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February 13, 2025

Detroit City Council
1340 Coleman A. Young Municipal Center
Detroit, MI 48226

RE: Approval to receive donation of property located at 1450 E McNichols

Honorable City Council:

The City of Detroit, by and through its Department of Public Works (“DPW”), has negotiated a property donation from Modern Asset, LLC, a Michigan limited liability company (the “Donor”), on certain real property located at 1450 E McNichols, Detroit, MI 48203, as more particularly described in the attached Exhibit A (the “Property”). The Property is a long but narrow strip of land south of E- McNichols Road and immediately adjacent to Interstate 75, currently occupied by two billboards and some trees. As part of the anticipated donation, Donor would retain the operation of the billboards located on the Property through an easement agreement that would be signed at the closing. As part of the arrangement negotiated with Donor, the City would pay the closing costs to acquire the property, including Donor’s legal fees to negotiate the land donation and related easement agreement.

The City proposes to use the Property as part of the Joe Louis Greenway. The Property connects to adjacent City-owned property and will allow for the construction of an off-street pedestrian bridge that crosses the existing railway immediately to the west of the Property.

We request that your Honorable Body adopt the attached resolution to (1) issue findings and declarations consistent with Chapter 2, Article VI of the Detroit City Code with respect to environmental assessments of the Property, (2) approve the acceptance of the donation of the Property, and (3) authorize the execution of such documents as may be necessary or convenient to effect the acceptance of the donation of the Property, including an easement agreement whereby Donor will have the right to access and operate the billboards and related structures.

Respectfully submitted,


Ron Brundidge
Director of DPW

cc: Gail Fulton, Mayor’s Office

MICHAEL DUGGAN, MAYOR

RESOLUTION

BY COUNCIL MEMBER _____

WHEREAS, the City of Detroit, through its Department of Public Works (“**DPW**”), wishes to acquire certain real property commonly known as 1450 E McNichols, Detroit, MI 48203, as more particularly described in the attached Exhibit A (the “**Property**”) from Modern Asset, LLC, a Michigan limited liability company (“**Donor**”); and

WHEREAS, the acquisition of the Property will allow DPW to construct an elevated pedestrian bridge connecting critical portions of the Joe Louis Greenway east and west of Interstate-75; and

WHEREAS, Donor has agreed to donate the Property to the City on the condition that Donor be granted easements to continue to operate two billboards and related structures in locations currently existing on the Property and that the City pay the costs of Donor to transfer the Property to the City, including attorneys costs; and

WHEREAS, in accordance with Chapter 2, Article 6, Section 3 of the 2019 Detroit City Code, except as otherwise provided in the 2019 Detroit City Code, the City of Detroit is required to receive an environmental inquiry and, where necessary, an environmental assessment prior to the purchase of real property; and

WHEREAS, the City of Detroit, through its Building, Safety Engineering, and Environmental Department (“**BSEED**”), conducted an environmental inquiry into the Property and obtained that certain Phase I Environmental Site Assessment for 1450 E McNichols, dated October 9, 2024, and that certain Phase II Environmental Site Assessment and Baseline Environmental Assessment, dated December 20, 2024, each prepared by NTH Consultants, Ltd. (the “**Environmental Assessments**”) conducted in accordance with current ASTM standards, and in accordance with the requirements of the 2019 Detroit City Code; and

WHEREAS, the City of Detroit, through BSEED, has reviewed the Environmental Assessment of the Property and conducted further investigation of the Property, and found that, despite the presence of environmental contamination at the Property such contamination does not pose an unacceptable risk based on the proposed use of the property; and

WHEREAS, the Property has received appropriate environmental inquiry and assessment in accordance with the review referred to in the preceding paragraphs, as required pursuant to Chapter 2, Article 6, Section 3 of the 2019 Detroit City Code.

WHEREAS, the City of Detroit, through the Law Department, has determined that, notwithstanding the presence of environmental contamination identified by BSEED, the Property is not likely to cause the City of Detroit to incur liability under the environmental laws of the State of Michigan or the United States, or otherwise incur response costs given the proposed use of the Property.

