



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVE. SUITE 601
DETROIT, MICHIGAN 48226
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September 27, 2019

RE: Petition No. 454 — Detroit Department of Public Works City Engineering Division, request to vacate Brooklyn Avenue 50 feet wide, from north line Temple Avenue, 50 feet wide, to the south of Elm Street, 50 feet wide, with reservations of easements in parts of vacated area.

The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The request is being made so that Detroit Entertainment, L.L.C. d/b/a MotorCity Casino Hotel can construct an expansion to existing parking structure on the west side of Brooklyn Street between Elm Street, 50 feet wide, and Temple Street, 50 feet wide.

The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW, and City Engineering - DPW.

Detroit Water and Sewerage Department (DWSD) has no objection to the reservation of easement and outright vacation. The specific DWSD provisions for easements and vacations are included in the resolution.

DTE Energy reports having services in the area. Provisions to maintain access to DTE facilities in the easement area; and to pay for the removal work for the vacation is a part of the resolution.

Detroit Fire Department (DFD) reports involvement but no objection provided Detroit Entertainment, L.L.C. d/b/a MotorCity Casino Hotel maintains emergency vehicle access to all existing building structures and hydrants.

All other involved City Departments, and privately owned utility companies have reported no objections to the outright vacation of the public right-of-way, and the reservation of part of the public right-of-way for a private easement for public utilities. Provisions protecting utility installations are part of the attached resolution.



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I am recommending adoption of the attached resolution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Doherty". The signature is written in a cursive style and is positioned above the printed name.

Richard Doherty, P.E., City Engineer
City Engineering Division – DPW

/JD-JK

Cc: Ron Brundidge, Director, DPW
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER _____

RESOLVED, for the vacation, subject only to a reservation of easements as set forth below, of all of the following parts of Brooklyn Avenue in the City of Detroit, Wayne County, Michigan further described as (and elsewhere herein referred to as the "Reserved Easement Area"):

The following part of Brooklyn Avenue, 50 feet wide, from north line of Temple Avenue, 50 feet wide, to the south line of Elm Street, 50 feet wide: the east 45 feet of Brooklyn Avenue lying east of and adjoining the west line of lots 3 through 6 and the south 4.19 feet of lot 7 of PROUTYS SUBDIVISION LIBER 1, PAGE 260 PLATS, WAYNE COUNTY RECORDS; also the east 32 feet of Brooklyn Avenue lying west of and adjoining lots 8 through 12, and the north 35.81 feet of lot 7 of PROUTYS SUBDIVISION LIBER 1, PAGE 260 PLATS, WAYNE COUNTY RECORDS; and bounded on the south by Temple Avenue, 50 feet wide, and Elm Street, 50 feet wide.

Also described as:

THAT PART OF BROOKLYN AVENUE (50 FEET WIDE) MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF LOT 19 OF SUBDIVISION OF OUTLOTS 13, 14, 15, AND 16 OF BAKER FARMS, LIBER 1, PAGE 285, POINT ALSO BEING THE INTERSECTION OF THE SOUTH LINE OF ELM STREET (50 FEET WIDE) AND THE WEST LINE OF BROOKLYN AVENUE; THENCE N66°21'50"E, 18.00 FEET TO THE POINT OF BEGINNING; THENCE N.66°21'50"E, 3.23 FEET; THENCE N20°21'18"E, 41.43 FEET TO THE NORTHWEST CORNER OF LOT 10 OF PROUTY'S SUBDIVISION OF BLOCKS 17 AND 21, LABROSSE AND BAKER FARMS SOUTH OF GRAND RIVER ROAD, LIBER 1 OF PLATS, PAGE 260; THENCE S23°38'10" E, 507.01 FEET ALONG THE EAST LINE OF BROOKLYN AVENUE TO THE SOUTHWEST CORNER OF LOT 3 OF SAID PROUTY'S SUBDIVISION, POINT ALSO BEING THE INTERSECTION OF THE EAST LINE OF SAID BROOKLYN AVENUE AND THE NORTH LINE OF TEMPLE AVENUE (50 FEET WIDE); THENCE S66°14'02"W, 45.00 FEET ALONG SAID NORTH LINE; THENCE N23°38'10"W, 183.18 FEET; THENCE N66°21'50"E, 13.00 FEET; THENCE N23°38'10"W, 294.13 FEET TO THE POINT OF BEGINNING.

