

munication to provide legal representation to defendants:

Raymond Clifford, Deborah Martin, Robert LeMaigre, Neil Osburn.

Approved:

DONALD PAILEN
Corporation Counsel

By: ABIGAIL ELIAS
Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 7.

Nays — None.

Law Department

October 12, 1988

Honorable City Council:

Re: David & Andrea Kelly vs. City of Detroit, et al. Civil Action No. 88-807-166. Our File No. 86-8321 (MRJ).

Representation by the Law Department of the City employees listed below 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: Dennis Anderson, Badge #S-1091; George T. Jones, Badge #3844.

Respectfully submitted,
WILLIAM L. WOODARD

Supervising Assistant
Corporation Counsel

Approved:

DONALD PAILEN
Corporation Counsel

By: ABIGAIL ELIAS
Deputy Corporation Counsel

By Council Member Mahaffey:

Resolved, That the Law Department is hereby authorized under the provisions of Chapter 13, Article II of the Municipal Code of the City of Detroit and in accordance with the foregoing communication to provide legal representation to defendants:

Dennis Anderson, George T. Jones.

Approved:

DONALD PAILEN
Corporation Counsel

By: ABIGAIL ELIAS
Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 7.

Nays — None.

Law Department

October 14, 1988

Honorable City Council:

Re: Norbert Jones, et al. vs. City of Detroit, et al. Civil Action No. 88-808-461. Our File No. 86-8314 (MRJ).

Representation by the Law Department of the City employees listed below 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: Morris Jones, Badge #S-1308; Joan Morrow, Badge #5118; Ramon Valdez, Badge #4804; David Barrick, Badge #S-997; John Tynan, Jr., Badge #S-212; Clyde Ritchie, Badge #S-125.

Respectfully submitted,

WILLIAM L. WOODARD

Supervising Assistant
Corporation Counsel

Approved:

DONALD PAILEN
Corporation Counsel

By: ABIGAIL ELIAS
Deputy Corporation Counsel

By Council Member Mahaffey:

Resolved, That the Law Department is hereby authorized under the provisions of Chapter 13, Article II of the Municipal Code of the City of Detroit and in accordance with the foregoing communication to provide legal representation to defendants:

Morris Jones, Joan Morrow, Ramon Valdez, David Barrick, John Tynan, Jr., Clyde Ritchie.

Approved:

DONALD PAILEN
Corporation Counsel

By: ABIGAIL ELIAS
Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 7.

Nays — None.

Law Department

November 16, 1988

Honorable City Council:

Re: Petitions To Convert Alleys To Easements.

For your consideration, submitted herewith are eight (8) 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 report, petitions to vacate the public alleys, a sketch of the alley 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,
NORRIS GOUDY
 Supv. Asst. Corp. 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
 PETITION NO. 1996.

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY VAN DYKE, DARWIN, MT. OLIVET, AND GILBO 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 VAN DYKE, DARWIN, MT. OLIVET, AND GILBO AVENUES, abutting Lots 1 thru the East 24.05 feet of Lot 14, both inclusive, on the South of said alley and Lots 25 thru 30, both inclusive, on the North of said alley, in the J. WEINDENBACH SUBDIVISION, of part of fractional Section 15, Tract 1 South, Range 12 East, City of Detroit, Wayne County, Michigan as recorded in Liber 41, Page 5 of Plats, as recorded in Wayne County Records. Also abutting a portion of fractional Section 15 deed to the City of Detroit on July 20, 1926 and abutting a portion of Lot 94 of the DOBELS SUBDIVISION and fractional section 15.

PETITION NO. 2090.

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY ASBURY PARK, WEST CHICAGO, METTETAL, AND ORANGE LAWN 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, WEST CHICAGO, METTETAL, AND ORANGELAWN AVENUES, abutting Lots 823 thru 842, both inclusive, on the West of said alley and Lots 865 thru 884, both inclusive, on the East of said alley, in the FRISCHKORN'S GRAND-DALE SUBDIVISION being part of the North ½ of Section 36,

Tract 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 50, Page 66 of Plats, as recorded in Wayne County Records; PETITION NO. 2111.

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY OUTER DRIVE, COURVILLE, LINVILLE, AND AUDUBON AVENUES;

That all that part of an eighteen (18) foot wide section of public alley running in an East/West direction in the block bounded by OUTER DRIVE, COURVILLE, LINVILLE, AND AUDUBON AVENUES, abutting Lots 692 thru 694, both inclusive, and Lots 33 thru 36, both inclusive, on the South of said alley, in the HENRY RUSSEL'S THREE MILE DRIVE SUBDIVISION #1 being that part of Private Claim 391 lying North of center line of Mack Avenue, City of Detroit, Wayne County, Michigan, as recorded in Liber 46, Page 20, as recorded in Wayne County Records. Also, abutting Lots 691 and 32 on the North of said alley in the HENRY RUSSEL'S THREE MILE DRIVE SUBDIVISION #1 as described above;

