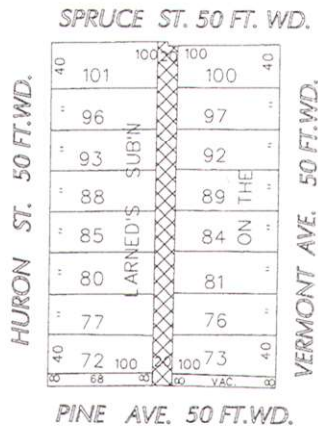


PETITION NO. 752  
 TAKTIX SOLUTIONS, LLC  
 211 W. FORT STREET, SUITE 720  
 DETROIT, MICHIGAN 48228  
 C/O MICHELLE GILBERT  
 PHONE NO. 313 961 9446



- CONVERT TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 19 F

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DESCRIPTION		SEWN	CHGD	APPD.	DATE	REQUEST CONVERSION TO EASEMENT			CITY OF DETROIT		
DRAWN BY		REVISIONS		CHECKED		THE 20 FOOT WIDE NORTH/SOUTH ALLEY			CITY ENGINEERING DEPARTMENT		
DATE		APPROVED				IN THE AREA BOUND BY			SURVEY BUREAU		
12-22-10						SPRUCE, VERMONT, PINE AND HURON			JOB NO. 01-01		
									DRWG. NO. X752.dgn		

Adopted as follows:  
 Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 9.  
 Nays — None.

**Department of Public Works  
 City Engineering Division**  
 April 28, 2011

Honorable City Council:  
 Re: Petition No. 744 — Kap's Wholesale Food Services, Inc., request to close a portion of Maple Street within the triangular block of Maple, Russell and Gratiot.

Petition No. 744 of "Kap's Wholesale Foods, Inc." request the conversion of a portion of Maple Street, 50 feet wide, between Gratiot Avenue, 120 feet wide, and Russell Avenue, 50 feet wide, into a private easement for utility companies.

This request will facilitate better security for receipt, staging, and out-of-town truck trailers to Kap's Wholesale Food buildings.

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.

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

I am recommending adoption of the attached resolution.

Respectfully submitted,  
 RICHARD DOHERTY  
 Head Engineer  
 City Engineering Division — DPW

By Council Member Brown:

Resolved, All that part of Maple Street, 50 feet wide, between Gratiot Avenue, 120 feet wide, and Russell Avenue, 50 feet wide, lying Southerly of and abutting the South line of Lots 163 through 168, both inclusive, and lying Northerly of and abutting the North Line of Lots 161 through 154, both inclusive, and (vacated) Rivard Street, 50 feet wide, all in the "Plat of that part of Claim No. 181 North Jefferson Avenue for the Heirs of Antoine Rivard as Subdivided into Lots" April 19, 1841 as recorded in Liber 12, Page 348-51, City Records, Wayne County Records; Also lying Southerly of and abutting the South line of Lots 171 through 174, both inclusive, and lying Northerly of and abutting the North line of Lots 170 through 167, both inclusive, and the West 12.00 feet of Lot 166 all in the "Cass Subdivision of Part of the Mullett Farm in the City of Detroit" January 22, 1857, as recorded in Liber 1, Page 6, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a private easement for public utilities of the full width of the street, 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 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 street 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 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 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 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 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, shall be built or placed upon said easements, nor change of surface grade made, without prior approval of the City Engineering Division — DPW,

Fourth, That if the owners of any lots abutting on said vacated street 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 said owners 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 said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and further

Provided, That an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and be it further

Provided, That free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and be it further

Provided, That the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

Provided, That said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be made within said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