THEREFORE IT IS HEREBY RESOLVED, that this Honorable Body hereby determines and declares, in accordance with Chapter 2, Article 6, Section 3 of the Detroit City Code: (1) the Property received appropriate environmental inquiry and assessment in accordance with the review referred to in the preceding paragraphs; (2) despite the presence of environmental contamination at the property, acquisition of the Properties is necessary to promote the health, safety and welfare of the public and such acquisition does not pose an unacceptable risk based upon the proposed use of the Properties if appropriate response actions are taken to meet due care obligations; (3) the preservation of the public health, safety, welfare or good outweighs the cost of the environmental inquiry and assessment and, therefore, waives the requirement that the seller bear the cost of the environmental inquiry and assessment; and (4) the City shall submit a Baseline Environmental Assessment to EGLE and undertake response actions to mitigate any unacceptable risks with strict adherence to the Michigan Department of Energy, Great Lakes and the Environment (“EGLE”) regulations and will develop a Plan for Due Care and Operations, Maintenance and Monitoring plan to assure that environmental hazards are addressed prior to and in conjunction with development as soon as the city takes on ownership; and be it further

RESOLVED, that the acceptance of the donation of the Property by Modern Asset, LLC, a Michigan limited liability company, is hereby approved; and be it further

RESOLVED, that the Director of DPW, or their authorized designee, be and is hereby authorized (1) to accept and record deeds granting title to the Property to the City of Detroit, (2) to grant an easement to Donor, granting Donor a perpetual right to (a) construct, operate, maintain, repair and replace the billboards and related structures located on the Property, (b) use the Property for ingress and egress to access said billboards, (c) install and maintain utility services to said billboards, and (d) maintain landscaping between the billboards and Interstate-75 for maintain visibility of said such billboards, (3) to accept, execute and/or deliver any such other documents as may be necessary or convenient, to affect the transfer of the Property from Donor to the City of Detroit, and (4) to pay the cost of recording any deeds granting title to the Property to the City of Detroit and such other necessary and customary closing costs payable in connection with the acquisition of the Property estimated to be approximately \$3,000, including attorneys fees legal costs of Donor related to the transaction up to \$50,000 from Appropriation No. 21117, being the Joe Louis Greenway Development Fund, which has been previously appropriated for the specific purpose of supporting the construction and development of the Joe Louis Greenway; and further and be it finally

RESOLVED, that upon acquisition of the Property from Donor, the Property shall be placed under the jurisdiction of DPW for use, operation, and future development in connection with the Joe Louis Greenway; and be it further

RESOLVED, that the Director of DPW, or their authorized designee, is authorized to execute any required instruments to make and incorporate technical amendments or changes to the deed (including but not limited to corrections to or confirmations of legal descriptions, or timing of tender of possession of particular parcels) in the event that changes are required to correct minor inaccuracies or are required due to unforeseen circumstances or technical matters that may arise

prior to the transfer of the Property, provided that the changes do not materially alter the substance or terms of the transfer.

EXHIBIT A

LEGAL DESCRIPTION

Property situated in the City of Detroit, Wayne County, Michigan, described as follows:

PARCEL 1:

PARCEL A:

