

tor to issue her draft in the amount of \$4,000 payable to Nathaniel Howard, Teresa Oglesby and Frank G. Becker, their attorney, to be delivered upon receipt of properly executed General Releases and Stipulation and Order of Dismissal approved by the Law Department.

Respectfully submitted,
BRENDA E. BRACEFUL

Assistant Corporation Counsel

Approved:

DONALD PAILEN
 Corporation Counsel

By: **ABIGAIL ELIAS**

Deputy Corporation Counsel

By Council Member Eberhard:

Resolved, that the Finance Director be and she is hereby authorized and directed to draw her warrant upon the proper fund in favor of Nathaniel Howard, Teresa Oglesby and Frank G. Becker, their attorney, in the sum of Four Thousand (\$4,000) Dollars in full payment of any and all claims which they may have against the City of Detroit by reason of the personal injuries sustained as a result of having allegedly been assaulted and battered and that said amount be paid upon presentation of properly executed General Releases and Stipulation and Order of Dismissal of Lawsuit No. 4 755 597 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.

Law Department

May 8, 1985

Honorable City Council:

Re: Petition to convert alley to easement.

For your consideration, submitted herewith is one (1) petition requesting the conversion of the alley into an easement in the City of Detroit.

The requested conversion into an easement for public utilities was 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, petition to vacate the public alley, 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 Kelley:

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 the ordinance for the purpose of determining the advisability of this alley vacation.

Now, Therefore, Be It

PETITION NO. 3026

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY LAING, WHITEHILL, BRITAIN AND MORANG AVENUES;

Resolved, that all that part of an eighteen (18) foot wide section of alley running in a North/South direction, in the block bounded by LAING, WHITEHILL, BRITAIN AND MORANG AVENUES, abutting Lots 484 to 500, both inclusive, on the East of said alley in the OBENAUER BARBER LAING COMPANIES DU NORD PARK SUBDIVISION NO. 1, a subdivision of part of Lot 2 of the Subdivision of Back Concession of Private Claim No. 258, City of Detroit, Wayne County, Michigan, as recorded in Liber 56, Page 24 of Plats, Wayne County Records; Also, abutting Lots 1478 to 1494, both inclusive, on the West of said alley, in the YORKSHIRE WOODS SUBDIVISION NO. 7, of part of Lot 1 and part of Lot 2 of the Subdivision of Back Concession of Private Claim 258, City of Detroit, Wayne County, Michigan, as recorded in Liber 54, Page 88 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 pub-

lic 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 easement 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 easement, 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 portions thereof, and other necessary parties, that the alley or portions thereof have been vacated and converted into an 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

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

April 30, 1985

Honorable City Council:

Re: Burch Gage & Tool Co. (Petition No. 3173) Request for Industrial Facilities Exemption Certificate.

Submitted herewith is a resolution approving the Industrial Facilities Exemption Certificate in (Industrial Development District No. 81) in the vicinity of 17139 Riopelle according to the provisions of Act No. 198 of the Public Acts of 1974, as amended.

Respectfully submitted,
PETER W. MACUGA II
Supervising Assistant
Corporation Counsel

By Council Member Kelley:

Whereas, This City Council has established by resolution City of Detroit Industrial Development District No. 81 in the vicinity of 17139 Riopelle (J.C.C. P. 330, February 13, 1985), in the City