



Legislation Details (With Text)

**File #:** 19-0148      **Version:** 1      **Name:** Resolution to Direct the City Attorney to Stipulate to an Injunction in the Councilmember Lawsuit Concerning the CORE Spaces Contract

**Type:** Resolution      **Status:** Passed

**File created:** 1/22/2019      **In control:** City Council

**On agenda:** 1/22/2019      **Final action:** 1/22/2019

**Enactment date:** 1/22/2019      **Enactment #:** R-19-036

**Title:** Resolution to Direct the City Attorney to Settle Kailasapathy v City of Ann Arbor, et al., Case No. 18-682-CZ by Stipulating to an Injunction

**Sponsors:** Jane Lumm

**Indexes:**

**Code sections:**

**Attachments:** 1. Final Stipulation in CM Case

Date	Ver.	Action By	Action	Result
1/22/2019	1	City Council	Approved	Pass

Resolution to Direct the City Attorney to Settle *Kailasapathy v City of Ann Arbor, et al.*, Case No. 18-682-CZ by Stipulating to an Injunction

In recognition of the recent passage of Proposal A (and the pending litigation concerning the “Library Lot”), on December 31, 2018, City Administrator Lazarus exercised the City’s right to terminate its agreement with CORE Spaces for the sale of the development rights to the Library Lot, and notified CORE Spaces of that step.

In the above-referenced lawsuit, Plaintiffs seek to, among other things, enjoin the City from proceeding with said sale. Plaintiffs have now offered to settle that case with the filing of the attached stipulation, and the attached injunction to which it stipulates. The City has already stipulated to similar relief, based on a similar claim, by the ballot committee that organized for and supported Proposal A.

This resolution directs the City Attorney to execute the attached stipulation, which stipulates to entry of the attached injunction, which will end that lawsuit.

Prepared by: Matthew R. Rechten, Senior Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

Whereas, Plaintiffs Kailasapathy and Bannister (“Plaintiffs”) filed a lawsuit against the City, *Kailasapathy v City of Ann Arbor, et al.*, Case No. 18-682-CZ, seeking to bar the City from selling the development rights to property commonly known as the “Library Lot”;

Whereas, On November 8, 2018, City voters voted in favor of Proposal A, which amends the City Charter to, among other things, require the City to retain ownership of the “Library Lot”;

Whereas, In recognition of the passage of Proposal A (and pending litigation concerning the “Library Lot”), on December 31, 2018, City Administrator Lazarus exercised the City’s right to terminate its agreement with CORE Spaces for the sale of the development rights to the “Library Lot” and notified

CORE Spaces of that step;

Whereas, The City, with the agreement terminated, thereafter settled a separate lawsuit brought by Plaintiff Ann Arbor Central Park Ballot Committee, by stipulating to an injunction enjoining the City from selling the development rights to the Library Lot pursuant to the sales agreement with CORE Spaces;

Whereas, Plaintiffs have offered to the City to settle their case by agreeing to the attached stipulation, and the attached order to which it stipulates;

RESOLVED, That City Council directs the City Attorney to execute and file with the Court a stipulation in form and substance materially matching the attached stipulation, which stipulates to entry of the attached order; and

RESOLVED, That the City Administrator and the City Attorney are authorized and directed to take all necessary actions to effectuate this resolution.