Coleman and her attorneys, Cohen and Ross, in the sum of Seven Thousand Five Hundred Dollars Exactly (\$7,500.00) in full payment of any and all claims which they may have against the City of Detroit by reason of alleged injuries when she sustained all tort damages while riding a D.O.T. bus, and that said amount be paid upon presentation of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 83 338 444 NI, approved by the Law Department.

Approved:

DONALD E. PAILEN
Corporation Counsel
By: ABIGAIL ELIAS
Deputy Corporation Counsel

Adopted as follows:

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

Nays — None.

Law Department

June 12, 1985

Honorable City Council:

Re: Milton Scott and Cleeta Scott, his wife vs. Waymon Harris. Case No. 85 502 738 NO. File No. 82-4317 HHH.

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: Waymon Harris — Badge No. 2466.

Respectfully submitted,
DENNIS BURNETT,

Acting Sprv. Asst. Corp. Counsel

Approved:

DONALD E. PAILEN
Corporation Counsel
By: ABIGAIL ELIAS

Deputy Corporation Counsel

By Council Member Mahaffey:

Resolved, That the Law Department is hereby authorized under the provisions of Chapter 13, Article 11 of the Municipal Code of the City of Detroit and in accordance with the foregoing communication to provide legal representation to defendant: Waymond Harris, TEO — Badge No. 2466.

Approved:

DONALD E. PAILEN
Corporation Counsel
By: ABIGAIL ELIAS

Deputy Corporation Counsel

Adopted as follows:

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

Nays — None.

Law Department

June 19, 1985

Honorable City Council:

Re: Amended Resolution—Alley Conversion, Petition No. 2503 (856-B).

On July 11, 1984, action was taken by your Honorable Body to close a portion of the North/South alley in Petition #2503 (856-B). Since that time the petitioner has collected sufficient signatures to close the remaining section of alley at the South end.

The attached resolution is submitted for your approval.

Respectfully submitted,
JOSEPH N. BALTIMORE
Supv. Asst. Corp. Counsel

Approved:

DONALD PAILEN
Corporation Counsel
By: 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 deter-

mining the advisability of this alley vacation.

NOW, THEREFORE, BE IT
PETITION NO. 2503

CONVERSION TO EASEMENT OF THE
NORTH/SOUTH ALLEY IN THE BLOCK
BOUNDED BY GRIGGS, ILENE AND PLY-
MOUTH AVENUES AND THE C & O
RAILROAD;

RESOLVED, that all that part of an
eighteen (18) foot wide section of alley
running in a North/South direction,
abutting Lots 150 and 151 on the West
of said alley and Lots 160 and 161 on
the East of said alley, in the LYNHURST
SUBDIVISION, of part of the Southeast
1/4 of Section 29, Greenfield Township,
Wayne County, Michigan, as recorded
in Liber 32, Page 60 of Plats, Wayne
County Records;

Be and the same is hereby vacated
as a public alley and is hereby con-
verted into a public easement of the
full width of the alley, which easement
shall be subject to the following cov-
enants and agreements, uses, reserva-
tions and regulations which shall be
observed by the owners of the lots abut-
ting 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 pub-
lic alley hereinabove described for the
purpose of maintaining, installing, re-
pairing, removing or replacing public
utilities such as water mains, sewers,
gas lines or mains, telephone, electric
light conduits or poles or things usu-
ally 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 com-
panies, or those specifically authorized
by them for the purpose of inspecting,
installing, maintaining, repairing, re-
moving, or replacing any sewer con-
duit, water main, gas line or main, tel-
ephone or light pole or any utility facility
placed or installed in the utility ease-
ment or right-of-way. The utility com-
panies 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 men-
tioned tasks, with the understanding
that the utility companies shall use
due care in such crossing or use, and
that any property damaged by the util-
ity companies other than that specifi-

cally prohibited by this resolution shall
be restored to a satisfactory condition.

