

October 22, 2002

Honorable City Council:

RE: Petition No. 475 – Kap’s Wholesale Foods, et. al., for conversion of alley to easement in the area of Alfred, Orleans, Division and Riopelle.

Petition No. 475 of “Kap’s Wholesale Foods, et. al.”, request the conversion of the east and west open public alley, 10 and 20 feet wide, in the block bounded by Alfred Street, 50 feet wide, Division Street, 50 feet wide, Riopelle Street, 77 feet wide, and Orleans Street, 50 feet wide into a private easement for utilities.

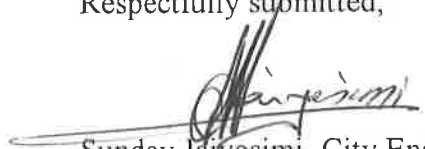
The request was approved by the Solid Waste Division – DPW, and the Traffic Engineering Division – DPW. The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

If the petitioner at any time plans to discontinue use of the paved alley return 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 Jayesimi, City Engineer  
City Engineering Division – DPW

NRP/

Cc: Ulysses Burdell, Interim Deputy Director – DPW  
Mayor’s Office – City Council Liaison  
James D. Foster, Supervisor of Maps and Records

BY COUNCIL MEMBER: \_\_\_\_\_

RESOLVED, All that part of the East – West public alley, 10 and 20 feet wide, lying Northerly of and abutting the North line of Lots 43 through 45, both inclusive, and lying Southerly of and abutting the South line of Lots 46 through 48, both inclusive, in the “Plat of the Subdivision of the Riopelle Farm North of Gratiot Street October 18<sup>th</sup> 1851” as recorded in Liber 45 Page 101, Deeds, Wayne County Records, also lying Northerly of and abutting the North line of Lots 19 through 21, both inclusive, and lying Southerly of and abutting the South line of Lots 16 through 18, both inclusive, in the “L. Schulte’s Heirs Subdivision of the West 3 acres of Lot 7 A. Dequindre Farm” as recorded in Liber 1 Page 209, Plats, Wayne County Records, also lying Northerly of and abutting the North line of Lots 39 through 41, both inclusive, and lying Southerly of and abutting the South line of Lots 36 through 38, both inclusive, in the “Wien’s Subdivision of Part of Outlot 7 Dequindre Farm” as recorded in Liber 4 Page 49, Plats, Wayne County Records (Deeded to the City of Detroit on June 5, 1880);

Be and the same is 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, 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, retaining or partition walls, shall be built or placed upon said easement, 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 alley 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

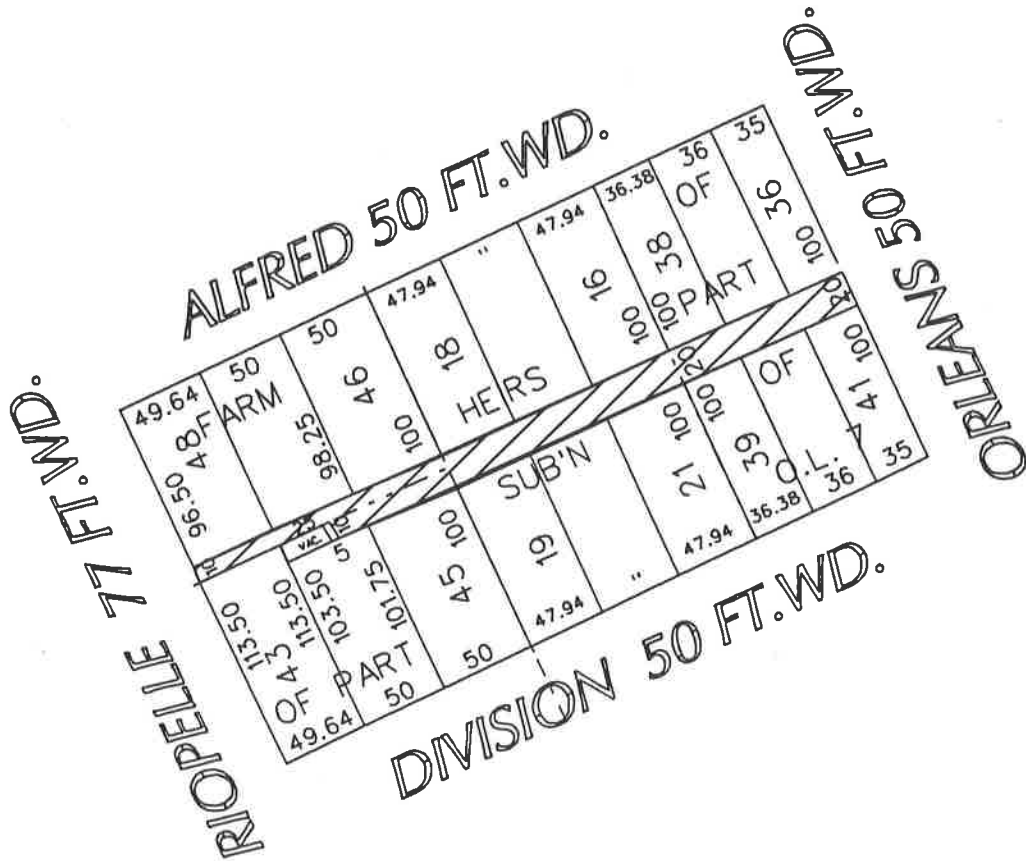
PROVIDED, That if it becomes necessary to remove the paved return at the entrance (into Riopelle and Orleans Streets), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the abutting owner(s), their heir or assigns; and be it further

PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds; and further

RESOLVED, The Planning and Development Department Director is hereby authorized to issue quit-claim deeds to transfer the following vacated public rights-of-way for the fair market value and/or other valuable consideration:

Land in the City of Detroit, Wayne County, Michigan being the south 10.00 feet of Lots 48 through 46, both inclusive, and the North 10.00 feet of Lots 44 and 45, of "Plat of Subdivision of the Riopelle Farm North of Gratiot Street October 18<sup>th</sup> 1851" as recorded in Liber 45 Page 101, Deeds, Wayne County Records, also the South 10.00 feet of Lots 18 through 16, both inclusive, and the North 10.00 feet of Lots 21 through 19, both inclusive, of "L. Schulte's heirs Subdivision of the West 3 acres of Lot 7A Dequindre Farm" as recorded in Liber 1 Page 209, Plats, Wayne County Records, also the South 10.00 feet of Lots 38 through 36, both inclusive, and the North 10.00 feet of Lots 41 through 39 of "Wien's Subdivision of Part of Outlot 7 Dequindre Farm" as" recorded in Liber 4 Page 49, Plats, Wayne County Records (said part of lots having been deeded to the City of Detroit for alley purposes on June 5, 1880); subject to a private easement for public utilities.

**PETITION NO. 475**  
**KAP'S WHOLESALE FOOD ET. AL**  
**2630 RIOPELLE**  
**c/o ALBERT CALLEWAERT**  
**PHONE NO. 586-907-4201**



- REQUESTED CONVERSION TO EASEMENT

CARTO 39-D

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED			
6-11-02					

REQUESTED CONVERSION TO EASEMENT THE EAST-WEST  
 OPEN PUBLIC ALLEY IN THE BLOCK BOUNDED BY ORLEANS,  
 RIOPELLE, ALFRED AND DIVISION.

<b>CITY OF DETROIT</b> CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x475.dgn