

Collins, Eberhard, Hood, Kelley, Mahafey, Peoples, Ravitz, and President Henderson — 9.
 Nays — None.

Law Department

February 6, 1987

Honorable City Council:

Re: Petition to convert alley to easement.

For your consideration, submitted herewith are fifteen (15) 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.

Approved:

Respectfully submitted,
 HILDA H. HIRATA
 Supv. Asst. Corp. Counsel

Approved:

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

By Council Member Hood:

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. 98

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY MACKAY, ANGLIN, OUTER DRIVE AND REMINGTON 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 MACKAY, ANGLIN, OUTER DRIVE AND REMINGTON AVENUES, abutting Lots 326 to 346, both inclusive, on the West of said alley and Lots 387 to 407, both inclusive, on the East of said alley, in the MARX AND SOSNOWSKI'S CONANT AVENUE SUBDIVISION, of the South ½ of that part of the Northwest ¼ of Section 6 that lies east of

Conant Road, Town 1 South, Range 12 East, Hamtramck Township, Wayne County, Michigan, as recorded in Liber 45, Page 23 of Plats, Wayne County Records; Also, a sixteen (16) foot wide public alley running in an East/West direction, abutting Lots 11 to 17, both inclusive, on the South of said alley and Lots 326 and 407 on the North of said alley in the MARX AND SOSNOWSKI'S CONANT AVENUE SUBDIVISION, of the South ½ of that part of the Northwest ¼ of Section 6 that lies east of Conant Road, Town 1 South, Range 12 East, Hamtramck Township, Wayne County, Michigan, as recorded in Liber 45, Page 23 of Plats, Wayne County Records;

PETITION NO. 183

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY ASBURY PARK, METTETAL, TIREMAN AND BELTON 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 ASBURY PARK, METTETAL, TIREMAN AND BELTON AVENUES, abutting Lots 55 to 68, both inclusive, on the West of said alley and Lots 177 to 190, both inclusive, on the East of said alley, in the BASSETT AND SMITH'S TIREMAN AVENUE SUBDIVISION of part of the West ½ of the Northwest ¼ of the Northeast ¼ and part of the Southwest ¼ of the Northeast ¼ of Section 1, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 44, Page 7 of Plats, Wayne County Records;

PETITION NO. 185

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY BRACE, GREENVIEW, DAYTON AND PAUL 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 BRACE, GREENVIEW, DAYTON AND PAUL AVENUES, abutting Lots 89 to 101, both inclusive, on the West of said alley and Lots 120 to 132, both inclusive, on the East of said alley, in the HITCHMAN'S WARREN LAWN SUBDIVISION, on part of the Northwest ¼ of the Southeast ¼ of Section 11, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 39, Page 93 of Plats, Wayne County Records;

PETITION NO. 258

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY MARK TWAIN, FREELAND, SANTA MARIA AND OUTER DRIVE 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 MARK TWAIN, FREELAND, SANTA MARIA AND OUTER DRIVE AVENUES, abutting the West 36 feet of Lot 302 and all of Lots 303 and 304, on the North of said alley and Lot 305 on the South of said alley, in the MARY-GROVE OUTER DRIVE SUBDIVISION of part of the West ½ of the Southeast ¼ of Section 7, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 58 of Plats, Wayne County Records;

PETITION NO. 301

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY BALFOUR, MCKINNEY, BERKSHIRE AND HAVERHILL 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 BALFOUR, MCKINNEY, BERKSHIRE AND HAVERHILL AVENUES, abutting Lots 184 to 200, both inclusive, on the West of said alley and Lots 289 to 305, both inclusive, on the East of said alley, in the LEIGH G. COOPER'S SUBDIVISION of Parcels 9 and 10 of the Plat of Commissioners on Partition of the Estate of Joseph Young, deceased, of part of Lot 7 of the Subdivision of the Southeast ½ of Additional Donation to Private Claims 584 and 261, part of the Northwest ½ of Additional Donation to Private Claims 584 and 261, Lot 6 and the Northwest ½ of Lot 4 of the Subdivision of Back Concession of Private Claim's 262 and 272; as recorded in Liber 1559 of Deeds, Page 328, Gratiot Township, Wayne County, Michigan, as recorded in Liber 46, Page 63 of Plats, Wayne County Records;