All that part of the fractional Northeast 1/4 of Section 13, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, described as: Commencing at the Northeast corner of fractional Section 13, thence South 86 degrees 24 minutes 17 seconds West 361.23 feet along the North line of fractional Section 13, thence South 26 degrees 38 minutes 33 seconds East 918.79 feet to the intersection of the Westerly right-of-way line of Dequindre Avenue (66 feet wide) and the North line of the Ten Thousand Acre Tract; thence South 63 degrees 14 minutes 26 seconds West a distance of 1098.01 feet along the North line of said Ten Thousand Acre Tract which is also the Northerly right-of-way line of Detroit Terminal Railroad Company to the point of beginning on the Westerly right-of-way line of Interstate Highway 75; thence continuing South 63 degrees 14 minutes 26 seconds West a distance of 186.81 feet, along said North line of the Ten Thousand Acre Tract, thence North 31 degrees 02 minutes 33 seconds West a distance of 730.56 feet; thence South 63 degrees 28 minutes 35 seconds West a distance of 17.05 feet; thence North 31 degrees 02 minutes 33 seconds West a distance of 66.20 feet; thence North 63 degrees 28 minutes 35 seconds East a distance of 17.05 feet; thence North 31 degrees 02 minutes 33 seconds West a distance of 628.87 feet to the Southerly right-of-way and no access line of McNichols Road; thence South 86 degrees 17 minutes 06 seconds East a distance of 139.02 feet along said Southerly right-of-way and no access line of McNichols Road to the Westerly right-of-way and no access line of McNichols Road to the Westerly right-of-way line of Interstate Highway 75; thence South 33 degrees 11 minutes 15 seconds East a distance of 593.30 feet, along said Westerly right-of-way line of Interstate Highway 75; thence South 34 degrees 45 minutes 37 seconds East a distance of 769.06 feet along said Westerly right-of-way line of Interstate Highway 75 to the point of beginning. Excepting therefrom that part described as: Commencing at the Northeast corner of fractional Section 13, thence South 86 degrees 24 minutes 17 seconds West 361.23 feet along the North line of fractional Section 13, thence South 26 degrees 38 minutes 33 seconds East 918.79 feet to the intersection of the Westerly right-of-way line of Dequindre Avenue (66 feet wide) and the North line of the Ten Thousand Acre Tract; thence South 63 degrees 14 minutes 26 seconds West a distance of 1098.01 feet along the North line of said Ten Thousand Acre Tract, which is also the Northerly right-of-way line of the Detroit Terminal Railroad Company; thence continuing South 63 degrees 14 minutes 26 seconds West a distance of 186.81 feet along said North line of the Ten Thousand Acre Tract; and thence North 31 degrees 02 minutes 33 seconds West a distance of 153.78 feet to the point of beginning; thence South 82 degrees 43 minutes 03 seconds East a distance of 30.81 feet; thence Easterly along the arc of a 1156.92 feet radius curve to the left a distance of 191.48 feet (chord bearing South 87 degrees 27 minutes 32 seconds East, a distance of 191.26 feet); thence North 34 degrees 45 minutes 37 seconds West a distance of 35.79 feet; thence Westerly along the arc of a 1126.92 feet radius curve to the right a distance of 167.25 feet (chord

bearing North 86 degrees 58 minutes 09 seconds West, a distance of 167.10 feet); thence North 82 degrees 43 minutes 03 seconds West a distance of 54.53 feet; thence South 31 degrees 02 minutes 33 seconds East a distance of 38.24 feet to the point of beginning.

PARCEL C:

An easement for ingress and egress, in, over, and upon the Detroit Terminal Railroad right-of-way described as follows: A parcel of land situated and being in 1/4 Section 3 of the Ten Thousand Acre Tract, Town 1 South, Range 11 East, in the Township of Hamtramck, now City of Detroit, County of Wayne, State of Michigan, more particularly described as follows: Commencing at the Northeast corner of fractional Section 13, thence South 86 degrees 24 minutes 17 seconds West 361.23 feet along the North line of fractional Section 13, thence South 26 degrees 38 minutes 33 seconds East 918.79 feet to the intersection of the Westerly right-of-way line of Dequindre Avenue (66 feet wide) and the North line of the Ten Thousand Acre Tract; thence South 63 degrees 14 minutes 26 seconds West, along the North line of said Ten Thousand Acre Tract (which also is the Northerly right-of-way line of the Detroit Terminal Railroad Company and the Southerly line of Fractional Section 13, T 1 S, R 11 E), a distance of 1098.01 feet to the point of beginning on the Westerly right-of-way line of Interstate Highway 75; thence South 34 degrees 45 minutes 57 seconds East, a distance of 46.96 feet and South 37 degrees 05 minutes 56 seconds East, a distance of 112.93 feet along the Westerly right-of-way line of Interstate Highway 75 to the Southerly right-of-way line of the Detroit Terminal Railroad; thence Southwesterly along the Southerly right-of-way line of the Detroit Terminal Railroad Company, which is the arc of a curve whose radius of 431.22 feet, a distance of 53.31 feet (chord bearing South 31 degrees 40 minutes 44 seconds West, a distance of 53.28 feet; thence North 37 degrees 05 minutes 56 seconds West, a distance of 141.28 feet; thence North 34 degrees 45 minutes 57 seconds West, a distance of 46.96 feet to the North line of the Ten Thousand Acre Tract, which is the Northerly line of said Detroit Terminal Railroad right-of-way; thence North 63 degrees 14 minutes 26 seconds East along the North line of the Ten Thousand Acre Tract (which also is the Northerly line of said Detroit Terminal Railroad right-of-way), a distance of 50.49 feet to the point of beginning.

