

be nontransferable, except with the express consent of the City Council.

Approved:

DONALD PAILEN
Corporation Counsel

By: ABIGAIL ELIAS
Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 6.

Nays — None.

Law Department

March 4, 1986

Honorable City Council:

Re: Amended Resolution — Alley Conversion. Petition No. 3969.

On November 27, 1985, action was taken by your Honorable Body to close the East/West alley in the block bounded by Gunston, Wilshire, Conner and Chelsea Avenues leaving the alley open at the East end behind Lots 183 to 188. Since that time a communication was received from Mr. Devore, owner of Lot 183, requesting the alley be closed behind his property. The following resolution will reflect that closing.

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

Approved:

DONALD PAILEN
Corporation Counsel

By: ABIGAIL ELIAS
Deputy Corporation Counsel

By Council Member Peoples:

Resolved, That all that part of alley lying behind Lot 183 on the North of said alley in the Stevens Estate Subdivision, of part of Private Claim 389 lying east of Connors Creek Road, City of Detroit, Wayne County, Michigan, as recorded in Liber 44, Page 41 of Plats, Wayne County Records; and Lot 214 on the South of said alley in the Chelsea Park Subdivision of the Northerly part of Private Claim 11 between Connors Creek Road and Connors Creek, Gratiot Township, Wayne County, Michigan, as recorded in Liber 28, Page 85 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,

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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 Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 6.

Nays — None.

Law Department

March 3, 1986

Honorable City Council:

Re: Ruth Ritter and Robert Ritter vs. Peninsula Underwriters, Inc. and City of Detroit, Case No. 83-244 788 NO, File No. 82 9119 LM.

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 \$15,000.00 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 \$15,000.00 payable to Ruth Ritter and her attorneys, Sachs, Nunn, Kates, Kadushin, O'Hare, Helveston & Waldman, to be delivered upon receipt of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 83-244 788 NO approved by the Law Department.

Respectfully submitted,
LAUREL McGIFFERT
Special Litigator

Approved:

DONALD PAILEN

Corporation Counsel

By: ABIGAIL ELIAS

Deputy Corporation Counsel

By Council Member Peoples:

Resolved, That the Finance Director be and she is hereby authorized and directed to draw her warrants upon the proper fund in favor of Ruth Ritter and her attorneys, Sach, Nunn, Kates, Kadushin, O'Hare, Helveston & Waldman, in the sum of \$15,000 in full payment of any and all claims which they may have against the City of Detroit, by reason of alleged injuries including but not limited to a displaced intertrochanteric fracture of left femur and aggravation of avascular necrosis as a result of slipping on a patch of ice on the public sidewalk in front of a building owned by Peninsula, and that said amount be paid upon presentation of Releases and Stipulation and Order of Dismissal of Lawsuit No. 83-244 788 NO approved by the Law Department

Approved:

DONALD PAILEN

Corporation Counsel

By: ABIGAIL ELIAS

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 6.

Nays — None.

Law Department

March 4, 1986

Honorable City Council:

Re: Anita Calvert and Edwina Gardner vs City of Detroit (DIA) and Founders Society Detroit Institute of Arts. C.A. No. 83-326-538 NZ

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in the attached memorandum. From this review, it is our considered opinion that a settlement in the amount of Five Thousand and 00/100 (\$5,000.00) Dollars, is in the best interest of the City of Detroit.

We, therefore, request your Honorable Body to authorize and direct the Finance Director to issue her draft in the amount of Five Thousand and 00/100 (\$5,000.00) Dollars payable to Anita Calvert and Edwina Gardner and their attorney, Michelle Vocht, to be delivered upon receipt of properly executed releases and a discontinuance of the lawsuit satisfactory to the Law Department.

Respectfully submitted,
THOMAS L. WALTERS
Supervising Assistant
Corporation Counsel

Approved:

DONALD PAILEN

Corporation Counsel

By: ABIGAIL ELIAS

Deputy Corporation Counsel