PETITION NO. 325

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY AUBURN, MINOCK, WHITLOCK AND WARREN 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 AUBURN, MINOCK, WHITLOCK AND WARREN AVENUES, abutting Lots 345 to 367, both inclusive, on the West of said alley and Lots 381 to 403, both inclusive, on the East of said alley, in the FRISCHKORN'S ESTATES SUBDIVISION, a subdivision of part of the Northwest ¼ of Section 11, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 42, Page 93 of Plats, Wayne County Records;

PETITION NO. 377-A

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY ROSEBERRY, ANNSBURY, WILFRED AND FLANDERS 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 ROSEBERRY, ANNSBURY, WILFRED AND FLANDERS AVENUES, abutting Lots 5 to 20, both inclusive, on the North of said alley and Lots 21 to 36, both inclusive, on the South of said alley, in the ACKLEY HOMESTEAD SUBDIVISION of Lot 6 Subdivision of Joseph Tremble Farm of part of Private Claim 389, City of Detroit, Wayne County, Michigan, as recorded in Liber 47, Page 19 of Plats, Wayne County Records; Also, abutting Lots 41, 42 and 43, on the South of said alley and Lots 76, 77 and 78 on the North of said alley in the EDWARD LANG'S GLENFIELD SUBDIVISION of Lot 7 Subdivision of Joseph Tremble Farm of Part of Private Claim 389, City of Detroit, Wayne County, Michigan, as recorded in Liber 45, Page 65 of Plats, Wayne County Records;

PETITION NO. 377-B

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY ROSEBERRY, ANNSBURY, GLENFIELD AND WILFRED 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 ROSEBERRY, ANNSBURY, GLENFIELD AND WILFRED AVENUES, abutting Lots 45 to 60, both inclusive, on the North of said alley and Lots 61 to 76, both inclusive, on the South of said alley, in the alley, in the ACKLEY HOMESTEAD SUBDIVISION of Lot 6 Subdivision of Joseph Tremble Farm of part of Private Claim 389, City of Detroit, Wayne County, Michigan, as recorded in Liber 47, Page 19 of Plats, Wayne County, Michigan, as recorded in Liber 47, Page 19 of Plats, Wayne County Records; Also, abutting Lots 1 to 4, both inclusive, on the South of said alley and Lots 37 to 40, both inclusive, on the North of said alley in the EDWARD LANG'S GLENFIELD SUBDIVISION of Lot 7 Subdivision of Joseph Tremble Farm of Part of Private Claim 389, City of Detroit, Wayne County, Michigan, as recorded in Liber 45, Page 65 of Plats, Wayne County Records;

PETITION NO. 396

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY SUSSEX, COYLE, PLYMOUTH AND WADSWORTH 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 SUSSEX, COYLE, PLYMOUTH AND WADSWORTH AVENUES, abutting Lots 262 to 276, both inclusive, on the West of said alley and Lots 301 to 315, both inclusive, on the East of said alley, in the BROADMOOR SUB-

DIVISION, of the South ½ of the Southwest ¼ of Section 30, Town 1 South, Range 11 East, Greenfield Township, Wayne County, Michigan recorded in Liber 41, Page 48 of Plats, Wayne County Records;

PETITION NO. 552

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY CHAPEL, BENTLER, KEELER AND MIDLAND 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 CHAPEL, BENTLER, KEELER AND MIDLAND AVENUES, abutting Lots 36 to 53, both inclusive, on the East of said alley and abutting Lots 95 to 112, 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 ½ of the Southwest ¼ 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. 575

