

February 23, 1987, be and hereby is approved.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Kelley, Mahaffey, Peoples, Ravitz, and President Pro Tem. Hood — 8.

Nays — None.

*RECONSIDERATION (No. 3), per Motions before Adjournment.

**Finance Department
Purchasing Division**

February 23, 1987

Honorable City Council:

Re: Contract No. 63917. Substance Abuse Prevention Services. To provide professional service in public health consultation, education and technical assistance for the primary prevention of substance abuse. From October 1, 1986 to September 30, 1987. Wayne State University, 540 E. Canfield. \$244,326.00. Health.

The Purchasing Division of the Finance Department recommends a Contract as outlined above.

The approval of your Honorable Body and a waiver of reconsideration is requested.

Respectfully submitted,
OREESE COLLINS, JR.,
Director

By Council Member Mahaffey:

Resolved, That Contract No'd 63917, referred to in the foregoing communication, dated February 23, 1987, be and hereby is approved.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Kelley, Mahaffey, Peoples, Ravitz, and President Pro Tem. Hood — 8.

Nays — None.

*RECONSIDERATION (No. 4), per Motions before Adjournment.

Law Department

February 23, 1987

Honorable City Council:

Re: Edith Kinney vs. City of Detroit, a Municipal Corporation and Lee Brown, Jointly and Severally. Case No. 82 229 332 CZ. Our File No. 81 8202 (TWD).

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 Three Hundred Seven Thousand and Seventy-Seven (\$307,077.00) 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 One Hundred Twenty-Nine Thousand (\$129,000.00) Dollars payable to Edith Kinney and her attorneys, Goodman,

Eden, Millender & Bedrosian, One Hundred Seventy-Seven Thousand and Seventy-Seven (\$177,077.00) payable to Executive Life Insurance Company of New York and One Thousand (\$1,000.00) Dollars payable to First Executive Corporation, to be delivered upon receipt of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 82 229 332 CZ approved by the Law Department. We request waiver of reconsideration.

Respectfully submitted,
BRENDA E. BRACEFUL
Supervising Assistant
Corporation Counsel

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 warrant upon the proper fund in favor of Edith Kinney and her attorneys, Goodman, Eden, Millender & Bedrosian, in the sum of One Hundred Twenty-Nine Thousand (\$129,000.00) Dollars, Executive Life Insurance Company of New York, One Hundred Seventy-Seven Thousand and Seventy-Seven (\$177,077.00) Dollars, and First Executive Corporation, One Thousand (\$1,000.00) Dollars in full payment of any and all claims which they may have against the City of Detroit, by reason of injuries sustained as a result of alleged malicious destruction of property and that said amount be paid upon presentation of properly executed Releases and Stipulation and Order of Dismissal of Lawsuit No. 82 229 332 CZ approved by the Law Department. Reconsideration is waived.

Approved:

DONALD PAILEN
Corporation Counsel
By: ABIGAIL ELIAS
Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Kelley, Mahaffey, Peoples, Ravitz, and President Pro Tem. Hood — 8.

Nays — None.

*RECONSIDERATION (No. 5), per Motions before Adjournment.

City Engineering Department

February 20, 1987

Honorable City Council:

Re: Petition Nos. 621 & 1281. Henry Ford Hospital, Richard A. Carlson, Director Facilities Management Conversion to easement of Bethune Avenue and the remaining public alleys in the area bounded by Poe, Byron, West Grand Boulevard and Pallister.

Petition Nos. 621 and 1281 of Henry Ford Hospital requests the conversion of Bethune Avenue (60 feet wide), the remaining north-south public alleys (18 and 20 feet wide), and the remaining east-west public alley (18 feet wide) all in the area bounded by Poe and Byron Avenues, West Grand Boulevard and Pallister Avenue into an easement for public utilities.

The properties of Donat A. Gauthier (7408 and 7416 Poe Avenue) and Roy E. Huber (2731 West Grand Boulevard) would be affected by the public alley conversions. Henry Ford Hospital has submitted letters from these owners agreeing to the alley vacation, subject to two conditions:

1) Henry Ford Hospital shall replace the City of Detroit rubbish and garbage services.

2) Henry Ford Hospital shall provide guest parking in the hospital lot adjacent to 2731 West Grand Boulevard.

Provisions protecting the two property owners interests are part of the resolution.

The City Planning Commission recommended approval of the street vacation in a report submitted to your Honorable Body dated January 5, 1987.

