



**PLANNING AND
DEVELOPMENT DEPARTMENT**

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The Honorable Detroit City Council
2 Woodward Avenue
1340 Coleman A. Young Municipal Center
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RE: Approval and Authorization to Accept Two (2) Easement Interests in furtherance of the “Detroit Charge Ahead” Initiative

Honorable City Council:

The “Detroit Charge Ahead” Initiative is seeking to establish publicly available electrical vehicle charging stations (the “Chargers”) at privately-owned sites across the City of Detroit.

In furtherance of that effort, the City has negotiated and obtained signed and notarized easement agreements (the “Easements”) from the owners of two private sites: (i) the *Belmont Shopping Center*, located at 1940 East Eight Mile Road; and (ii) the *Royal Fresh Market*, located at 18551 West Ground Boulevard (together, the “EVCS Properties”).

These Easements are essential—they provide the City with the necessary, immediate, and ongoing authority to install, operate, and maintain the first two Chargers located at privately-owned sites.

In addition, no City funds shall be expended to accept these Easements in the EVCS Properties.

Therefore, the Planning and Development Department (“PDD”) requests this Honorable Body adopt the attached resolution to authorize PDD’s formal acceptance of the Easements.

Respectfully submitted,

Alexa Bush
Director, PDD

cc: Trisha Stein, Mayor’s Office

BY COUNCIL MEMBER _____

WHEREAS, the City of Detroit (“City”) has negotiated and obtained certain easement agreements (the “Easements”) from the owners (the “Owners”) of certain real estate properties located within the City of Detroit, County of Wayne, State of Michigan, commonly addressed and referred to as (1) 1940 East Eight Mile Road (the “Belmont Site”), and (2) 18551 West Grand Boulevard (the “Royal Fresh Site” and together with the Belmont Site, the “EVCS Properties”); and

WHEREAS, the City, by and through its Planning and Development Department (“PDD”), desires to accept the Easements, and the legal interests in the EVCS Properties they provide the City, to install publicly available electrical vehicle charging stations; and

WHEREAS, the acceptance of these Easements shall come at no cost to the City; and

WHEREAS, in accordance with Chapter 2, Article VI, 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 acquisition of a legal interest in real property; and

WHEREAS, the Building Safety Engineering and Environmental Department (“BSEED”) completed an environmental assessments of the Royal Fresh Site and concluded that there are no recognized environmental conditions at the Royal Fresh Site; and

WHEREAS, BSEED completed an environmental assessments of the Belmont Site and concluded that, despite the presence of a potential recognized environmental concern, the risk of environmental contamination at the Belmont Site is minimal; and

WHEREAS, the City of Detroit, through the Law Department, has determined that, notwithstanding the presence of a potential recognized environmental concern investigated by BSEED and found to be of minimal risk at the Belmont Site, the Belmont Site 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; and

NO, THEREFORE, BE IT RESOLVED, that in accordance with Chapter 2, Article I, Division 2 of the Detroit City Code, the City Council finds that the EVCS Properties have received appropriate environmental inquiry and assessment in accordance with the review referred to in the recitals hereof; and be it further

RESOLVED, that this Honorable Body hereby determines and declares that (1) the Royal Fresh Site is not a facility which will 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 for the Royal Fresh Site; and (2) the Belmont Site is not a facility which will 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 for the Belmont Site; (3) the acquisition of the EVCS Properties is necessary to promote the health, safety and welfare of the public; and (4) that the preservation and the promotion of the public health, safety, welfare or good outweighs the cost of the environmental

assessment and hereby waives the requirement that the Owners bear the cost of the environmental assessment; and further

RESOVLED, that in the event the City incurs any responses costs due to its use of the Easements, including its related access and use of the EVCS Properties, then all necessary steps constituent with law shall be taken by the City to fully mitigate and recover any costs or damages which have been incurred by he City as a result of any response activity associated therewith; and be it further

RESOLVED, that the PDD Director, or her authorized designee, be and is hereby authorized (1) to accept and record the Easements with the Wayne County Register of Deeds; (2) to accept, execute and/or deliver any such other documents as may be necessary or convenient, to affect the acceptance of the Easements; and (3) to pay the cost of recording the Easements, including such other necessary and customary closing costs payable therewith; and further

RESOVLED, that the PDD Director, or her authorized designee, be and is hereby authorized to execute any other required instruments as may be necessary to effectuate the transfer (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 conveyance of the EVCS Properties, provided that the changes do no materially alter the substance or terms of the transfer;

BE IT FINALLY RESOLVED, that upon acceptance of the Easements from the Owners, the Easements shall be placed under the jurisdiction of PDD.