Legislation Details (With Text)

File #:	14-0292	**Version:**	2	**Name:**	Resolution of Intent to Vacate 7ft. Wide Strip of Ellsworth
Type:	Resolution			**Status:**	Passed
File created:	2/20/2014			**In control:**	City Council
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Title: Resolution of Intent to Vacate a Seven-Foot Wide Strip of East Ellsworth Road Near the Corner of South State Street, and to Accept in Its Place a Grant of Easement for Nonmotorized Use (8 Votes Required)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ellsworth partial vacation drawing.pdf

Date	Ver.	Action By	Action	Result
3/3/2014	2	City Council	Approved	Pass

Resolution of Intent to Vacate a Seven-Foot Wide Strip of East Ellsworth Road Near the Corner of South State Street, and to Accept in Its Place a Grant of Easement for Nonmotorized Use **(8 Votes Required)**

In 2013, 3965 South State Associates, L.L.C. granted to the City a 50-foot wide easement for public right-of-way ("ROW") adjacent to 3975 South State Street and 590 East Ellsworth Road. This easement was anticipated to allow the possibility of widening Ellsworth to five lanes and permit installation of a sidewalk to fill a sidewalk gap on this property. Belle Tire currently has a site plan pending approval at 590 East Ellsworth, however the proposed building lacks sufficient setback space due to the width of the previously granted public ROW. The Planning Department has indicated that if a 7-foot wide strip of public ROW in front of 590 East Ellsworth were vacated and replaced with an easement for non-motorized use, then the setback requirements of City Code would be satisfied and the City would retain the ability to install the sidewalk as originally planned. The Systems Planning Department concurs that this approach is acceptable.

Approval of this resolution announces the City's intent to vacate the described 7-foot wide strip and serves as notification that City Council will hold a public hearing on this vacation on April 7, 2014. A resolution to approve the vacation and accept in its place the easement for nonmotorized use also will be scheduled and placed on the April 7, 2014 Council agenda. In the meantime, the Planning Commission will hold a hearing and provide a recommendation to Council regarding the vacation. A map indicating the area proposed for vacation and replacement with an easement for nonmotorized use is attached.

Prepared By: Christopher Frost, Assistant City Attorney

Approved By: Steven D. Powers, City Administrator

Whereas, There has been presented to the City of Ann Arbor a written request seeking the vacation of a 7-foot wide strip of public right-of-way in front of 3975 South State Street and 590 East Ellsworth, more particularly described as

Part of the S.W. 1/4 of Sec. 9, T. 3 S., R. 6 E., City of Ann Arbor, Washtenaw County, Michigan, described as commencing at the S.W. Corner of said Section 9; thence N. 87° 53' 20" E. 528.00 ft. along the South line of Section 9 also being the centerline of Ellsworth Road (variable width) and N. 01° 06' 00" W. 43.01 ft. to the point of beginning, proceeding thence S. 87° 53' 20" W. 139.68 ft. along the northerly right of way line of Ellsworth Road; thence N. 01° 06' 00" W. 7.00 ft.; thence N. 87° 53' 20" E. 139.68 ft.; thence S. 01° 06' 00" E. 7.00 ft. to the point of beginning. Being a part of Tax Parcel I.D. No. 09-12-09-301-014, as illustrated on the attached Exhibit A; and

Part of the S.W. 1/4 of Sec. 9, T. 3 S., R. 6 E., City of Ann Arbor, Washtenaw County, Michigan, described as commencing at the S.W. Corner of said Section 9; thence N. 87° 53' 20" E. 388.26 ft. along the South line of Section 9 also being the centerline of Ellsworth Road (variable width) and N. 01° 01' 00" W. 43.01 ft. to the point of beginning, proceeding thence S. 87° 53' 20" W. 17.57 ft. along the northerly right of way line of Ellsworth Road; thence N. 01° 06' 00" W. 7.00 ft.; thence N. 87° 53' 20" E. 17.57 ft.; thence S. 01° 06' 00" E. 7.00 ft. to the point of beginning. Being a part of Tax Parcel I.D. No. 09-12-09-301-013, as illustrated on the attached Exhibit A;

Whereas, The petitioner has indicated that it is willing to convey an easement for nonmotorized use over the property that will be vacated, which will allow the construction of a sidewalk to fill a sidewalk gap;

Whereas, The Planning Commission will provide a recommendation regarding the vacation and replacement with an easement for nonmotorized use; and

Whereas, The City Council may condition the vacation upon acceptance of an easement for nonmotorized use over the same 7-foot wide strip to be vacated;

RESOLVED, That City Council appoints April 7, 2014 at 7:00 p.m. in the Council Chamber, City Hall, Ann Arbor, Michigan, as the time and place City Council will meet to hear objections to the vacation of the 7-foot wide strip of right-of-way;

RESOLVED, That notice of such meeting, including a copy of this resolution, shall be published not less than four weeks before the time appointed for such meeting in a newspaper of general circulation in the City; and

RESOLVED, That objections to this proposed vacation may be filed with the City Clerk in writing and that all persons wishing to address the proposed vacation will be heard by the City Council at the public hearing noticed in this resolution.