



**PLANNING AND
DEVELOPMENT DEPARTMENT**

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The Honorable Detroit City Council
2 Woodward Avenue
1340 Coleman A. Young Municipal Center
Detroit, MI 48226

**RE: Approval and Authorization to Accept Easement Interest in furtherance of the
“Detroit Charge Ahead” Initiative**

Honorable City Council:

The “Detroit Charge Ahead” Initiative (the “**Initiative**”) is seeking to establish publicly available electrical vehicle charging stations (each, a “**Charging Station**”) at privately-owned sites across Detroit.

In furtherance of the Initiative, the City has negotiated and obtained from Wendy’s Properties, LLC (“**Owner**”) signed and notarized agreements for easements (“**Easements**”) at the Owner’s properties commonly referred to as (i) Wendy’s Grand River located at 9768 West Grand River, Detroit, Michigan 48204 and (ii) Wendy’s E. Jefferson located at 6601 East Jefferson, Detroit, Michigan 48207, respectively (“**EVCS Properties**”).

These Easements are essential to the Initiative, as they will provide the City with the necessary, immediate, and ongoing authority to install, operate, and maintain a Charging Station at the privately-owned EVCS Properties.

In addition, no City funds shall be expended to accept these Easements at 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
Tim Slusser, Mayor’s Office

BY COUNCIL MEMBER _____:

WHEREAS, the City of Detroit (“**City**”) has negotiated and obtained from Wendy’s Properties, LLC (“**Owner**”) signed and notarized agreements for easements (“**Easements**”) at the Owner’s properties commonly referred to as (i) Wendy’s Grand River located at 9768 West Grand River, Detroit, Michigan 48204 (“**Wendy’s Grand River**”) and (ii) Wendy’s E. Jefferson located at 6601 East Jefferson, Detroit, Michigan 48207 (“**Wendy’s E. Jefferson**”), (each, an “**EVCS Property**” and collectively the “**EVCS Properties**”); and

WHEREAS, the City, by and through its Planning and Development Department (“**PDD**”), desires to accept the Easements, and the legal interest 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 of the 2019 Detroit City Code, except as otherwise provided therein, 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 Buildings, Safety Engineering, and Environmental Department (“**BSEED**”) has completed environmental reviews of the EVCS Properties and concluded: (i) with respect to Wendy’s Grand River, despite the presence of one or more potential recognized environmental conditions, the risk of environmental contamination at the EVCS Property is minimal and (ii) with respect to Wendy’s East Jefferson, despite the presence of one or more potential recognized environmental conditions, the risk of environmental contamination at the EVCS Property is minimal; and

WHEREAS, the City of Detroit, through the Law Department, has determined with respect to Wendy’s Grand River, notwithstanding the presence of a potential recognized environmental condition 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 EVCS Properties; and

WHEREAS, the City of Detroit, through the Law Department, has determined with respect to Wendy’s East Jefferson, notwithstanding the presence of a potential recognized environmental condition 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 EVCS Properties; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Chapter 2, Article VI of the 2019 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 with respect to Wendy's Grand River: (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 Owner bears 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 be it further

RESOLVED, that this Honorable Body hereby determines and declares that with respect to Wendy's East Jefferson: (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 Owner bears 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 be it further

RESOLVED, that in the event the City incurs any response costs due to its use of the Easements, including its related access and use of the EVCS Properties, 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 the 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 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 be it further

RESOLVED, 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 acceptance, 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 acceptance of the Easements, provided that the changes do not materially alter the substance or terms of the acceptance; and

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