Be and the same are hereby vacated as a public right-of-way to become part and parcel of the abutting property but subject only to (1) a reservation in a portion of the Reserved Easement Area of a non-exclusive Pedestrian Access Easement as elsewhere herein set forth and (2) reservation of non-exclusive private easements for public utilities of the full width of said vacated Reserved Easement Area,, which Reserved Easement Area 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 Reserved Easement Area and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby reserve to and for the use of the public an easement over said Reserved Easement Area for the purposes of maintaining, installing, repairing, removing, or replacing the existing 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 right-of-way in the City of

Detroit, with the right to ingress and egress on reasonable advance notice at any time to and over said Reserved Easement Area for the purpose above set forth, subject to the obligations as set forth in Section 2 immediately below,

Second, said public utility easement in and over said Reserved Easement Area 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, on reasonable advance notice and as set forth below, any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the Reserved Easement Area. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress on reasonable advance notice 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 shall not unreasonably interfere with said owner's use of said Reserved Easement Area and/or said driveways and yards of the adjoining properties, and that any property damaged by the utility companies 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 (except necessary line fences or gates), shall be built or placed upon said Reserved Easement Area, 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 Reserved Easement Area 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 Reserved Easement Area 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

Provided, that the abutting property owners maintain, for DTE Energy, full access to its facilities located in the Reserved Easement Area at all times and that free and easy access to the DTE facilities is reserved for DTE 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 DTE facilities, in accordance with Section 2 above, and further

Provided, that an easement over the Reserved Easement Area 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, in accordance with Section 2 above, 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 Reserved Easement Area 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, in accordance with Section 2 above; 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, including porches, patios, balconies, etc., shall be built upon or over said Reserved Easement Area, or that no grade changes or storage of materials shall be made within said Reserved Easement Area without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

Provided, that if any time in the future, the owners of any lots abutting on said vacated right-of-way shall request the removal and/or relocation of the aforementioned utilities in said Reserved Easement Area, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said Reserved Easement Area shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for all costs incident to the repair of such broken or damaged sewers and water mains, and shall also be liable for damages directly resulting from said action; and be it further

Provided, that the public utility easements hereby reserved are non-exclusive, and said petitioner/property owner retains the right to utilize the Reserved Easement Area, improve the Reserved Easement Area, and grant third parties rights to utilize the Reserved Easement Area, so long as the foregoing actions do not materially interfere with the public utility easement rights reserved above in the Reserved Easement Area; and be it further

RESOLVED, for the outright vacation, subject only to a reservation of a non-exclusive Pedestrian Access Easement as set forth below, of the following parts of Brooklyn Avenue in the City of Detroit, Wayne County, Michigan further described as (and elsewhere herein referred to as the "Outright Vacated Area"):

The following part of Brooklyn Avenue, 50 feet wide, from north line of Temple Avenue, 50 feet wide, to the south line of Elm Street, 50 feet wide: the west 5 feet of Brooklyn Avenue lying east of and adjoining the east line of lots 5 through 7 and the south 13.19 feet of lot 8 of SUBDIVISION OF OUTLOTS 13 THROUGH 16 BAKER FARM LIBER 1, PAGE 285 PLATS WAYNE COUNTY RECORDS; also the west 18 feet of Brooklyn Avenue lying east of and adjoining lots 17 through 19, and the north 65.81 feet of lot 8 of SUBDIVISION OF OUTLOTS 13 THROUGH 16 BAKER FARM LIBER 1, PAGE 285 PLATS WAYNE COUNTY RECORDS; and bounded on the south by Temple Avenue, 50 feet wide, and Elm Street, 50 feet wide.