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY BELAND, TEPPERT, EASTWOOD AND SEVEN 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 BELAND, TEPPERT, EASTWOOD AND SEVEN MILE AVENUES, abutting Lots 1 to 13, both inclusive, on the West of said alley and Lots 26 to 38, both inclusive, on the East of said alley, in the FLOWER PARK SUBDIVISION, of Lot 2 of Plat of the Survey of the Division of the East ½ of the Northeast ¼ of Section 10, Town 1 south, Range 12 East, as recorded in Liber 869, Page 351 of Deeds, Hamtramck Township, Wayne County, Michigan, as recorded in Liber 47, Page 87 of Plats, Wayne County Records;

PETITION NO. 596-B

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY MORANG, KELLY, GLENWOOD AND LINNHURST AVENUES;

That all that part of a twenty (20) foot wide section of public alley running in a North/South direction, in the block bounded by MORANG, KELLY, GLENWOOD AND LINNHURST AVENUES, abutting Lots 21 to 33, both inclusive, on the West of said alley and Lots 166 and 194, on the East of said alley, in the TERNES SEVEN MILE DRIVE SUBDIVISION, of part of Private Claim 231, City of Detroit, Wayne County, Michigan, as recorded in Liber 56, Page 85 of Plats, Wayne County Records;

PETITION NO. 633

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY LENOX, DREXEL, LINVILLE AND HERN 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 Lenox, Drexel, Linville and Hern Avenues, abutting Lots 195 to 211, both inclusive, on the West of said alley and Lots 242 to 258, both inclusive, on the East of said alley, in the PARKSIDE MANOR SUBDIVISION, of the Rear Concession of Private Claim 131, City of Detroit, Wayne County, Michigan, as recorded in Liber 45, Page 53 of Plats, Wayne County Records;

PETITION NO. 635

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY APPOLINE, MEYERS, SEVEN MILE AND CAMBRIDGE 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 APPOLINE, MEYERS, SEVEN MILE AND CAMBRIDGE AVENUES, abutting Lots 951 to 961, both inclusive, on the West of said alley and Lots 1052 to 1062, both inclusive, on the East of said alley, in the GREENWICH PARK SUBDIVISION, a subdivision of the Southwest ¼ of Section 5, Town 1 South, Range 11 East, Greenfield Township, Wayne County, Michigan, as recorded in Liber 41, Page 28 of Plats, Wayne County Records;

PETITION NO. 648

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY MINDEN, GRATIOT, RACINE AND BARLOW AVENUES;

That all that part of a sixteen (16) foot wide section of public alley running in an East/West direction, in the block bounded by MINDEN, GRATIOT, RACINE AND BARLOW AVENUES, abutting Lots 7 to 21, both inclusive, on the South of said alley and Lots 105 to 118, both inclusive, on the North of said alley, Block E, in the GRATIOT HIGHLAND'S 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;

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 E. 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

Honorable City Council:

Re: Willie James Solomon v. Mark Sparrow, Detroit Police Officer, Case No. 04-834854-PS, File No. 818174 (THP).

The above-captioned matter was tried before a jury in the 36th District Court before the Honorable Theresa Doss. On October 3, 1986, the jury returned a verdict in favor of the plaintiff against the defendant for the amount of One Hundred Thousand Dollars (\$100,000.00). Actual costs, interest and plaintiff's attorney fees add up to the amount of Eighty-Five Thousand Dollars (\$85,000.00). Thus in total, defendant is liable to the plaintiff for the amount of One Hundred Eighty-Five Thousand Dollars (\$185,000.00) plus. The plaintiff has agreed to accept the negotiated amount of One Hundred Forty-Five Thousand Dollars (\$145,000.00) as settlement for the above matter. The agreed settlement amount has been presented before the Law Department's Appeal/Settlement Committee and it is their opinion that the settlement of the above case for the amount of \$145,000.00 would be in the best interest of the City of Detroit.