

Continental Loss Adjusting Company out of the appropriate fund, to be delivered upon presentation of Notice of Acceptance of Offer of Judgment of Lawsuit No. 89 928406 NI approved by the Law Department.

Respectfully submitted,
LESLEY F. KNAPP

Supervising Acting Supervising
 Assistant Corporation Counsel

Approved:

DONALD PAILEN
 Corporation Counsel

By: **THOMAS L. WALTERS**
 Acting Deputy Corporation Counsel
 By Council Member Butler:

Resolved, That the Law Department is authorized to file an Offer of Judgment in the amount of Twenty Thousand (\$20,000.00) Dollars in the civil lawsuit Richard Parker vs. James Hunt and City of Detroit, 36th District Court Case No.: 89 928406 NI.

Resolved, That the Finance Director be, and is hereby authorized to honor a draft in the amount of Twenty Thousand (\$20,000.00) Dollars payable to Richard Parker and his attorneys, Lakin Worsham & Victor, P.C., drawn by Continental Loss Adjusting Company out of the appropriate fund in full payment of any and all claims Richard Parker may have against the City of Detroit as a result of the injuries sustained in an automobile accident on or about August 3, 1989, and that said amount be paid upon presentation of a Notice of Acceptance of Offer of Judgment of Lawsuit No. 89 928406 NI approved by the Law Department.

Approved:

DONALD PAILEN
 Corporation Counsel

By: **THOMAS L. WALTERS**
 Acting Deputy Corporation Counsel
 Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 8.
 Nays — None.

Law Department

May 15, 1991

Honorable City Council:

Re: Amended Resolution — Alley Vacations Petition Nos. 126—Reno, Gratiot, Eastwood and Fordham; 191—Schoenherr, Gratiot, Maple-ridge and Parkgrove; 319A—Drexel, Coplin, Chandler Park Drive and Linville; 656—Greenfield, Prest, W. McNichols and Santa Maria; 3342—Flanders, Leroy, Queen and Houston-Whittier; 3482A—Parkgrove, Pelkey, Linnhurst and Schoenherr; 3484—Joann, Alcoy, Eastwood and East Seven Mile Road;

On March 19, 1991, action was taken by your Honorable Body to vacate the above captioned alleys,

The Resolution with reference to Petition No. 126—Reno, Gratiot, Eastwood and Fordham, omitted the West 5.0 feet of Lot 339.

The Resolution with reference to Petition No. 191—Schoenherr, Gratiot, Mapleridge and Parkgrove, referred to the alley as being a nine (9) foot wide public alley and should have referred to an eighteen (18) foot wide public alley running in an East/West Direction.

The Resolution with reference to Petition No. 319A—Drexel, Coplin, Chandler Park Drive and Linville, omitted an East/West alley.

The Resolution with reference to Petition No. 656—Greenfield, Prest, W. McNichols and Santa Maria, referred to a twenty (20) foot wide North/South alley, and it should have referred to a twenty (20) foot wide vacated North/South alley.

The Resolution with reference to Petition No. 3342—Flanders, Leroy, Queen and Houston-Whittier, referred to Lot 819 in the PARK DRIVE SUBDIVISION, it should have referred to Lot 810.

The Resolution with reference to Petition No. 3482A—Parkgrove, Pelkey, Linnhurst and Schoenherr, vacated Lots 10 to 20, both inclusive, on the East of said alley and Lots 21 to 31, both inclusive, on the West of said alley. Since the hearing the owner of Lot 18 advised the Law Department that he has no other means to enter his garage except through the alley. The amended resolution will vacate only Lots 10 to 16, both inclusive, on the East of said alley and Lots 25 to 31, both inclusive, on the West of said alley.

The Resolution with reference to Petition No. 3484—Joann, Alcoy, Eastwood and East Seven Mile Road, referred to Lots 66, 68, 70 and 99 of the Assessors Plat, it should have referred to Lots 68, 69, 70 and 99 of the Assessors Plat.

The attached resolution reflects the above changes.

