



City of Ann Arbor

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Controlling Body: City Council

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* **File Name:** 4/4/11 Public Utilities Easement UM (E. Stadium Bridge Replacement)

Final Action: 04/04/2011

Title: Resolution Accepting Easement for Public Utilities (Storm Sewer) and Approve Related Temporary Grading Permit from the University of Michigan (E. Stadium Bridge Replacement Project) (\$124,900.00) **(8 Votes Required)**

Notes:

Sponsors: Higgins and Teall

Enactment Date: 04/04/2011

Attachments: drawing.pdf 11-0424

Enactment Number: R-11-117

Drafter/Contact: Mary Joan Fales

Hearing Date:

* **Admin/Mgr:**

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	04/04/2011	Approved				Pass

Text of Legislative File 11-0424

Resolution Accepting Easement for Public Utilities (Storm Sewer) and Approve Related Temporary Grading Permit from the University of Michigan (E. Stadium Bridge Replacement Project) (\$124,900.00) **(8 Votes Required)**

Whereas, The E. Stadium Boulevard Bridge has deteriorated in condition and should be replaced to continue to ensure the health and safety of the residents of the community;

Whereas, The University of Michigan is the fee simple owner of land adjacent to the approaching roadway project areas and it owns utilities and/or controls other features within E. Stadium, S. State St. and surrounding areas that will need to be removed or protected prior to the commencement of construction on the E. Stadium Bridge Replacement Project;

Whereas, The City and the University have negotiated in good faith the terms and conditions for occupancy, both temporary and permanent, of the required property to complete the bridge replacement;

Whereas, As part of the Tiger II Discretionary Grant review, the terms of the easement are subject to final approval by MDOT;

Whereas, In accordance with FHWA, MDOT and City requirements the land to be occupied was appraised to determine its fair market valuation;

Whereas, The University has agreed to accept the appraised fair market valuation stated in the temporary grading permit in the amount \$124,900.00, for the rights afforded the City under the temporary grading permit and easement and payable under the terms of the temporary grading permit in three installments over the life of the project;

Whereas, The TIGER II grant will reimburse the City for 80% of its costs for the Right-of-Way (ROW), related public utility easements and the temporary grading permits (TGP), up to \$800,000.00; and

Whereas, The Street Reconstruction Millage will provide interim finance payment for the Rights of Way, public utility easements and temporary grading permits for the project;

RESOLVED, That the City of Ann Arbor hereby accepts said grant of easement for public utilities and its submission to MDOT for final approval;

RESOLVED, That should MDOT request modification of any of the terms of the approved easement when submitted for their final approval, the required modifications to the easement terms will be resubmitted for approval by City Council and the University;

RESOLVED, That City Council approves the terms of the temporary grading permit required in connection with the E. Stadium Bridge Replacement Project and authorizes the payment of \$124,900.00 to the University of Michigan for the occupancy rights, temporary and permanent, in connection with the Project;

RESOLVED, That City Council authorizes the expenditure from the City's Streets Reconstruction Millage in the amount of \$124,900.00 for the purchase of the public utility easement and the temporary grading permits from the City's Streets Reconstruction Millage; where 80% of the City's eligible cost up to \$800,000.00 will be returned to the City from the obligated Federal TIGER II grant for the E. Stadium Bridges Replacement project;

RESOLVED, That the Mayor and Clerk be authorized and directed to execute the grant of easement acknowledging its acceptance; and

RESOLVED, That the Mayor and Clerk be authorized and directed to execute the related temporary grading permits after approval as to substance by the City Administrator and approval as to form by the City Attorney.

There is a resolution before you to accept an easement for Public Utilities easement from the University of Michigan and approve the temporary grading permits and payment for occupation of the designated areas, including loss of revenue for the temporarily occupied areas, during the E. Stadium Bridge Replacement project.

The University owns or controls utilities and other features within the E. Stadium, S. State St. and surrounding areas that will need to be removed or protected prior to the start of the construction on the E. Stadium Bridge Replacement Project. In order to do this, it is necessary to acquire both temporary and permanent rights to occupy University property during the project.

Public Services Administration and the City Attorney's Office have negotiated the terms of the easement and temporary grading permit with the Office of General Counsel for the University of Michigan and University staff. As part of the Tiger II Discretionary Grant review, the terms of the easement are subject to approval by MDOT. Should MDOT request modification of any of the terms of the negotiated easement, the required modifications to the easement terms will be resubmitted for approval by City Council and the University.

The impacted University property was appraised in accordance with FHWA, MDOT and City requirements to determine the fair market valuation of rights the City is acquiring under the documents.

The TIGER II grant will reimburse the City for 80% of the City's costs for the Right-of-Way (ROW), related public utility easements and the temporary grading permits (TGP), up to \$800,000. The Street Reconstruction Millage will interim finance payment of all the ROW, public utility easements and the TGP until such time the City is reimbursed for 80% of its eligible costs.

Acceptance of the easement and approval of the temporary grading permits are recommended.

Prepared by: Homayoon Pirooz, Project Management Service Unit Manager; Mary Joan Fales, Senior Assistant City Attorney

Reviewed by: Sue McCormick, Public Services Area Administrator; Stephen K. Postema, City Attorney; Roger W. Fraser, City Administrator

Sponsor: Councilmembers Marcia Higgins and Margie Teall