Also described as:

THAT PART OF BROOKLYN AVENUE (50 FEET WIDE) MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF LOT 19 OF

SUBDIVISION OF OUTLOTS 13, 14, 15, AND 16 OF BAKER FARMS, LIBER 1, PAGE 285, POINT ALSO BEING THE INTERSECTION OF THE SOUTH LINE OF ELMS STREET (50 FEET WIDE) AND THE WEST LINE OF BROOKLYN AVENUE; THENCE N66°21'50"E, 18.00 FEET; THENCE S23°38'10"E, 294.13 FEET; THENCE S66°21'50"W, 13.00 FEET; THENCE S23°38'10"E, 183.18 FEET TO A POINT ON THE NORTH LINE OF TEMPLE AVENUE (50 FEET WIDE); THENCE S66°14'02"W, 5.00 FEET ALONG SAID NORTH LINE TO THE SOUTHEAST CORNER OF LOT 5 OF SUBDIVISION OF OUTLOTS 13, 14, 15, AND 16 OF BAKER FARMS, LIBER 1, PAGE 285, POINT ALSO BEING THE INTERSECTION OF THE NORTH LINE OF SAID TEMPLE AVENUE AND THE WEST LINE OF SAID BROOKLYN AVENUE; THENCE N23°38'10"W, 477.32 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

Be and the same is hereby vacated (outright) as public right-of-way to become part and parcel of the abutting property, subject only to (1) reservation in a portion of the Outright Vacated Area of a non-exclusive Pedestrian Access Easement as elsewhere herein set forth and (2) the following provisions:

Provided, that petitioner/property owner make satisfactory arrangements with any and all utility companies and city departments for the needed removal and/or relocation of the utility companies' and city departments' existing facilities from the Outright Vacated Area into the Reserved Easement Area, with the cost borne by the petitioner, and further

Provided, that the petitioner make the necessary arrangements with DTE Energy for the needed removal and relocation of DTE Energy's existing facilities from the Outright Vacated Area into the Reserved Easement Area, and miscellaneous associated work, with the cost borne by the petitioner, and further

Provided, that the petitioner make the necessary arrangements with AT&T for the needed removal and relocation of AT&T's existing facilities from the Outright Vacated Area into the Reserved Easement Area, and miscellaneous associated work, with the cost borne by the petitioner, if necessary, and further

Provided, that the petitioner shall design and construct, within the Reserved Easement Area, the sewers needed in connection with this vacation of right of way, and shall make the needed connections to the existing public sewers as required by Detroit Water and Sewerage Department (DWSD) in connection with construction of those new sewers and further

Provided, that the plans for those new sewers shall be prepared by a registered engineer, and further

Provided, that DWSD be and is hereby authorized to review the drawings for those proposed sewers and to issue permits for the construction of those sewers, and further

Provided, that the entire work regarding those sewers is to be performed in accordance with plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD, and further

Provided, that the entire cost of that proposed sewers construction, including inspection, survey and engineering, shall be borne by the petitioner, and further

Provided, that the petitioner shall deposit with DWSD, in advance of that engineering, inspection and survey, such amounts as the department reasonably deems necessary to cover the costs of these services, and further

Provided, that, recognizing that these resolutions contain a satisfactory reservation of easement for the sewers in the Reserved Easement Area, and further

Provided, that the Board of Water Commissioners shall accept the easement so reserved in the Reserved Easement Area on behalf of the City, and further

Provided, that the petitioner shall provide a one (1) year warranty for the above proposed new sewers, and further

Provided, that upon satisfactory completion, those sewers shall become City property and become part of the City system, and any existing sewers in the Outright Vacated Area that were abandoned in connection with this vacation of right of way shall belong to the petitioner and will no longer be the responsibility of the City, if applicable, and further

Provided, that any construction occurring pursuant to these resolutions that takes place in the public rights-of-way such as curbs and sidewalks 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 further

