

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahafey, Peoples, Ravitz and President Henderson — 9.

Nays — None.

Law Department

January 15, 1986

Honorable City Council:

Re: Petition to convert alley to easement.

For your consideration, submitted herewith is one (1) petition requesting the conversion of an 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 Hood:

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. 3853.

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY FORRER, MONTROSE, 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 FORRER, MONTROSE, PAUL AND RADCLIFFE AVENUES, abutting Lots 75 to 84, both inclusive, on the West of said alley and Lots 127 to 136, both inclusive, on the East of said alley, in the LAUREL PARK

SUBDIVISION, of the Southeast ¼ of the Northeast ¼ 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;

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 or 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, Collins, Eberhard, Hood, Kelley, Mahafey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

Law Department

January 14, 1986

Honorable City Council:

Re: Settlements for \$2,500 and under — November, 1985.

Below is a list of the lawsuits for \$2,500.00 and under approved for settle-

ment by the Law Department for the month of November, 1985. A copy of the memorandum with the facts and particulars for each case are on file in the office of the City Clerk.

1. *Richard Allen v City of Detroit*, C.A. 83 314 125 NI (MH) — \$1,000.00.

2. *Helen Anderson, et al v City of Detroit, et al*, C.A. No. 84 409 939 NO (MS) — \$2,500.00.

3. *Theodore Bell v Steven Pongracz, et al*, C.A. No. 802470 (PR) — \$1,965.75.

4. *Allahla Dover v Allie B. Smith, et al*, C.A. No. 83 328 878 NI (WA) — \$750.00.

5. *Keith Feagin, et al v Donald R. Anderson, et al*, C.A. No. 84 415 655 CZ (VP) — \$1,000.00.

6. *Shirley Frankel v City of Detroit, DOT*, C.A. No. 84 412 311 CK — \$1,700.00.

7. *Martin Gjolaj, et al v Jake Hendon, Jr., et al*, C.A. No. 83 315 621 NI (LK) — \$1,000.00.

8. *Leo Griffin v Clyde Sutton, et al*, C.A. No. 84 400 160 NO (DS) — \$500.00.

9. *Geneva McIntosh v City of Detroit*, C.A. No. 84 427 327 NI (MS) — \$2,500.00.

10. *David McKissick v Michael Glen Surdu, et al*, C.A. No. 83 301 441 NI (DB) — \$2,000.00.

11. *Duane Moorer v City of Detroit, et al*, C.A. No. 84 402 241 CZ (TD) — \$1,750.00.

12. *Geraldine Mary Pfeiffer, et al v City of Detroit*, C.A. No. 85 504 610 NI (MH) — \$1,500.00.

13. *James N. Renfroe v City of Detroit, et al*, C.A. No. 84 771 276 (PR) — \$2,000.00.

14. *Mark Richards v City of Detroit*, C.A. No. 83 327 468 NO (MH) — \$1,500.00.

15. *Alexander Ross v City of Detroit, et al*, C.A. No. 83 326 057 NO — \$2,500.00.

16. *Kyle Townsend, et al v City of Detroit*, C.A. No. 84 429 032 NO (VP) — \$750.00.

17. *Stanley Washington v City of Detroit, et al*, C.A. No. 83 327 851 CZ (MD) — \$2,500.00.

Respectfully submitted,
ABIGAIL ELIAS

Deputy Corporation Counsel

Received and placed on file.

Arts Department

December 23, 1985

Honorable City Council:

Re: Permanent Collection Loan-Insurance Cost.

Under date of September 30, 1985, The Detroit Institute of Arts received the approval of Your Honorable Body to pay the cost of insurance for thirteen