

**BY COUNCIL MEMBER \_\_\_\_\_**

**WHEREAS**, the City of Detroit (“City”) has negotiated and obtained a certain easement agreement (the “Easement”) from the owner (the “Owner”) of certain real estate properties located within the City of Detroit, County of Wayne, State of Michigan, commonly addressed and referred to as 10185 Gratiot Avenue (the “EVCS Property”); and

**WHEREAS**, the City, by and through its Planning and Development Department (“PDD”), desires to accept the Easement, and the legal interest in the EVCS Property 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 assessment of the EVCS Property and concluded that, despite the presence of a potential recognized environmental concern, the risk of environmental contamination at the EVCS Property 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 EVCS Property, the EVCS 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; and

**NOW, 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 Property has 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 EVCS Property 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 EVCS Property; (2) the acquisition of the EVCS Property is necessary to promote the health, safety and welfare of the public; and (3) 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 (4) the City may undertake further inquiry or response actions to mitigate any subsequently identified, unacceptable environmental hazards; and further

**RESOVLED**, that in the event the City incurs any responses costs due to its use of the Easement, including its related access and use of the EVCS Property, then all necessary steps consistent 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 Easement 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 Easement; and (3) to pay the cost of recording the Easement, 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) 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 Property, provided that the changes do no materially alter the substance or terms of the transfer;

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