RESOLVED, that a non-exclusive pedestrian access easement as set forth below is reserved in the following parts of Brooklyn Avenue in the City of Detroit, Wayne County, Michigan described as (and elsewhere herein referred to as the “Public Pedestrian Easement Area”):

The following part of Brooklyn Avenue, 50 feet wide, from the North line of Temple Avenue, 50 feet wide, to the South line of Elm Street, 50 feet wide: BEGINNING AT THE NORTHEAST CORNER OF LOT 19 OF SUBDIVISION OF OUTLOTS 13, 14, 15, AND 16 OF BAKER FARMS, LIBER 1, PAGE 285, POINT ALSO BEING THE INTERSECTION OF THE SOUTH LINE OF ELM STREET (50 FEET WIDE) AND THE WEST LINE OF BROOKLYN AVENUE; THENCE N66°21'50"E, 21.23 FEET; THENCE N20°21'18"E, 41.43 FEET TO THE NORTHWEST CORNER OF LOT 10 OF PROUTY'S SUBDIVISION OF BLOCKS 17 AND 21, LABROSSE AND BAKER FARMS SOUTH OF GRAND RIVER ROAD, LIBER 1 OF PLATS, PAGE 260; THENCE S23°38'10"E, 9.73 FEET ALONG THE EAST LINE OF BROOKLYN AVENUE; THENCE S27°52'29"W., 40.66 FEET; THENCE S66°21'50"W, 18.17 FEET TO A POINT ON THE WEST LINE OF SAID BROOKLYN AVENUE; THENCE N23°38'10"W, 5.23 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

Be and the same are hereby subject to a non-exclusive easement for public pedestrian access over the Public Pedestrian Easement Area, subject to the following covenants and agreements, usage, reservations, and regulations, forever to wit:

First, said owner hereby reserves to and for the use of the public an easement, over said Public Pedestrian Easement Area, for the sole purpose of pedestrian access (the "Pedestrian Access Easement"), and further

Second, said owner, for its heirs and assigns, further agrees that no buildings or structures of any nature whatsoever, including, but not limited, retaining or partition walls, shall be built upon said Public Pedestrian Easement Area without prior approval of the City Engineering Division – DPW, and be it further