The requested conversions into public utility easements were approved by the Community and Economic Development Department. The petitions were referred to the City Engineering Department for investigation and report. This is our report:

The petitioner shall pay all expenses for the removal of the paved street and alley return entrances, whenever discontinuance of use makes removal necessary.

The Public Lighting Department will require the petitioner to maintain an all night schedule of replacement street and/or alley lighting. The new lighting must conform to Public Lighting Department specifications. Henry Ford Hospital has submitted a letter to the Public Lighting Department agreeing to these requirements.

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, That Bethune Avenue, 60 feet wide, lying between and abutting the easterly line of Poe Avenue, 60 and 80 feet wide, and the westerly line of

Byron Avenue, 60 feet wide, the northerly 10 feet of said Bethune Avenue, 60 feet wide, having been platted in the "Irving Place Subdivision" on Quarter Section 55 of the Ten Thousand Acre Tract in Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; and the southerly 50 feet of said Bethune Avenue, 60 feet wide, having been opened on March 21, 1911 (J.C.C. Pages 341 and 342) described as: A strip of land, 50 feet wide, being a part of Quarter Section 55 of the Ten Thousand Acre Tract, lying southerly of and abutting the southerly line of the above mentioned "Irving Place Subdivision" as recorded in Liber 11, Page 5, Plats, Wayne County Records and lying between and abutting the easterly line of Poe Avenue, 60 and 80 feet wide, and the westerly line of Byron Avenue, 60 feet wide; also

All of the north-south public alley, 20 feet wide, in the block bounded by Poe, Byron, Bethune and Pallister Avenues lying westerly of and abutting Lots 1 to 6, also lying easterly of and abutting Lots 7 to 12, Block 8, "Irving Place Subdivision" on Quarter Section 55 of Ten Thousand Acre Tract in Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; also

All of the north-south public alley, 18 feet wide, in the block bounded by Poe and Byron Avenues, West Grand Boulevard and Bethune Avenue lying westerly of and abutting Lots 1 to 21, also lying easterly of and abutting Lots 28 to 45 of "Lothrop and Duffield Boulevard Park Subdivision" of part of Quarter Section 55, Ten Thousand Acre Tract, lying North of West Grand Boulevard, City of Detroit, Wayne County, Michigan as recorded in Liber 28, Page 1, Plats, Wayne County Records; also

All of the east-west public alley, 18 feet wide, in the block bounded by Poe and Byron Avenues, West Grand Boulevard and Bethune Avenue, lying southerly of and abutting the south lines of Lot 21, the north-south public alley (18 feet wide), and Lot 28, also lying northerly of and abutting the north lines of Lots 22 to 27 of the above mentioned "Lothrop and Duffield Boulevard Park Subdivision" as recorded in Liber 28, Page 1, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and alleys and are hereby converted into a public easement of the full width of the street and alleys, 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 street and alleys 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 street and alleys 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 street or 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 street and alleys 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 easement 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 or surface grade made, without prior approval of the City Engineering Department.

Fourth, that if the owners of any lots abutting on said vacated street and alleys 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, Henry Ford Hospital shall replace the City of Detroit rubbish and garbage services at 2731 West Grand Boulevard, 7408 and 7416 Poe Avenue; and

Provided, Henry Ford Hospital shall set aside private guest parking spaces in the hospital lot adjacent to 2731 West Grand Boulevard; and

Provided, Henry Ford Hospital shall maintain an all darkness hours schedule of replacement street and/or alley(s) lighting as required by the Public Lighting Department; and

Provided, That if it becomes necessary to remove the paved street and alley returns at the 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, Kelley, Mahaffey, Peoples, Ravitz, and President Pro Tem. Hood — 8.

Nays — None.

*RECONSIDERATION (No. 6), per Motions before Adjournment.

Detroit Water and Sewerage Department

February 9, 1987

Honorable City Council:

Enclosed are suggested resolutions for approval of the 1987-88 Water Rates, 1987-88 Sewerage Rates, and the 1985-86 Sewerage Look-Back Adjustments. Appropriate schedules accompany each resolution.

We suggest that your Honorable Body approve these schedules at your meeting of February 25, 1987 so that we may proceed with the statutory 120 day notice to our suburban customers.

Waiver of reconsideration is also requested.

Respectfully submitted,
CHARLIE J. WILLIAMS
Director

**PROPOSED 1987-88
WHOLESALE WATER RATES**

Wholesale Customer	Proposed Unit Rate \$/Mcf
Allen Park	3.12
Ash Township	3.77
Auburn Hills	5.53