Respectfully submitted,
BEVERLY J. HAYES
 Supervising Assistant
 Corporation Counsel

Approved:

DONALD PAILEN
 Corporation Counsel

By Council Member Butler:

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 RESOLVED:

**PETITION NO. 126
CONVERSION TO EASEMENT OF
THE EAST/WEST ALLEY IN THE
BLOCK BOUNDED BY RENO, GRATIOT,
EASTWOOD AND FORDHAM 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 RENO, GRATIOT, EASTWOOD AND FORDHAM AVENUES, abutting Lots 347 to 366, both inclusive, on the North of said alley and Lots 320 to 338, both inclusive, the West 5.0 feet of Lot 339, and a twenty (20) foot wide North/South public alley, on the South of said alley in the PULCHER ESTATE SUBDIVISION of part of the Northwest ¼ of Section 12, Town 1 South, Range 12 East, in the City of Detroit, Wayne County, Michigan, as recorded in Liber 44, Page 76 of Plats, Wayne County Records;

**PETITION NO. 191
CONVERSION TO EASEMENT OF
THE EAST/WEST ALLEY IN THE
BLOCK BOUNDED BY SCHOENHERR,
GRATIOT, MAPLERIDGE AND PARK-
GROVE 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 SCHOENHERR, GRATIOT, MAPLERIDGE AND PARKGROVE AVENUES, abutting Lots 84 to 98, both inclusive, on the North of said alley, in the PULCHER ESTATE SUBDIVISION of part of the Northwest ¼ of Section 12, Town 1 South, Range 12 East, in the City of Detroit, Wayne County, Michigan, as recorded in Liber 44, Page 76 of Plats, Wayne County Records; Also, abutting Lots 1 to 15, both inclusive, on the South of said alley, in the GIRARD'S GROTTA PARK SUBDIVISION, of part of the Northwest ¼ of Section 12, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 51, Page 63 of Plats, Wayne County Records;

**PETITION NO. 319A
CONVERSION TO EASEMENT OF A
NORTH/SOUTH ALLEY AND AN EAST/
WEST ALLEY IN THE BLOCK
BOUNDED BY DREXEL, COPLIN,
CHANDLER PARK DRIVE AND LIN-
VILLE 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 DREXEL, COPLIN, CHANDLER PARK DRIVE AND LINVILLE AVENUES, abutting Lots 411 to 422, both inclusive, on the East of said alley and Lots 336 to 347, both inclusive, on the West of said alley, in the PARKSIDE MANOR SUBDIVISION, of the Rear Concession of P.C. 131, City of

Detroit, Wayne County, Michigan, as recorded in Liber 45, Page 53 of Plats, Wayne County Records; Also, an eighteen (18) foot wide alley, running in and East/West direction, abutting Lots 336 and 422, on the North of said alley, and Lots 333 to 335, 423 and 424, on the South of said alley, in the above mentioned PARKSIDE MANOR SUBDIVISION;

**PETITION NO. 656
CONVERSION TO EASEMENT OF
THE EAST/WEST ALLEY IN THE
BLOCK BOUNDED BY GREENFIELD,
PREST, W. McNICHOLS AND SANTA
MARIA AVENUES;**

That all that part of a twenty (20) foot wide section of public alley running in an East/West direction, in the block bounded by GREENFIELD, PREST, W. McNICHOLS AND SANTA MARIA AVENUES, abutting Lot 51 to the East line extended Northerly of Lot 61, on the South of said alley, and Lot 50, a twenty (20) foot wide North/South vacated public alley and the Westerly portion of Lot 124, on the North of said alley in the J. Lee Baker Company's Division Palmer Subdivision of the West half of the Southwest ¼ of The Southwest ¼ of Section 7, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 44 of Plats, Wayne County Records;

**PETITION NO. 3342
CONVERSION TO EASEMENT OF
THE EAST/WEST ALLEY IN THE
BLOCK BOUNDED BY FLANKERS,
LEROY, QUEEN AND HOUSTON-
WHITTIER AVENUES;**

That all that part of a twenty (20) foot wide section of public alley running in an East/West direction, in the block bounded by FLANDERS, LEROY, QUEEN AND HOUSTON-WHITTIER AVENUES, abutting Lots 328 to 365, both inclusive, on the North of said alley and Lots 307 to 327, both inclusive, on the South of said alley, in the MCGIVERIN-HALDEMAN'S CHALMERS SUBDIVISION #1, of part of Fractional Section 13, Town 1 South, Range 12 East, Gratiot Township, Wayne County, Michigan, as recorded in Liber 52, Page 51 of Plats, Wayne County Records; Also, abutting Lots 810 to 821, both inclusive, on the North of said alley and Lots 803 to 809, both inclusive, on the South of said alley in the PARK DRIVE SUBDIVISION NO. 2, of part of Fractional Section 13, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 52, Page 63 of Plats, Wayne County Records;

