



Legislation Details (With Text)

**File #:** 19-0034      **Version:** 1      **Name:** Resolution Directing the City Attorney to Stipulate to an Order to Settle the Lawsuit Filed by the Ann Arbor Central Park Ballot Committee Concerning the Sale of the "Library Lot"

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

**File created:** 1/7/2019      **In control:** City Council

**On agenda:** 1/7/2019      **Final action:** 1/7/2019

**Enactment date:** 1/7/2019      **Enactment #:** R-19-006

**Title:** Resolution to Direct the City Attorney to Settle Ann Arbor Central Park Ballot Committee v City of Ann Arbor, et al., Case No. 18-816-CZ by Stipulating to an Injunction

**Sponsors:** Christopher Taylor, Ali Ramlawi, Jane Lumm

**Indexes:**

**Code sections:**

**Attachments:** 1. Stipulation and Injunction

Date	Ver.	Action By	Action	Result
1/7/2019	1	City Council	Approved	Pass

Resolution to Direct the City Attorney to Settle *Ann Arbor Central Park Ballot Committee v City of Ann Arbor, et al.*, Case No. 18-816-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, Plaintiff Ann Arbor Central Park Ballot Committee seeks to, among other things, enjoin the City from proceeding with said sale because of the passage of Proposal A. The Plaintiff has now offered to settle that case with the entry of the attached stipulation, and the attached injunction to which it stipulates, which will enjoin the City from selling the development rights to the Library Lot pursuant to the sales agreement with CORE Spaces.

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, 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 real property including what's commonly known as the "Library Lot";

Whereas, Plaintiff Ann Arbor Central Park Ballot Committee has filed a lawsuit against the City, *Ann Arbor Central Park Ballot Committee v City of Ann Arbor, et al.*, Case No. 18-816-CZ, now claiming that the passage of Proposal A bars the City from selling the development rights to 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, Plaintiff Ann Arbor Central Park Ballot Committee has offered to settle its lawsuit with the entry of the attached stipulation, and the attached injunction to which it stipulates, which will enjoin the City from selling the development rights to the Library Lot pursuant to the sales agreement with CORE Spaces; and

Whereas, Taking all considerations and advice into account, City Council has concluded it is in the City’s best interests to accept Plaintiff’s settlement offer;

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

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

Sponsored by: Mayor Taylor and Councilmembers Ramlawi and Lumm