PETITION NO. 2205

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY EIGHT MILE, WINCHESTER, KLINGER, AND REVERE 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 EIGHT MILE, WINCHESTER, KLINGER, AND REVERE AVENUES, abutting Lots 239 thru 253, both inclusive, on the West of said alley and Lots 269 thru 283, both inclusive, on the East of said alley, in the SEYMOUR AND TROESTER'S CLAIRMOUNT PARK SUBDIVISION of the North ½ of the Northeast ¼ of Section 6, Tract 1 South, Range 12 East, Hamtramck Township, Wayne County, Michigan, as recorded in Liber 52, Page 43 of Plats, as recorded in Wayne County Records;

PETITION NO. 2289

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY ST. MARYS, MURRAY HILL, CURTIS, AND PICKFORD 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 ST. MARYS, MURRAY HILL, CURTIS, AND PICKFORD AVENUES, abutting Lots 542 thru 552, both inclusive, on the West of said alley and Lots 525 thru 535, both inclusive, on the East of said alley, in the COLLEGE DRIVE SUBDIVISION of SCHLANGER'S SUBDIVISION and Outlots A and B of COLLEGE DRIVE, a part of the Southwest ¼ of the Northeast

of Section 12, Tract 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 53, Page 51 of Plats, as recorded in Wayne County Records.

PETITION NO. 2290

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY THATCHER, OUTER DRIVE, HUBBELL, AND STRATHMOOR 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 THATCHER, OUTER DRIVE, HUBBELL, AND STRATHMOOR AVENUES, abutting Lots 28 thru 48, both inclusive, on the West of said alley and Lots 138 thru 147, both inclusive, on the East of said alley, in the MARY GROVE OUTER DRIVE PARK SUBDIVISION, a part of the West ½ of the Southeast ¼ of Section 7 Tract 1 South, Range 11 East City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 58 of Plats, as recorded in Wayne County Records. Also, an eighteen (18) foot wide alley running in an East/West direction, abutting Lots 136 and 137, on the South of said alley, and Lot 138 on the North of said alley, in the MARY GROVE OUTERDRIVE PARK SUBDIVISION, as described above;

PETITION NO. 2293

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY ROBSON, CLARITA, COYLE, 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 ROBSON, CLARITA, COYLE, AND SEVEN MILE AVENUES, abutting Lots 1728 thru 1738, both inclusive, on the West of said alley and Lots 1687 thru 1697, both inclusive, on the East of said alley, in the BLACKSTONE PARK SUBDIVISION NO. 2 of the North ½ of the Northwest ¼ of Section 7, Tract 1 South, Range 11 East, Greenfield Township, Wayne County Michigan, as recorded in Liber 49, Page 47 of Plats, as recorded in Wayne County Records;

PETITION NO. 2326.

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY SCHOOLCRAFT, BLACKSTONE, KENDALL, AND WESTBROOK 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 SCHOOLCRAFT, BLACKSTONE, KENDALL, AND WESTBROOK AVENUES, abutting Lots 380 thru 399, both inclusive, on the West of said alley and Lots 345 thru 364, both inclusive, on the East of said alley, in the B. E.

TAYLOR'S BRIGHTMOOR-JOHNSON SUBDIVISION, lying South of Grand River Avenue, being the Southwest ¼ of Section 22, Tract 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 46, Pages 41 and 42 of Plats, as recorded in Wayne County Records. Also, an eighteen (18) foot wide alley running in an East/West direction, abutting Lots 365 thru 379, both inclusive, on the South of said alley, also Lots 380 and 364 on the North of said alley, in the B. E. TAYLOR'S BRIGHTMOOR JOHNSON SUBDIVISION, as described above;

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 purposes of maintaining, installing, repairing, removing or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits 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 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 cost 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 Cleveland, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 7.

Nays — None

Law Department

October 21, 1988

Honorable City Council:

Re: Mattie Pope vs City of Detroit. Case

No. 86 603 051 NO, File No. 84-9797 PLC.

We have reviewed the above-referenced 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 Twelve Thousand Five Hundred (\$12,500.00) 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 Twelve Thousand Five Hundred (\$12,500.00) Dollars payable to Mattie Pope and her Attorneys, Greenspon, Scheff & Washington, P.C., to be delivered upon receipt of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 86 603 051 NO 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 Mattie Pope and her Attorneys, Greenspon, Scheff & Washington, P.C., in the sum of Twelve Thousand Five Hundred (\$12,500.00) Dollars in full settlement of any and all claims they may have against the City of Detroit by reason of injuries sustained on November 15, 1987 as Plaintiff was allegedly caused to trip and fall and that said amount be paid upon receipt of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 86 603 051 NO approved by the Law Department.

Approved:

DONALD PAILEN

Corporation Counsel

By: ABIGAIL ELIAS

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 7.

Nays — None.

Law Department

October 11, 1988

Honorable City Council:

Re: Lillian Kelly vs Home Pride Food Center, Inc., and City of Detroit. Case No. 84 420 094 NO. Our File No. 82-9939 (SMO).

We have reviewed the above-captioned lawsuit, the facts and particulars