**PETITION NO. 3482A
CONVERSION TO EASEMENT OF
THE NORTH/SOUTH ALLEY IN THE
BLOCK BOUNDED BY PARKGROVE,**

PELKEY, LINNHURST AND SCHOENHERR 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 PARKGROVE, PELKEY, LINNHURST AND SCHOENHERR AVENUES, abutting Lots 10 to 16, both inclusive, on the East of said alley and Lots 25 to 31, both inclusive, on the West of said alley, in the ASSESSORS PLAT of part of the Northeast $\frac{1}{4}$ of Fractional Section 11, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 66, Page 54 of Plats, Wayne County Records;

PETITION NO. 3484

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY JOANN, ALCOY, EASTWOOD AND EAST SEVEN MILE ROAD;

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 JOANN, ALCOY, EASTWOOD AND EAST SEVEN MILE ROAD, abutting Lots 1 to 8, both inclusive, of the DELUX PARK SUBDIVISION, of subdivision of part of Lots 1 and 2 of the Private Plat of Lindenwood Farms Subdivision of the West 10 acres of the North 18 acres of the $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 11, Town 1 South, Range 12 East, and vacated East $\frac{1}{2}$ of Lindenwood Avenue, vacated alley and vacated Alcoy Avenue, Detroit, Wayne County, Michigan, as recorded in Liber 63, Page 15 of Plats, Wayne County Records; Also, abutting Lots 68, 69, 70 and 99, of the ASSESSOR'S PLAT of Lots 3 to 8, inclusive, Lot 10 and part of Lots 1 and 2, Plat of Lindenwood Farm Subdivision, recorded in Liber 1138 Page 509 of Deeds and part of the Northeast $\frac{1}{4}$ of Fractional Section 11, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 66, Page 53 of Plats, Wayne County Records; and abutting Lots 1 to 7, both inclusive, on the West of said alley in the SPORER'S SUBDIVISION, being a Resubdivision of Lot 9 of the Private Plat of Lindenwood Farm Subdivision of the West 10 Acres of the North 18 acres of the West $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 11, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 62, Page 20 of Plats, Wayne County Records;

Be and the same are hereby vacated as public alleys and 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 in a public alley in the City of Detroit, with the right to ingress or egress at any time to and over said easements for the purpose above set forth.

SECOND, said utility easements or right-of-ways in and over said vacated alleys 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 easements or right-of-ways. 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 or their heirs and assigns further agreed 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 easements, 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 con-

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struction 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 alleys or portions thereof, and other necessary parties, that the alleys or portions thereof have been vacated and converted into easements 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

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.

Law Department

May 10, 1991

Honorable City Council:

Re: Petition No. 3457 to Convert an Alley to an Easement (Previously listed as Petition No. 3347).

During the Public Hearing for conversion of alleys to easements held before the City Council on March 19, 1991, it was reported that there have been protests against the captioned petition for alley vacating. The Community and Economic Development Department withdrew the petition as a result.

The Community and Economic Development Department has investigated the above petition and has requested that this alley be vacated as originally requested on March 19, 1991.

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
Supv. Asst. Corp. Counsel

Approved:

DONALD PAILEN
Corporation Counsel

By Council Member Butler:

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 these alley vacations.

PETITION NO. 3457
(Previously No. 3347)

CONVERSION TO EASEMENT OF A NORTH/SOUTH AND AN EAST/WEST ALLEY IN THE BLOCK BOUNDED BY UNIVERSITY, HEREFORD, CHESTER AND HARPER AVENUES;

That all that part of an eighteen (18) foot wide section of public alley running in an North/South direction in the block bounded by HEREFORD, UNIVERSITY, CHESTER and HARPER AVENUES, abutting Lots 155 to 158, on the East of said alley and Lot 172, on the West of said alley, in the GREEN OAKS SUBDIVISION, of Lots 1 and 2 of J. Young's Subdivision of the Easterly part of the Rear Concession of P.C. 404 and of Lot #22 and part of Lot #21 of Geo. H. Prentis Subdivision of part of Rear Concession of Private Claim #122, Gratiot Township, Wayne County, Michigan, as recorded in Liber 49, Page 19 of Plats, Wayne County Records; Also, a twenty (20) foot wide alley, running in an East/West direction in the block bounded by HEREFORD, UNIVERSITY, CHESTER and HARPER AVENUES, abutting Lot 172, Lot 158, and a North/South eighteen (18) foot wide alley, on the North of said alley and Lots 161 to 171, both inclusive, and the West 11.64 feet of Lot 160, on the South of said alley, in the above mentioned Green Oaks Subdivision;

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