

By Council Member Mahaffey:

Resolved, That resolution adopted February 4, 1987 (J.C.C. p. 265), for the removal of dangerous structures at various locations, be and the same is hereby amended for the purpose of deferring the removal order for dangerous structure at 19744 Lamont, only, for a period of sixty (60) days in accordance with the foregoing communication.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Peoples, Ravitz and President Henderson — 7.

Nays — None.

**Buildings and Safety
Engineering Department**

March 24, 1987

Honorable City Council:

Re: Address: 4526 Oregon. Petitioner: James Dooley. Date ordered removed: February 4, 1987.

We have investigated the request for a rescission of the demolition order on the property listed above and submit the following information.

Our recent inspection revealed that the property was secured against trespass and is feasible to repair.

We respectfully recommend that the demolition order be deferred for 60 days subject to the following conditions:

1. The building shall be maintained securely barricaded until rehabilitation is complete.

2. The yards shall be maintained clear of weeds, junk and debris at all times.

3. If the building becomes open to trespass, we are authorized to request the City Engineering Department to proceed with demolition without further hearings.

Respectfully submitted,
CREIGHTON C. LEDERER,
Director

By Council Member Mahaffey:

Resolved, That resolution adopted February 4, 1987 (J.C.C. p. 264), for removal of dangerous structures at various locations, be and the same is hereby amended for the purpose of deferring the removal order for dangerous structure at 4526 Oregon, only, for a period of sixty (60) days in accordance with the foregoing communication.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Mahaffey, Peoples, Ravitz, and President Henderson — 7.

Nays — None.

**Buildings and Safety
Engineering Department**

March 26, 1987

Honorable City Council:

Re: 4835 Springle (Front) — Emergency Demolition.

The building at the above location was recently found to be dilapidated with extensive structural damage to the point of near collapse; 90% of brick foundation removed.

Our records reveal that this is the initial complaint for this location and there is no action on the part of the owners to correct the condition.

It is our opinion that there is an actual and immediate danger affecting the health, safety and welfare of the public. Therefore, under the authority of Ordinance 290-H, we are requesting, by copy of this letter, that the Department of City Engineering immediately take emergency measures to have the building removed.

All utility companies are advised, also by copy of this letter, to immediately start utility disconnects.

We respectfully recommend that your Honorable Body concur with this action and have the cost assessed against the property.

Respectfully submitted,
CREIGHTON C. LEDERER,

Director

By Council Member Mahaffey:

Resolved, That in accordance with the foregoing communication, the City Engineering Department is hereby authorized and directed to implement emergency measures to have the dangerous building removed which is located at 4835 Springle (Front) and have the cost assessed as a lien against the property.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Mahaffey, Peoples, Ravitz, and President Henderson — 7.

Nays — None.

City Engineering Department

January 30, 1987

Honorable City Council:

Re: Petition No. 53, Warholak Tire Service, Request to temporarily close portions of Merwin and Saxon; also conversion to easement of north-south alley in the block bounded by Merwin, Saxon, Ford Freeway and McGraw.

Petition No. 53 of Warholak Tire Service requests the temporary closing of portions of Merwin and Saxon Avenues (50 feet wide and variable width, respectively), south of McGraw Avenue. The petition also requests the conversion of the north-south public alley, 15 feet wide, in the block bounded by Merwin and Saxon Avenues, Edsel Ford Expressway and McGraw Avenue into an easement for public utilities.

The temporary street closings would "land-lock" the Ford Freeway Service Drive. The Michigan Department of Transportation (MDOT) was consulted and has reported no objections subject to two conditions:

1) Michigan National Bank is renting property from MDOT. The petitioner must not block Merwin Avenue access to bank property.

2) The petitioner must allow access to the existing gates for Wayne County grass (freeway slope) cutting crews and their equipment.

Provisions protecting MDOT interests are part of the temporary closings resolution.

The temporary closing requests were approved by the Community and Economic Development Department and the Detroit Department of Transportation with certain restrictions.

The petitioner has submitted a letter agreeing to pay all Public Lighting Department expenses to reinstall street lights, if the streets are reopened for public use.

