

July 23

slipped in standing water on a D.O.T. coach, and that said amount be paid upon presentation of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 84 436 191 NO, approved by the Law Department.

Approved:

DONALD PAILEN

Corporation Counsel

By: ABIGAIL ELIAS

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Hood, Peoples, Ravitz, and President Henderson — 6.

Nays — None.

#### Law Department

July 15, 1986

Honorable City Council:

Re: Petitions to Convert Alleys to Easements.

For your consideration, submitted herewith are nineteen (19) 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 reports, petitions to vacate the public alleys, sketches of the alleys 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-ways into easements 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,

HILDA H. HIRATA

Supv. Asst. Corp. Counsel

Approved:

DONALD PAILEN

Corporation Counsel

By: FRANK W. JACKSON, JR.

Acting 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 the alleys as herein described, pursuant to the ordinance for the purpose of determining the advisability of these alley vacations.

Now Therefore, Be It

PETITION NO. 4091

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY STRATHMOOR, MARK

TWAIN, CHALFONTE AND FENKELL AVENUES;

That all that part of an eighteen (18) foot wide public alley running in a North/South direction, in the block bounded by STRATHMOOR, MARK TWAIN, CHALFONTE & FENKELL AVENUES, abutting Lots 225 to 237, both inclusive, on the East of said alley and Lots 244 to 256, both inclusive, on the West of said alley, in the MONNIER PARK SUBDIVISION, of the North 1/2 of the North 1/2 of the Northeast 1/4 of Sec. 19, Town 1 South, Range 11 East Greenfield Township, Wayne County, Michigan recorded in Liber 37, Page 34 of Plats, Wayne County Records; Also abutting Lots 61, 62 and 63 on the West of said alley and Lots 118, 119 and 120 on the East of said alley in the B. E. TAYLOR'S COMMODORE SUBDIVISION; lying North of Grand River Avenue, Greenfield Township, Wayne County, Michigan, being part of the West 1/2 of the Northeast 1/4 of Section 19, Town 1 South, Road 11 East, as recorded in Liber 41, Page 32 of Plats, Wayne County Records;

PETITION NO. 4191

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY GRANDMONT, WOODMONT, WEST CHICAGO AND ORANGELAWN AVENUES;

That all that part of an eighteen (18) foot wide public alley running in a North/South direction, in the block bounded by GRANDMONT, WOODMONT, WEST CHICAGO AND ORANGELAWN AVENUES, abutting Lots 550 to 569, both inclusive, on the West of said alley and Lots 667 to 686, both inclusive, on the East of said alley, in the FRISCHKORN'S GRANDALE SUBDIVISION, being part of the Northwest 1/4 of Section 17, 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. 4213

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY CHAPEL, BENTLER, ACACIA AND LYNDON AVENUES;

That all that part of a sixteen (16) foot wide public alley running in a North/South direction, in the block bounded by CHAPEL, BENTLER, ACACIA AND LYNDON AVENUES, abutting Lots 661 to 633, both inclusive, on the East of said alley and Lots 835 to 852, both inclusive, on the West of said alley, in the B. E. TAYLOR BRIGHTMOOR JOHNSON SUBDIVISION, lying South of Grand River Avenue, being the Southwest 1/4 of Section 22, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 46, Pages 41 & 42 of Plats, Wayne County Records;

## PETITION NO. 4249

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY WARWICK, ARTESIAN, VAN BUREN AND JOY AVENUES;

That all that part of a twenty (20) foot wide public alley running in an East/-West direction, in the block bounded by WARWICK, ARTESIAN, VAN BUREN AND JOY AVENUES, abutting Lots 286 to 296, both inclusive, on the North of said alley and Lots 297 and 350, both inclusive, on the South of said alley, in the FITZPATRICK VILLAS SUBDIVISION, being a subdivision of the Southeast 1/4 of the Southwest 1/4 of Section 35, Town 1 South, Range 10 East, Redford Township, & the Northeast 1/4 of the Northwest 1/4 of Section 2, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 54, Page 23 of Plats, Wayne County Records;

## PETITION NO. 4250-A

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY RACINE, BARLOW, MINDEN AND NASHVILLE AVENUES;