THIRD, said owners for their heirs
and assigns further agree that no build-
ings or structures of any nature what-
soever including but not limited to con-
crete slabs or driveways, retaining or
partition walls (except necessary line
fences) shall be built or placed upon
said easement, nor any change of sur-
face grade made, without prior ap-
proval of 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 exist-
ing poles or other utilities in said ease-
ments, such owners, upon whose prop-
erty 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 util-
ity 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 materi-
als 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 Depart-
ment of Public Works; and be it further

RESOLVED, that upon the receipt of
a copy of the resolution, the Law De-
partment shall notify the owners of
the property abutting on such alley or
portions thereof, and other necessary
parties, that the alley or portions the-
reof 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 Engi-
neer shall correct the official city maps
and records; and be it further

RESOLVED, that upon the receipt of
a copy of the resolution, the Depart-
ment 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, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 8.

Nays — None.

Arts Department

June 7, 1985

Honorable City Council:

Re: Permission to Appropriate Founders Society Grant.

On behalf of the Detroit Institute of Arts, the Founders Society via Grant Application Number A83-160150, was awarded a grant from the National Endowment for the Arts in the amount of \$20,040.00.

The funds awarded via approval Grant Number 42-4431-0519 are being provided for the purchase of an Infrared Spectrometer for the Conservation Services Laboratory of the Detroit Institute of Arts and will be matched 50-50 with \$20,040.00 budgeted in the Museum's 1984-85 Budget.

The Infrared Spectrometer is a state of the art instrument useful for such scientific and analytical investigatory activities as the differentiation of organic pigments in art objects.

Under separate contractual agreement which your Honorable Body has previously approved, the Founders Society warrants to donate funds received under various grants, applicable to Detroit Institute of Arts Divisional operations, to the Detroit Institute of Arts.

At this time, the Detroit Institute of Arts requests permission to appropriate grants to a maximum of \$20,040.00 and transfer matching funds of up to \$20,040.00 from appropriation 0002-Museum Management to appropriation 7165-DIA/Founders Grants.

Respectfully submitted,
MICHAEL KAN
Acting Director

Approved:

W.I. STECHER
Budget Director
JOHN P. KANTERS
Deputy Finance Director

By Council Member Kelley:

Resolved, That the Detroit Institute of Arts be authorized to establish Appropriation 7165, D.I.A./Founders Grant, in an amount not to exceed \$20,040.00; and be it further

Resolved, That a grant match of \$20,040.00 be transferred from Appropriation 0002-Museum Management and Support to Appropriation 7165, D.I.A./Founders grants; and be it further

Resolved, That the Finance Director be and is hereby authorized to honor all vouchers when presented in accordance with this resolution.

Adopted as follows:

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

Nays — None.

Arts Department

May 20, 1985

Honorable City Council:

Re: Founders Society Supplements for Positions Covered by the Personnel Selection and Retention Committee.

In accordance with the executed Agreement between the City of Detroit and Founders Society made on the 15th day of May, 1984; the Society, in its discretion, may provide salary supplements to certain members of the professional staff of the DIA employed by the City.

We, therefore, request adoption of the attached resolution which will allow the Founders Society to adjust or increase supplements for the professional staff of the DIA employed by the City for the fiscal year July 1, 1985 through June 30, 1986.

Those individuals for whom supplements are being proposed and/or increased are listed on the attached.

Respectfully submitted,
MICHAEL KAN
Acting Director

Approved:

W.I. STECHER
Budget Director
JOHN P. KANTERS
Deputy Finance Director

By Council Member Kelley:

Resolved, That the attached list of Founders Society's proposed 1985-86 salary supplements for certain professional staff of the Detroit Institute of Arts be approved.

Adopted as follows:

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

Nays — None.

**Buildings and Safety
Engineering Department**

June 17, 1985

Honorable City Council:

Re: 15887 Cherrylawn.

We have researched the above location and submit the following report.

A dangerous building notice was issued on August 31, 1981 and the building was subsequently barricaded. Our inspection of March 15, 1985 found the building vacant and open to trespass. We posted a copy of the notice on the building and requested a hearing before City Council.