PARCEL D:

An easement for ingress and egress, in, over, and upon a parcel of land situated and being in fractional Section 13, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, being described as follows: Commencing at the Northeast corner of fractional Section 13, thence South 86 degrees 24 minutes 17 seconds West 361.23 feet along the North line of fractional Section 13, thence South 26 degrees 38 minutes 33 seconds East 918.79 feet to the intersection of the Westerly right-of-way line of Dequindre Avenue (66 feet wide) and the North line of the Ten Thousand Acre Tract; thence South 63 degrees 14 minutes 26 seconds West, along the North line of said Ten Thousand Acre Tract (which also is the Northerly right-of-way line of the Detroit Terminal Railroad Company), a distance of 1098.01 feet to the Westerly right-of-way line of Interstate Highway 75 and North 34 degrees 45 minutes 37 seconds West along said Westerly right-of-way line of Interstate Highway 75 a distance of 42.91 feet to the point of beginning of this description; thence Westerly along the arc of a 1156.92 feet radius curve to the right a distance of 61.14 feet (chord bearing North 89 degrees 40 minutes 02 seconds West, 61.11 feet); thence North 34 degrees 45 minutes 37 seconds West, 35.79 feet; thence Easterly along the arc of a 1126.92 feet

radius curve to the left a distance of 61.14 feet (chord bearing South 89 degrees 40 minutes 02 seconds East, 61.11 feet), to the said Westerly right-of-way line of Interstate Highway 75; thence South 34 degrees 45 minutes 37 seconds East along said right-of-way line of Interstate Highway 75, 35.79 feet to the point of beginning.

AND:

Part of the fractional Northeast quarter of section 13, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, described as follows: A rectangular strip of land that is seventeen (17) feet wide and 730.56 feet long and that is located along and immediately west of the entire length of LINE X-Y, as defined below.

EXCLUDING therefrom any lands that are contained therein and that were conveyed by First Party herein to the Detroit Terminal Railroad Company, a Michigan Corporation, by way of Deed dated August 8, 1967 and recorded in the Wayne County Register of Deeds on October 2, 1967 at Liber 16427, Pages 202-205.

LINE X-Y is defined as a line that bears North 31° 02' 33" West a distance of 730.56 feet and that has its Southerly end at Point X, the location of which is as follows:

Commencing at the intersection of the Westerly line of Dequindre Avenue (66 feet wide) and the North line of the Ten Thousand Acre Tract; thence along the North line of said Ten Thousand Acre Tract South 63° 14' 26" West a distance of 1098.01 feet (measured) 1114.14 feet (recorded at Liber 20536, Pages 724 through 728) to a point on the Westerly right-of-way line of Interstate Highway 75; thence continuing along the North line of said Ten Thousand Acre Tract South 63° 14' 26" West a distance of 186.81 feet to Point X.

PARCEL 2:

A strip of land 50 feet In width in that part of 1/4 Section 3 of the Ten Thousand Acre Tract lying In the Township of Hamtramck, now City of Detroit, Wayne County, Michigan and further described as: Beginning at the intersection of the Westerly limited access Right-of-Way line of Interstate Highway 75 with the Southerly Right-of-Way line of the Detroit Terminal Railroad; thence South 37 degrees 05 minutes 56 seconds East along the Westerly Interstate Highway 75 Right-of-Way line a distance of 460.34 feet to the Southerly line of Modern Avenue extended; thence South 52 degrees 54 minutes 04 seconds West a distance of 50 feet; thence North 37 degrees 05 minutes 56 seconds West a distance of 440.94 feet to a point on the Southerly Right-of-Way line of the Detroit Terminal Railroad; thence northeasterly along said Southerly Right-of-Way line of the Detroit Terminal Railroad, which is the arc of a 431.22 feet radius curve to the right, a distance of 53.66 feet (chord bearing North 31 degrees 41 minutes 41 seconds East a distance of 53.65 feet) to the point of beginning.

Address: 1450 E McNichols, Detroit, Michigan 48203

Tax Parcel No. 09006643-4