That all that part of an eighteen (18) foot wide public alley running in a North/South direction, in the block bounded by RACINE, BARLOW, MINDEN AND NASHVILLE AVENUES, abutting Lots 22 to 41, both inclusive, on the West of said alley and Lots 85 to 104, both inclusive, on the East of said alley, in the GRATIOT HIGHLANDS SUBDIVISION, Subdivision of part of Private Claims 394 and 613, Gratiot Township, Wayne County, Michigan, as recorded in Liber 29, Page 64 of Plats, Wayne County Records;

## PETITION NO. 4272

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY RUTHERFORD, PREVOST, GROVE AND MCNICHOLS AVENUES;

That all that part of an eighteen (18) foot wide public alley running in a North/South direction, in the block bounded by RUTHERFORD, PREVOST, GROVE AND MCNICHOLS AVENUES, abutting Lots 4 to 16, both inclusive, on the West of said alley in the PALMER FIELD SUBDIVISION, of the North 3/4 of West 1/2 of West 1/2 of Northeast 1/4 of Section 13 and East 1/2 of Northwest 1/4 of Northeast 1/4 and Northwest 1/4 of Southwest 1/4 of Northeast 1/4 of Section 13, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 37, Page 7 of Plats, Wayne County Records; Also abutting Lots 8 to 18, both inclusive, on the East of said alley in the MAPLEHURST SUBDIVISION, of North 1/2 of Northeast 1/4 of Northeast 1/4 of Section

13, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 47, Page 97 of Plats, Wayne County Records;

## PETITION NO. 4286

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY ROSEMARY, ANNSBURY, EAST OUTER DRIVE AND ROSEMARY AVENUES;

That all that part of an eighteen (18) foot wide public alley running in a East/West direction, in the block bounded by ROSEMARY, ANNSBURY, EAST OUTER DRIVE AND ROSEMARY AVENUES, abutting Lots 581 to 596, both inclusive, on the South of said alley of Lots 665 to 684, both inclusive, on the North of said alley, in the DAVID TROMBLY ESTATES SUBDIVISION, No. 3 of the David Trombly Farm, Private County 389, City of Detroit, Wayne County, Michigan, as recorded in Liber 45, Page 30 of Plats, Wayne County Records;

## PETITION NO. 4298-A

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY LAUDER, MARLOWE, PLYMOUTH AND WADSWORTH AVENUES;

That all that part of an eighteen (18) foot wide public alley running in an North/South direction, in the block bounded by LAUDER, MARLOWE, PLYMOUTH AND WADSWORTH AVENUES, abutting Lots 478 to 492, both inclusive, on the West of said alley and Lots 517 to 531, both inclusive, on the East of said alley in the BROADMOOR SUBDIVISION, of the South 1/2 of the Southwest 1/4 of Section 30, Town 1 south, Range 11 East, Greenfield Township, Wayne County, Michigan, as recorded in Liber 41, Page 48 of Plats, Wayne County Records;

## PETITION NO. 4298-B

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY TERRY, LAUDER, PLYMOUTH AND WADSWORTH AVENUES;

That all that part of an eighteen (18) foot wide public alley running in a North/South direction, in the block bounded by TERRY, LAUDER, PLYMOUTH AND WADSWORTH AVENUES, ABUTTING Lots 424 to 438, both inclusive, on the West of said alley and Lots 463 to 477, both inclusive, on the East of said alley, in the BROADMOOR SUBDIVISION, of the South 1/2 of the Southwest 1/4 of Section 30, Town 1, South, Range 11 East, Greenfield Township, Wayne County, Michigan, as recorded in Liber 41, Page 48 of Plats, Wayne County Records;

## PETITION NO. 4318

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

That all that part of an eighteen (18) foot wide public alley running in an East/West direction, in the block bounded by HAYES, BROCK, EASTBURN & BRINGARD AVENUES, abutting Lots 782 to 796, both inclusive, on the North of said alley and Lots 854 to 869, both inclusive, on the South of said alley, in the DRENNAN AND SELDON'S REGENT PARK SUBDIVISION, No. 1 of part of the Northeast  $\frac{1}{4}$  of Section 1, Town 1 South, Range 12 East, and part of the Northwest  $\frac{1}{4}$  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. 4320

