

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: Evelyn Alesna, Lifeguard; Paul Schulz, Lifeguard; Michael Hunter, Lifeguard; Allison Merriweather, Lifeguard; Franklin Smith, Lifeguard; Ronald Alexander, Swimming Leader; Juan Windham, Lifeguard.

Respectfully submitted,
DENNIS BURNETT
 Supv. Asst. Corp. Counsel

Approved:
DONALD E. PAILEN
 Corporation Counsel
 By: **ABIGAIL ELIAS**
 Deputy Corporation Counsel

By Council Member Eberhard:
 Resolved, that the Law Department is hereby authorized under the provision of Chapter 13, Article 11 of the Municipal Code of the City of Detroit and in accordance with the foregoing communication to provide legal representation to defendants:

Evelyn Alesna, Lifeguard; Paul Schulz, Lifeguard; Michael Hunter, Lifeguard; Allison Merriweather, Lifeguard; Franklin Smith, Lifeguard; Ronald Alexander, Swimming Leader; Juan Windham, Lifeguard.

Approved:
DONALD E. PAILEN
 Corporation Counsel
 By: **ABIGAIL ELIAS**
 Deputy Corporation Counsel
 Adopted as follows:
 Yeas — Council Members Collins, Eberhard, Hood, Mahaffey, Ravitz, and President Henderson — 6.
 Nays — None.

Law Department
 July 13, 1987

Honorable City Council:
 Re: Petition to Convert Alley to Easement.

For your consideration, submitted herewith are eleven (11) 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,

Sprv. Asst. Corporation Counsel

Approved:
DONALD E. PAILEN
 Corporation Counsel
 By: **ABIGAIL ELIAS**
 Deputy Corporation Counsel

By Council Member Mahaffey:
 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 Resolved, That
PETITION NO. 696

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY REVERE, NORWOOD, WINCHESTER AND EIGHT MILE 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 REVERE, NORWOOD, WINCHESTER AND EIGHT MILE AVENUES, abutting Lots 304 to 318, both inclusive, on the West of said alley and Lots 334 to 348, both inclusive, on the East of said alley, in the SEYMOUR AND TROESTERS CLAIRMONT PARK SUBDIVISION, of the North ½ of Northeast ¼ of Section 6 Town 1 South, Range 12 East, Hamtramck Township, Wayne County, Michigan as recorded in Liber 52, Page 43 of Plats, Wayne County Records;

PETITION NO. 697

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY AND A NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY STANSBURY, LESURE, CAMBRIDGE AND VASSAR AVENUES;

That all that part of an eighteen (18) foot wide section of public alley running an EAST/WEST direction, in the block bounded by STANSBURY, LESURE, CAMBRIDGE and VASSAR, abutting Lot 13 to 18, both inclusive, on the North of said alley and Lots 79 and 133 on the South of said alley. Also, an 18 foot wide public alley running in a NORTH/SOUTH direction, in the block bounded by STANSBURY, LESURE, CAMBRIDGE and VASSAR AVENUES, abutting Lots 79 to 88, both inclusive, on the West of said alley and Lots 124 to 133, both inclusive, on the East of said alley, in the ARLINGTON PARK SUBDIVISION, being the Southeast ¼ of the Southeast ¼ of Section 6, Town 1 South, Range

11 East, Greenfield Township, Wayne County, Michigan, as recorded in Liber 48, page 41 Plats, Wayne County Records;

PETITION NO. 740-A

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY CRUSE, STANSBURY, FENKELL AND KEELER 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 CRUSE, STANSBURY, FENKELL and KEELER AVENUES, abutting Lots 19 to 24, both inclusive, on the West of said alley and Lots 25 to 30, both inclusive, on the East of said alley, in the DAVY'S FENKELL AVENUE SUBDIVISION, of Lots 1-42, inclusive and part of the Lot 43 and vacated Mount Elmo Avenue and Alley of J. E. Matthews Mount Elmo Subdivision of West 5 acres of South 10 acres of East $\frac{1}{2}$ of Southeast $\frac{1}{4}$ Section 18, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in liber 51, Page 67 Plats, Wayne County Records; Also, abutting Lots 56 to 63, both inclusive, on the East of said alley and Lots 64 to 71, both inclusive, on the West of said alley, in the Cerveny-Monnier Subdivision of the North $\frac{1}{2}$ of the South $\frac{1}{4}$ of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 18, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in liber 53, Page 31, Plats, Wayne County Records;

