

Defendants: Gerald Tokman, P.O. Badge #2680, James Egan, P.O. Badge #1530, Michael Pointek, P.O. Badge #9.

Respectfully submitted,  
BRENDA E. BRACEFUL  
Asst. Corp. Counsel

Approved:

DONALD PAILEN  
Corporation Counsel

By: ABIGAIL ELIAS  
Deputy Corporation Counsel

By Council Member Ravitz:

Resolved, that the Law Department is hereby authorized under the provision of Chapter 13, Article XI of the Municipal Code of the City of Detroit in accordance with the foregoing communication to provide legal representation to defendants: Gerald Tokman, P.O., Badge #2680, James Egan, P.O., Badge #1530, Michael Pointek, P.O., Badge #9.

Approved:

DONALD PAILEN  
Corporation Counsel

By: ABIGAIL ELIAS  
Deputy Corporation Counsel

Adopted as follows:

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

Nays — None.

**Law Department**

May 21, 1985

Honorable City Council:

Re: Vesey v. City of Detroit, Detroit Police Department, Detroit Metropolitan Police Academy, James W. Jackson, and Richard J. Dinco, C.A. No. 48-427448 NO TDA.

Representation by the Law Department of the City employees 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 Defendants arises out of or involves the performance in good faith of the official duties of such Defendants.

Defendants: James W. Jackson, Inspector, Pension #124048, Richard J. Dinco, Police Officer, Badge #2770.

Respectfully submitted,  
THOMAS L. WALTERS  
Supv. Asst. Corp. Counsel

Approved:

DONALD PAILEN  
Corporation Counsel

By: ABIGAIL ELIAS  
Deputy Corporation Counsel

By Council Member Ravitz:

Resolved, that the Law Department is hereby authorized under the provision of Chapter 13, Article XI of the

Municipal Code of the City of Detroit in accordance with the foregoing communication to provide legal representation to defendants: James W. Jackson, Inspector, Pension #124048, Richard J. Dinco, Police Officer, Badge #2770 in the matter of Vesey v. City of Detroit, et al, C.A. #84 427448 NO.

Approved:

DONALD PAILEN  
Corporation Counsel

By: ABIGAIL ELIAS  
Deputy Corporation Counsel

Adopted as follows:

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

Nays — None.

**Law Department**

May 23, 1985

Honorable City Council:

Re: Amended Resolution — Alley Conversion, Petition No. 3249.

On March 6, 1985, action was taken by your Honorable Body to close a portion of the North/South alley in Petition #3249. Since that time the petitioner has collected sufficient signatures to close the remaining section of alley at the North 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 Ravitz:

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.

NOW THEREFORE, BE IT  
PETITION NO. 3249

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY HAYES, PHILIP, ELM-DALE AND PROMENADE AVENUES;

RESOLVED, that all that part of an eighteen (18) foot wide section of alley running in a North/South direction, abutting Lots 180, 181 and 182 on the West of said alley and Lot 308 on the East of said alley, in the PARK MANOR DEVELOPMENT COMPANY'S PARK DRIVE SUBDIVISION, of Lots 1 and 2, part of Lot 3 of plat of Subdivision of Private Claim 696, adjoining the east line of

Section 13, Town 1 South, Range 12 East, City of Detroit and Gratiot Township, Wayne County, Michigan, as recorded in Liber 45, Page 42 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 portions thereof, and other necessary parties, that the alley or portions 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

By: **ABIGAIL ELIAS**

Deputy Corporation Counsel

Adopted as follows:

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

Nays — None.

**Auditor General**

June 4, 1985

Honorable City Council:

Re: Resolution for June 5, 1985, City Council Formal Session.

In accordance with your request, we