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

That all that part of an eighteen (18) foot wide public alley running in an East/West direction, in the block bounded by HAYES, BROCK, BRINGARD AND EDMORE AVENUES, abutting Lots 659 to 673, both inclusive, on the North of said alley and Lots 733 to 747, both inclusive, on the South of said alley, in the DRENNAN AND SELDON'S REGENT PARK SUBDIVISION, No. 1 of part of the Northeast  $\frac{1}{4}$  of Section 1, Town 1 South, Range 12 East, and part of the Northwest  $\frac{1}{4}$  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. 4372

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY METTETAL, ST. MARYS, GLENDALE AND DAVISON AVENUES;

That all that part of an eighteen (18) foot wide public alley running in a North/South direction, in the block bounded by METTETAL, ST. MARYS, GLENDALE AND DAVISON AVENUES, abutting Lots 147 to 167, both inclusive, on the East of said alley and Lots 210 to 230, both inclusive, on the West of said alley, in the ORCHARD GROVE PARK SUBDIVISION, of East 40 acres of West 60 acres of Northeast of Section 25, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 40, Page 45 of Plats, Wayne County Records;

## PETITION NO. 4389

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE

BLOCK BOUNDED BY HAMBURG, BARLOW, GREINER AND PARK GROVE AVENUES;

That all that part of an eighteen (18) foot wide public alley running in a North/South direction, in the block bounded by HAMBURG, BARLOW, GREINER AND PARK GROVE AVENUES, abutting Lots 15 to 18, both inclusive, on the East of said alley and Lots 25 to 28, both inclusive, on the West of said alley, in the GROTTO ROAD MANOR SUBDIVISION, of East part of South  $\frac{1}{4}$  of South  $\frac{1}{2}$  of Northwest  $\frac{1}{4}$  of Fractional Section 11, Town 1 South, Range 12 East, City of Detroit and Township of Gratiot, Wayne County, Michigan, as recorded in Liber 46, Page 87 of Plats, Wayne County Records Also, abutting Lot 15 on the East of said alley and Lot 28 on the West of said alley in the WALTHAM ROAD MANOR SUBDIVISION, of East part of North  $\frac{1}{2}$  of South  $\frac{1}{2}$  of South  $\frac{1}{2}$  of Northwest  $\frac{1}{4}$  of fractional Section 11, Town 1 South, Range 12 East, Gratiot Township, Wayne County, Michigan, as recorded in Liber 46, Page 79 of Plats, Wayne County Records;

## PETITION NO. 4402

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY BENTLER, WESTBROOK, FLORENCE AND VERNE AVENUES;

That all that part of a sixteen (16) foot wide public alley running in a North/South direction, in the block bounded by BENTLER, WESTBROOK, FLORENCE & VERNE AVENUES, abutting Lots 13 to 24, both inclusive, on the West of said alley and Lots 51 to 62, both inclusive, on the East of said alley, in the GRAND RIVER SUBURBAN SUBDIVISION, of part of North  $\frac{1}{2}$  of Section 15, Town 1 South, Range 10 East, Redford Township and Village, Wayne County, Michigan, as recorded in Liber 35, Page 16 of Plats, Wayne County Records;

## PETITION NO. 4404

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY HAYES, BROCK, COLLINGHAM AND CARLISLE AVENUES;

That all that part of an eighteen (18) foot wide public alley running in an East/West direction, in the block bounded by HAYES, BROCK, COLLINGHAM AND CARLISLE AVENUES, abutting Lots 441 to 456, both inclusive, on the North of said alley and Lots 497 to 511, both inclusive, on the South of said alley, in the DRENNAN AND SELDON'S REGENT PARK SUBDIVISION, No. 1 of part of the Northeast  $\frac{1}{4}$  of Section 1, Town 1 South, Range 12 East, and part of the Northwest  $\frac{1}{4}$  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. 4433

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY WOODMONT, METTETAL, GRAND RIVER AND CHALFONTE AVENUES;

That all that part of a sixteen (16) foot wide public alley running in a North/-South direction, in the block bounded by WOODMONT, METTETAL, GRAND RIVER AND CHALFONTE AVENUES, abutting Lots 5 to 21, both inclusive, on the West of said alley, in the MOORE AND VEALE REDFORD SUBDIVISION, of part of the E'ly part of the Northwest 1/4 of Section 24, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 37, Page 9 of Plats, Wayne County Records; Also abutting Lots 98 to 115, both inclusive on the East of said alley in the NORWOOD SUBDIVISION, part of Northeast 1/4 of Section 24, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 36, Page 29 of Plats, Wayne County Records;

