

the amount of Three Thousand Five Hundred (\$3,500.00) 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 \$3,500.00 payable to Hugh McKinney and his attorneys, Christensen & Bannigan, to be delivered upon receipt of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 90-563-401-PS approved by the Law Department.

Respectfully submitted,
DENNIS BURNETT,
Supervising Assistant
Corporation Counsel

Approved:

DONALD PAILEN
Corporation Counsel

By Council Member Cleveland:

Resolved, That the Finance Director be and she is hereby authorized and directed to draw her warrant upon the proper fund in favor of Hugh McKinney and his attorneys, Christensen & Bannigan, in the sum of Three Thousand Five Hundred (\$3,500.00) Dollars, in full settlement of any and all claims which he may have against the City of Detroit, by reason of alleged injuries sustained as a result of his falling due to a hole from a missing trolley track brick, on or about June 25, 1987, and that said amount be paid upon presentation of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 90-563-401-PS, approved by the Law Department.

Approved:

DONALD PAILEN
Corporation Counsel

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Collins, Eberhard, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

Law Department
July 11, 1990

Honorable City Council:

Re: Louis W. Klei vs. City of Detroit, a municipal corporation, Civil Action No. 88-830481-CZ

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 Eleven Thousand and 00/100 (\$11,000.00) 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 Eleven Thousand and 00/100 (\$11,000.00) Dollars payable to Louis W. Klei and Daniel

J. Rust, his attorney, to be delivered upon receipt of properly executed releases and a discontinuance of the lawsuit satisfactory to the Law Department.

Respectfully submitted,
THOMAS L. WALTERS
Supervising Assistant
Corporation Counsel

Approved:

DONALD PAILEN
Corporation Counsel

By Council Member Cleveland:

Resolved, That the Finance Director be and she is hereby authorized and directed to draw her warrant upon the proper fund in favor of Louis W. Klei and Daniel J. Rust, his attorney, in the sum of Eleven Thousand and 00/100 (\$11,000.00) Dollars in full payment of any damages which they may have against the City of Detroit's alleged obligation to pay certain compensation under Section 13-303 of the 1974 Detroit Charter. And that said amount be paid upon the presentation of releases and a discontinuance of Civil Action Number 88-830481-CZ satisfactory to the Law Department.

Approved:

DONALD PAILEN
Corporation Counsel

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Collins, Eberhard, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

Law Department
July 12, 1990

Honorable City Council:

Re: Petition No. 3324 to vacate to easement the alley between Algonac, Eastwood, Gruebner and Seven Mile Road.

For your consideration, submitted herewith is a petition requesting the conversion of the alley running in a North/South direction in the Leo Gruebner Subdivision, in the block bounded by Algonac, Eastwood, Gruebner and Seven Mile Road, in the City of Detroit.

The requested conversion was 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, the petition to vacate the public alley, the 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-way into an easement 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,
BEVERLY J. HAYES,
 Supervising Assistant
 Corporation Counsel

Approved:

DONALD PAILEN
 Corporation Counsel

By: **ABIGAIL ELIAS**
 Deputy Corporation Counsel
 By Council Member Cleveland:

Whereas, the following petition has been filed with the City Council, signed by not less than two-thirds of the owners of properties respectively abutting the alley as herein described, pursuant to the ordinance for the purpose of determining the advisability of this alley vacation.

Petition No. 3324, conversion to easement of the North/South alley in the block bounded by Algonac, Eastwood, Gruebner and Seven Mile Road;

Now Therefore, Be It Resolved:

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 Algonac, Eastwood, Gruebner and Seven Mile Road, abutting Lots 38 to 48, both inclusive, on the East of said alley and Lots 15 to 25, both inclusive, on the West of said alley, in the Leo Gruebner Subdivision, of part of the Northwest ¼ of the Northeast ¼ of Section 10, Town 1 South, Range 12 East, Hamtramck Township, Wayne County, Michigan, as recorded in Liber 47, Page 82 of Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and 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 easement or right-of-way over said vacated public alley 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 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 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 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 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 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
Corporation Counsel

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Collins, Eberhard, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

Law Department

Honorable City Council:

Re: Lucile Lamar vs. City of Detroit, Department of Transportation. C.A. 88-824-467 NI. Our File No. 88-1638 (SLW).

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 Twenty Five Thousand (\$25,000.00) 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 \$25,000.00 payable to Lucile Lamar and her attorneys Thurswell, Chayet & Weiner, to be delivered upon receipt of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 88-824-467 NI approved by the Law Department.

Respectfully submitted,
DENNIS BURNETT
Supervising Assistant
Corporation Counsel

Approved:

DONALD PAILEN
Corporation Counsel

By Council Member Cleveland:

Resolved, That the Finance Director be, and she is hereby authorized and directed to draw her warrant upon the proper fund in favor of Lucile Lamar and her attorneys Thurswell, Chayet & Weiner, in the sum of Twenty Five Thousand (\$25,000.00) Dollars in full payment of any and all claims which they may have against the City of Detroit by reason of alleged injuries sustained when a car cut in front of the DOT coach on or about March 21, 1988, and that said amount be paid upon presentation

of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 88-824-467-NI approved by the Law Department.

Approved:

DONALD PAILEN
Corporation Counsel

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Collins, Eberhard, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

Law Department

June 22, 1990

Honorable City Council:

Re: Stacey Ayres, Stephanie Ayres and Barbara Ayres as Next Friend of Maurice Ayres, a minor vs. City of Detroit a governmental entity and Gabriel McMillian, Jointly and Severally. Case No. 88 808 694 NI. File No. 87-2277 (PLC).

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 Thirty Thousand (\$30,000.00) 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 \$30,000.00 payable to Stacey Ayres and her attorneys, Liss and Liss, P.C. to be delivered upon entry of Consent Judgment of Lawsuit No. 88 808 694 NI approved by the Law Department.

Respectfully submitted,
DENNIS BURNETT
Supervising Assistant
Corporation Counsel

Approved:

DONALD PAILEN
Corporation Counsel

By Council Member Cleveland:

Resolved, That the Finance Director be and she is hereby authorized and directed to draw her warrant upon the proper fund in favor of Stacey Ayres and her attorneys, Liss & Liss, P.C., in the amount of Thirty Thousand (\$30,000.00) Dollars, in full settlement of any and all claims which she may have against the City of Detroit, by reason of alleged injuries sustained as a result of a bus accident on or about June 21, 1987 and that said amount be paid upon entry of Consent Judgment of Lawsuit No. 88 808 694 NI approved by the Law Department.

Approved:

DONALD PAILEN
Corporation Counsel

Adopted as follows:

Yeas — Council Members Butler,