

S.73°15'29"W. **164.07 ft. (as measured)**; thence along the E'ly line of a 20 ft. public alley and the W'ly line of said Lots 23, 25, 27, 29, 31, 33, 35, **37 and 39**, S.21°06'56"E. **446.27 ft.** to the point of beginning. **Except the east 35.16 ft. of the west 68.58 ft. of said Lots 39 & 37 of "Charles F. Campaus Sub"**. Subject to all easements, restrictions or rights of record, including any rights of ingress or egress over the S'ly 6 ft. of the W'ly 103.74 ft. of said Lot 37.

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.

Nays — None.

**Department of Public Works  
City Engineering Division**

January 3, 2001

Honorable City Council:

Re: Petition No. 3884 — Kap's Wholesale Food Service, Inc., requesting closure of alley in the area of Adelaide, Riopelle, Division and Orleans.

Petition No. 3884 of "Kap's Wholesale Food Service, Inc." request conversion of the East-West public alley, 20 feet wide, in the block bounded by Division Street 50 feet wide, Adelaide Street, 50 feet wide, Riopelle Street, 77 feet wide, and Orleans Street, 50 feet wide, into a private easement for utilities.

The Detroit Fire Department approved the alley closure provided that access is maintained for firefighting purposes.

The request was approved by the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

If the petitioner at any time plans to discontinue use of paved alley entrance (into Riopelle and Orleans Streets), the petitioner shall pay all incidental removal cost.

All other city departments and private utility companies have reported no objections to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
SUNDAY JAIYESIMI  
City Engineer

City Engineering Division — DPW  
By Council Member K. Cockrel, Jr.:

Resolved, All that part of the East-West public alley, 20 feet wide, lying Northerly of and abutting the North line of lots 38 to 42, both inclusive, also lying Southerly of and abutting the South line of 57 to 53, both inclusive, being a portion of the alley Conveyed/Deeded to the City of Detroit May 22, 1951, J.C.C. Pg. 1248 and by

Recorders Court Files 444-1879, in a town plat of the farm of "Antoine Dequindre" assigned by deed of trust to Peter Desnoyer drawn up by Anson E. Hathon at the request of the parties interested. For the purpose of being recorded February 4th 1840 A.E. Hathon as recorded in Liber 10 Pages 715, 716 and 717, Wayne County Records, also all that part of the East-West public alley, 20 feet wide, lying Northerly of and abutting the North line of lots 33 to 31, both inclusive, also lying Southerly and abutting the South line of lots 36 to 34, both inclusive, being a portion of the alley Conveyed/Deeded to the City of Detroit by Recorders Court Files 444-1879, in the Plat of the Subdivision of the "Riopelle Farm" north of Gratiot Street Oct. 18th 1851 as recorded in Liber 45 Page 101 (Deeds);

Be and the same are hereby vacated as a public alley and is hereby converted into a private easement for public utilities 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, gasoline 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 task, 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