PETITION NO. 4464

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY GREYDALE, BURGESS, PILGRIM AND PURITAN AVENUES;

That all that part of a sixteen (16) foot wide public alley running in a North/-South direction in the block bounded by GREYDALE, BURGESS, PILGRIM AND PURITAN AVENUES, abutting Lots 295 to 308, both inclusive, on the East of said alley and Lots 420 to 433, both inclusive, on the West of said alley, in the B. E. TAYLOR'S BRIGHTMOOR APPLING SUBDIVISION, lying South of Grand River Avenue, being a part of the West 1/2 of the Southwest 1/4 of Section 15, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 44, Page 52 of Plats, Wayne County Records;

PETITION NO. 4465

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY CORNWALL, MOON, RADNOR AND WAYNE COUNTY COMMUNITY COLLEGE AVENUES;

That all that part of a sixteen (16) foot wide public alley running in an East/-West direction, in the block bounded by CORNWALL, MOON, RADNOR AND WAYNE COUNTY COMMUNITY COLLEGE, abutting Lot 128, and the East 16 feet of Lot 127 on the North of said alley, and the East 39 feet of Lot 129 on the South of said alley, in the LEONARD HILLGER LAND COMPANY'S SUBDIVISION, of a part of Lots 16, 17 & 18 of

Plat of Private Claim 300, prepared for the heirs of Oliver Rivard, deceased and recorded in Liber 221, Page 332 of Deeds, Grosse Pointe & Gratiot Townships, Wayne County, Michigan, as recorded in Liber 41, Page 77 of Plats, Wayne County Records;

PETITION NO. 4494

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY LITTLEFIELD, OUTER DRIVE, CAMBRIDGE AND VASSAR DRIVE AVENUES;

That all that part of an eighteen (18) foot wide public alley running in an East/West direction, in the block bounded by LITTLEFIELD, OUTER DRIVE, CAMBRIDGE AND VASSAR DRIVE AVENUES, abutting Lots 1111 to 1114, both inclusive, on the North of said alley and Lot 1117, on the South of the East/West alley; also, abutting Lots 1117 to 1126, both inclusive, on the West and Lots 1155 to 1162, both inclusive, and Lot 1114 on the East of the North/South alley in the GREENWICH PARK SUBDIVISION, No. 1 of the vacated portion of Greenwich Park Subdivision of the Southwest 1/4 of Section 5, Town 1 South, Range 11 East, Greenfield Township, Wayne Co., Michigan, as recorded in Liber 45, Page 28 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 right-of-ways 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 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: FRANK W. JACKSON, JR.

Acting Corporation Counsel

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Hood, Peoples, Ravitz, and President Henderson — 6.

Nays — None.

#### Law Department

May 5, 1986

Honorable City Council:

Re: Minnie McGuire v Edward Strnad, DeWitt Duncan and City of Detroit, Department of Transportation, Jointly and Severally. Case No. 85 312 878 NI. File No. 83-1220 (McCree).

We have received 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 Nine Thousand Dollars (\$9,000.00) 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 \$9,000.00 payable to Minnie McGuire and her attorneys Kepes and Wine, P.C., to be delivered upon properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 85 312 878 NI approved by the Law Department.

Respectfully submitted,

DENNIS BURNETT

Supervising Assistant

Corporation Counsel

Approved:

DONALD PAILEN

Corporation Counsel

By: 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 warrant upon the proper fund in favor of Minnie McGuire and her attorneys Kepes and Wine, P.C., in the amount of \$9,000.00 to close out the 1st party suit for payment of any and all claims they may have against the City of Detroit, by reason of alleged negligence by a DOT bus driver on or about February 2, 1983 and that said amount be paid upon presentation of Releases and a Stipulation and Order of Dismissal of Lawsuit No. 85 312 878 NI approved by the Law Department.

Approved:

DONALD PAILEN

Corporation Counsel

By: ABIGAIL ELIAS

Deputy Corporation Counsel