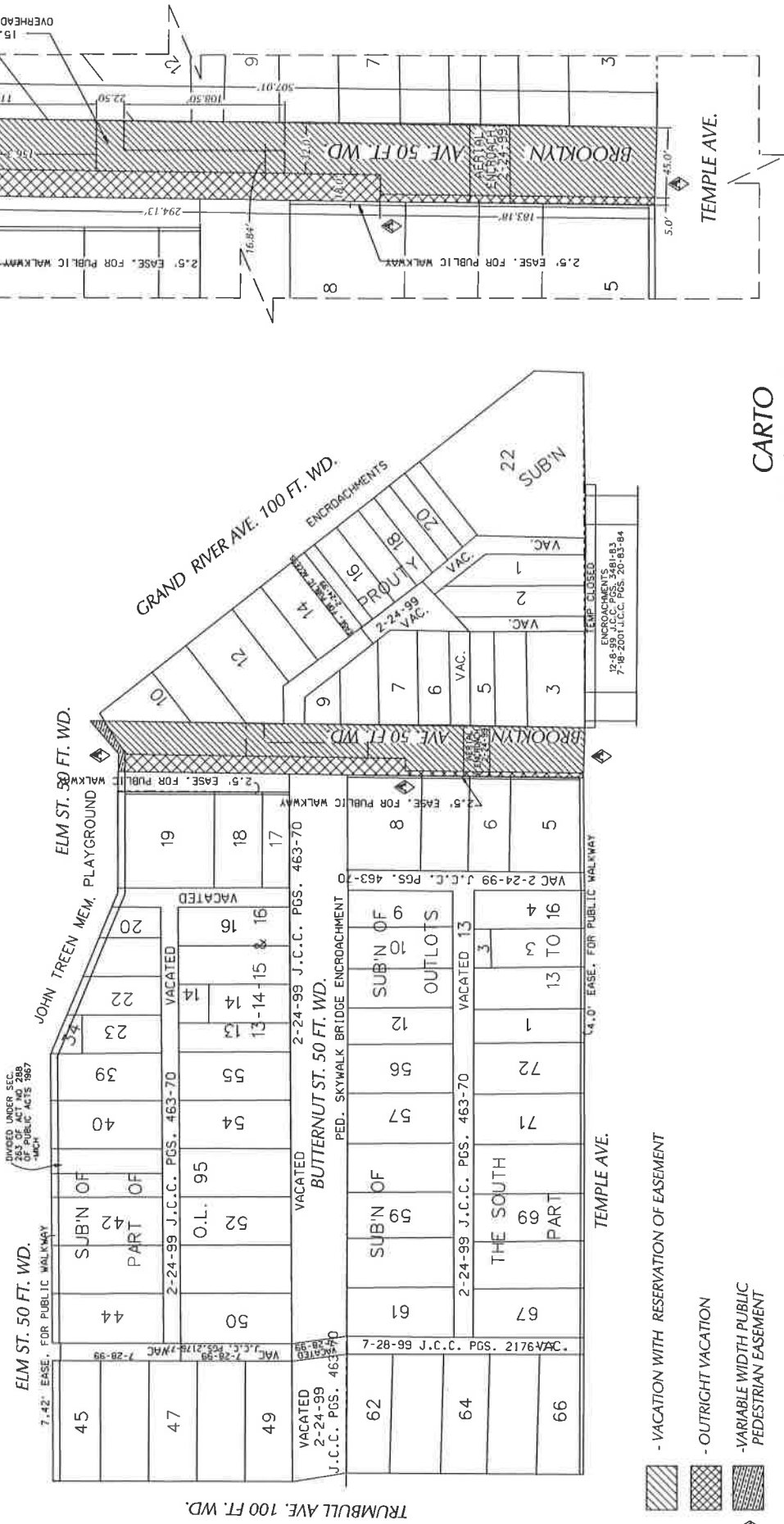
Provided, that the Pedestrian Access Easement hereby reserved is non-exclusive, and said petitioner/property owner retains the right to utilize the Public Pedestrian Easement Area, improve the Public Pedestrian Easement Area, and grant third parties rights to utilize the Public Pedestrian Easement Area, so long as the foregoing actions do not materially interfere with the public's right for pedestrian access reserved above in the Public Pedestrian Easement Area, and be it further

Provided, That the City Clerk shall within 30 days record a certified copy of these resolutions with the Wayne County Register of Deeds.

PETITION NO. 454
 DETROIT ENTERTAINMENT LLC d/b/a MOTOR CITY CASINO HOTEL
 (C/O GIFFELS WEBSTER)
 28 W. ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 MICHAEL MARKS
 PHONE NO. (313) 962-4442



REVISION - A -



- VACATION WITH RESERVATION OF EASEMENT
- OUTRIGHT VACATION
- VARIABLE WIDTH PUBLIC PEDESTRIAN EASEMENT

CARTO
 29 C & 29 D

- REQUEST TO OUTRIGHT VACATE THE WESTERN (VARIABLE WIDTH) OF BROOKLYN ST. LOCATED BETWEEN THE SOUTHERN LINE OF ELM ST. AND THE NORTHERN LINE OF TEMPLE ST.
- REQUEST FOR VACATION WITH RESERVATION OF EASEMENT FOR THE EASTERN (VARIABLE WIDTH) OF BROOKLYN ST. LOCATED BETWEEN THE SOUTHERN LINE OF ELM ST. AND THE NORTHERN LINE OF TEMPLE ST.
- REQUEST FOR VARIABLE WIDTH PUBLIC PEDESTRIAN EASEMENT

B		CITY OF DETROIT	
A		CITY ENGINEERING DIVISION	
DESCRIPTION		SURVEY BUREAU	
DATE	DATE	JOB NO.	01-01
REVISIONS	DATE	DRWG. NO.	X 454
DRAWN BY SA	CHECKED KSM		
DATE 02-27-19	APPROVED		