All other City departments and privately owned utility companies have reported no objections to the temporary street closings, provided they have the right to ingress and egress at all times to their facilities.

The requested conversion into an easement for public utilities was approved by the Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation and report. This is our report:

The petitioner plans to use the paved alley return entrances and requests such remain in their present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately-owned utility companies have reported no objection to the conversion of public right-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,
 CLYDE R. HOPKINS
 Director

By Council Member Mahaffey:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "Warholak Tire Service" to close all that part of Merwin Avenue, 50 feet wide, south of McGraw Avenue as platted in "Sheahan and Navin's Subdivision" of that part of Fractional Section 16, Town 2 South, Range 11 East, lying north of Michigan Avenue, Springwells Township, City of Detroit, Wayne County, Michigan as recorded in Liber 19, Page 60, Plats, Wayne County Records, lying south of a line described as: Commencing at the east line of the south 27.00 feet of Lot 24 of the above mentioned "Sheahan and

Navin's Subdivision"; thence southerly along the east lines of the south 27.00 feet of said Lot 24, the north 10.60 feet of Lot 19 and Lots 20 to 23 of said "Sheahan and Navin's Subdivision", 157.60 feet, to the point of beginning; thence northeasterly to the southwest corner of Lot 29 of said "Sheahan and Navin's Subdivision", the point of ending; on a temporary basis to expire on March 1, 1992; and be it further

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "Warholak Tire Service" to close all that part of Saxon Avenue, (variable width, south of McGraw Avenue) lying south of a line described as: Commencing at the intersection of the east curblin extended north of said Saxon Avenue and the south curblin extended northwesterly of Weir Street (variable width, south of McGraw Avenue); thence south along the east curblin extension of Saxon Avenue, 33.00 feet (measured distance), to the point of beginning; thence northwesterly to the east line of the south 8.00 feet of Lot 67 as platted in "Sheahan and Navin's Subdivision" of that part of Fractional Section 16, Town 2 South, Range 11 East, lying north of Michigan Avenue, Springwells Township, City of Detroit, Wayne County, Michigan as recorded in Liber 19, Page 60, Plats, Wayne County Records, the point of ending; on a temporary basis to expire on March 1, 1992,

Provided, The petitioner shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public street closings; and

Provided, The permit shall be issued after the petitioner has recorded a certified copy of this resolution with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs; and

Provided, The property owned by the petitioner and adjoining the temporary public street closings shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the streets; and

Provided, No building or other structure (except necessary line fence) shall be constructed on over the streets. The petitioner shall observe the rules and regulations of the City Engineering De-

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partment. The City of Detroit retains all rights and interests in the temporarily closed public streets. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public streets. Further, the petitioner shall comply with all specific conditions imposed to insure unimpeded 24-hour-per-day access to the City and utility companies; and

Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Department by the petitioner at the petitioner's expense; and

Provided, The petitioner shall not hinder or obstruct 24-hour-per-day access to the existing gates (15 feet wide, at the Edsel Ford Expressway Service Drive) for Wayne County grass (freeway slope) cutting crews and their equipment; and

Provided, The petitioner shall pay all Public Lighting Department expenses to reinstall street lights, if the streets are reopened for public use; and

Provided, This resolution is revocable at the will, whim or caprice of the City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

Provided, This permit shall not be assigned or transferred without the written approval of the City Council; and

Provided, That any permits necessary to temporary close rights-of-way under the jurisdiction of the State of Michigan be obtained from the Michigan Department of Transportation; and be it further

Resolved, That all that part of the north-south public alley, 15 feet wide, in the block bounded by Merwin and Saxon Avenues, Edsel Ford Expressway and McGraw Avenue lying easterly of and abutting the south 27.00 feet of Lot 25 and Lots 26 to 29, also lying westerly of and abutting the north 27.00 feet of Lot 63, the south 24.00 feet of Lot 67 and Lots 64 to 66 of "Sheahan and Navin's Subdivision" of that part of Fractional Section 16, Town 2 South, Range 11 East, lying north of Michigan Avenue, Springwells Township, City of Detroit, Wayne County, Michigan, as recorded in Liber 19, Page 60, 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 an easement or right-of-way over said vacated public alley herein above described for the purposes 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 herein above 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 fence) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval of the City Engineering Department.