PETITION NO. 740-B

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY ARDMORE, CRUSE, FENKELL AND KEELER 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 ARDMORE, CRUSE, FENKELL AND KEELER AVENUES, abutting Lots 1 to 6, both inclusive, on the East of said alley in the DAVY'S FENKELL AVENUE SUBDIVISION of Lots 1-42, inclusive, and part of Lot 43 and vacated Mount Elmo Avenue and alley of J. E. Matthews Elmo Subdivision of West 5 acres of South 10 acres of East $\frac{1}{2}$ of Southeast $\frac{1}{4}$ Section 18, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 51, Page 67, Plats, Wayne County Records; Also, abutting Lots 6 to 18, both inclusive, on the West of said alley in the UNIVERSITY PARKS SUBDIVISION of East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 18, Town 1 South, Range 11 East, Greenfield Township, Wayne County, Michigan, as recorded in Liber 37, Page 60, Plats, Wayne County Records; Also, abutting Lots 72 to 79, both inclusive, on the

East of said alley in the CERVENY-MONNIER SUBDIVISION of the North $\frac{1}{2}$ of the South $\frac{1}{4}$ of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 18, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan as recorded in Liber 53, Page 31, Plats, Wayne County Records;

PETITION NO. 741

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

That all that part of an eighteen (18) foot wide section of public alley running in a East/West direction, in the block bounded by CHAPEL, BENTLER, ACACIA AND LYNDON AVENUES, abutting Lots 610 to 615, both inclusive, and Lots 853 to 859, both inclusive, on the North of said alley and Lots 616 and 852, both inclusive, on the South of said alley, in the B. E. TAYLOR'S BRIGHTMOOR-JOHNSON SUBDIVISION lying South of Grand River Avenue, being the Southwest $\frac{1}{4}$ of Section 22, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan as recorded in Liber 46, Pages 41 and 42, Plats, Wayne County Records;

PETITION NO. 756

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY SAINT MARYS, MANSFIELD, DIVERSEY AND TIREMAN AVENUES;

That all that part of a eighteen (18) foot wide section of public alley running in a North/South direction, in the block bounded by SAINT MARYS, MANSFIELD, DIVERSEY AND TIREMAN AVENUES, abutting Lots 3 to 24, both inclusive, on the West of said alley and Lots 117 to 138, both inclusive, on the East of said alley, in the FRISCHKORN'S WARREN AVENUE GARDENS SUBDIVISION of East $\frac{1}{2}$ of West $\frac{1}{2}$ of Southeast $\frac{1}{4}$ of Section 1, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 39, Page 100, Plats, Wayne County Records;

PETITION NO. 757

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY RIAD, DUCHESS, MORANG AND CASINO DRIVE AVENUES;

That all that part of a eighteen (18) foot wide section of public alley running in a North/South direction, in the block bounded by RIAD, DUCHESS, MORANG AND CASINO AVENUES, abutting Lots 788 to 800, both inclusive, on the West of said alley and Lots 819 to 831, both inclusive, on the East of said alley, in the SEVEN MILE CADIEUX SUBDIVISION NO. 6 being part of Private Claim 122, City of Detroit, Wayne County, Michigan

as recorded in Liber 60, Page 17, Plats, Wayne County Records;

PETITION NO. 769

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY CARLIN, SCHAEFER, TIREMAN AND BELTON AVENUES;

That all that part of a eighteen (18) foot wide section of public alley running in a East/West direction, in the block bounded by CARLIN, SCHAEFER, TIREMAN AND BELTON AVENUES, abutting Lots 14 to 19, both inclusive, on the South of said alley and Lot 110 on the North of said alley, in the ESPER GARDENS SUBDIVISION of East ½ of Southeast ¼ of Northeast ¼ of Section 6, Town 2 South, Range 11 East, Greenfield Township, Wayne County, Michigan as recorded in Liber 47, Page 22, Plats, Wayne County Records;

PETITION NO. 843

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY LAKEWOOD, CHALMERS, FRANKFORT AND SOUTHAMPTON 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 LAKEWOOD, CHALMERS, FRANKFORT AND SOUTHAMPTON AVENUES, abutting the North 15 feet of Lot 203 to Lot 214, both inclusive, on the West of said alley in the WERNER'S PARK SUBDIVISION of West ½ of Back Concession of Private Claim 321, Detroit, Wayne County, Michigan as recorded in Liber 43, Page 1, Plats, Wayne County Records; Also abutting the South 80 feet of Lot 275 on the West of said alley in the WERNER'S PARK SUBDIVISION NO. 1, Resubdivision of Lots 63-64-65-68-69-70-195-196-197-200-201 and 202 and Vacated Public Alley of WERNER'S PARK SUBDIVISION of West ½ of Back Concession of Private Claim 321, City of Detroit, Wayne County, Michigan as in Liber 56, Page 92, Plats, Wayne County Records; Also, abutting Lot 209 to the North 15 feet of Lot 220, both inclusive, and Lots 222 and 223 on the East of said alley in the SEFTON PARK SUBDIVISION of Lot 4 of Plat of Northeast ½ of Front and Rear Concession of Private Claim 321, City of Detroit, Wayne County, Michigan as in Liber 38, Page 86, Plats, Wayne County Records;

PETITION NO. 944

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

That all that part of a sixteen (16) foot wide section of public alley running in

a North/South direction, in the block bounded by BENTLER, WESTBROOK, ACACIA AND LYNDON AVENUES, abutting Lots 459 to 478, both inclusive, on the East of said alley and Lots 582 to 601, both inclusive, on the West of said alley; also an eighteen (18) foot wide section of public alley running in an East/West direction, abutting Lot 601 on the South of said alley and Lots 602 to 609, both inclusive, on the North of said alley, in the B. E. TAYLOR'S BRIGHTMOOR-JOHNSON SUBDIVISION lying South of Grand River Avenue, being a part of the Southwest ¼ of Section 22, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan as recorded in Liber 46, Pages 41 and 42, Plats, Wayne County Records;

PETITION NO. 990

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY LESURE, TRACEY, SEVEN MILE AND CAMBRIDGE 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 LESURE, TRACEY, SEVEN MILE AND CAMBRIDGE AVENUES, abutting Lots 144 to 154, both inclusive, on the West of said alley and Lots 168 to 178, both inclusive, on the East of said alley, in the ARLINGTON PARK SUBDIVISION being the Southeast ¼ of the Southeast ¼ of Section 6, Town 1 South, Range 11 East, Greenfield Township, Wayne County, Michigan as in Liber 48, Page 41, 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 com-

panies, 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 build 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 Collins, Eberhard, Hood, Mahaffey, Ravitz, and President Henderson — 6.

Nays — None.

Law Department

June 9, 1987

Honorable City Council:

Re: Janice A. Cook vs. City of Detroit,
Department of Transportation. Case
No.: 85 532 879 CK. File No.: 84-
4319 (LFK).

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 Four Thousand Five Hundred (\$4,500.00) Dollars 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 \$4,500.00 payable to Janice Cook and her attorneys, Shrauger, Dunn and Aronson, P.C., to be delivered upon receipt of properly executed releases and Stipulation and Order of Dismissal of Lawsuit No. 85 532 879 CK, 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 Mahaffey:
Resolved, That the Finance Director be, and she is hereby authorized and directed to draw her warrant upon the proper fund in favor of Janice Cook and her attorneys, Shrauger, Dunn and Aronson, P.C., in the sum of Four Thousand Five Hundred (\$4,500.00) Dollars in full payment of any and all claims which they may have against the City