Fourth, that if 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 easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

Fifth, that if any utility 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

Provided, That if it becomes necessary to remove the paved alley returns at the alley entrances, such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Department specifications with all costs borne by the petitioner, his heirs or assigns; and

Provided Further, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Mahaffey, Peoples, Ravitz, and President Henderson — 7.

Nays — None.

City Council

Division of Research and Analysis

October 8, 1986

Honorable City Council:

Re: Appeal Process for Employee Damage Claims.

Submitted herewith for your consideration is an ordinance amendment to provide for an appeal process for employee damage claims.

This process was developed in response to Council's request that this Division work with the Auditor General to establish a mechanism whereby employees, whose claims were denied by the Department heads, had a means of appeal.

The City Code, Chapter 2, Article 4, has been amended by adding new Section 2-4-18.1 to authorize the establishment of an appeal process for employee damage claims. The process has been included as an amendment to a November, 1972 resolution which remains in effect.

The aforementioned resolution was amended by Council in February, 1984, but was returned by the Mayor "neither approved nor vetoed".

Respectfully submitted,
JOSEPHINE A. POWELL,

Director

By Council Member Eberhard:

AN ORDINANCE to amend Chapter 13, Article 1, Section 13-1-5 of the City Code to provide an appeal procedure for employee damage claims.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That Chapter 13 of the Code of the City of Detroit be amended

by amending Section 13-1-5 as follows:
Sec. 13-1-5. Employee Damage Claims.

(a) Payment of employee claims from all city departments for reimbursements for damages incurred to any personal or departmental property IN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS (\$250.00) PER ITEM will be made under the following restrictions:

(1) The finance director will honor damage claims between one dollar (\$1.00) and fifty dollars (\$50.00) when the claim has been recommended for payment by the department head and approved by the small claims committee.

(2) The finance director will honor damage claims over fifty dollars (\$50.00) on recommendation for payment by the department head and approval of the city council.

(3) All damage claims honored must have arisen directly out of the performance of the employee's duties and be in no way attributable to the carelessness of the employee.

(4) ~~Any damage claim paid in accordance with the above specified restrictions is paid without recognition of any legal obligation on the part of the city to do so.~~ IN THE EVENT THE CLAIM IS DENIED IN WHOLE OR IN PART BY THE DEPARTMENT HEAD, NOTICE SHALL BE MADE TO THE EMPLOYEE BY THE DEPARTMENT HEAD. SUCH NOTICE SHALL INFORM THE EMPLOYEE OF THE RIGHT TO APPEAL THE DECISION OF THE DEPARTMENT HEAD TO THE AUDITOR GENERAL.

(5) THE EMPLOYEE SHALL INDICATE IN WRITING TO THE AUDITOR GENERAL WITHIN TWENTY (20) WORKING DAYS OF ISSUANCE OF NOTICE OF DENIAL FROM THE DEPARTMENT HEAD THE EMPLOYEE'S DESIRE TO APPEAL THE DECISION OF THE DEPARTMENT HEAD.

(6) UPON WRITTEN NOTIFICATION FROM THE EMPLOYEE TO APPEAL THE DECISION OF THE DEPARTMENT HEAD, THE AUDITOR GENERAL OR HIS DESIGNATED REPRESENTATIVE SHALL REVIEW THE DEPARTMENT'S RECORD OF SUCH CLAIM AND MAKE ADDITIONAL INQUIRIES AS TO THE FACTS AND CIRCUMSTANCES AS THE AUDITOR GENERAL DEEMS APPROPRIATE.

(7) UPON NOTIFICATION FROM THE EMPLOYEE OF HIS/HER DESIRE TO APPEAL THE DECISION OF THE DEPARTMENT HEAD, THE AUDITOR GENERAL OR HIS DESIGNATED REPRESENTATIVE SHALL HOLD A HEARING AS TO SUCH DISPUTED CLAIM WITHIN FORTY-FIVE (45) DAYS OF THE RECEIPT OF NOTICE FROM THE EMPLOYEE.