



Legislation Details (With Text)

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

**File created:** 6/16/2008      **In control:** City Council

**On agenda:** 6/16/2008      **Final action:** 6/16/2008

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**Title:** Resolution Accepting Easement for Utilities from Second Baptist Church of Ann Arbor 850 Red Oak (8 Votes Required)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Baptist Church Map.pdf

Date	Ver.	Action By	Action	Result
6/16/2008	1	City Council	Approved	Pass

**Resolution Accepting Easement for Utilities from Second Baptist Church of Ann Arbor 850 Red Oak (8 Votes Required)**

There is a resolution before you to accept an easement from Second Baptist Church of Ann Arbor, a Michigan non-profit corporation, for the construction and maintenance of public utilities.

Second Baptist Church of Ann Arbor has agreed to the City’s terms and conditions, including indemnification of the City for acceptance of the grant of easement, which acknowledges that a retaining wall located on the Church’s property encroaches over the utility pipes, and sets forth the parties’ respective obligations and responsibilities in connection with the permitted retaining wall encroachment.

The easement is conveyed without cost to the City and the grant of easement has been reviewed and approved by the Project Management Services Unit of the Public Services Area.

Acceptance of the easement is recommended.

Prepared by: Marylou Zimmerman, Legal Assistant

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Roger W. Fraser, City Administrator

Whereas, Second Baptist Church of Ann Arbor, a Michigan non-profit corporation, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 1254, Page 596, recorded on August 6, 1968; Liber 1451, Page 362 and Page 370, recorded on August 17, 1973 and Liber 1524, Page 561, recorded on September 17, 1975 and Liber 4673, Page 956, recorded on March 24, 2008;

Whereas, The Church’s Constitution and By-Laws authorize the granting of an easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system to run with the land and burden the respective property perpetually; and

Whereas, Second Baptist Church of Ann Arbor has delivered an easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system to run with the land and burden the respective property perpetually, being more particularly described as follows:

Easement Descriptions:

UTILITY EASEMENT "A"

Commencing at the Northeasterly corner of Lot 41, "DEVON SUBDIVISION" a part of the Southeast 1/4 of Section 19 and part of the Southwest 1/4 of Section 20, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, being a re-plat of part of Lots 15 and 16 of the Plat of the Southeast 1/4 of Section 19, T2S, R6E, and a re-plat of part of Lots 15 and 16 of "SPRING HILL ADDITION TO THE CITY OF ANN ARBOR, MICHIGAN" as recorded in Liber 15 of Plats, Page 29, Washtenaw County Records; thence S89°51'00"E 168.28 feet along the Southerly line of Wendy Road to the POINT OF BEGINNING; thence continuing S89°51'00"E 10.06 feet; thence S06°31'18"W 79.15 feet; thence Southerly 119.40 feet along the arc of a 470.00 foot radius circular curve to the right, through a central angle of 14°33'21", having a chord that bears S13°47'58"W 119.08 feet; thence along the Westerly side of a building in the following two courses: N59°45'22"W 7.90 feet and S30°14'38"W 15.05 feet; thence Northerly 130.46 feet along the arc of a 460.00 foot radius circular curve to the left, through a central angle of 16°15'00", having a chord that bears N14°38'48"E 130.03 feet; thence N06°31'18"E 78.04 feet to the Point of Beginning. Being a part of Lots 13 and 14 of "SPRING HILL ADDITION TO THE CITY OF ANN ARBOR, MICHIGAN" a part of the Southwest 1/4 of Section 20, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 1 of Plats, Page 21, Washtenaw County Records and containing 1975 square feet of land, more or less. Being subject to easements and restrictions of record, if any.

UTILITY EASEMENT "B"

Commencing at the Northeasterly corner of Lot 41, "DEVON SUBDIVISION" a part of the Southeast 1/4 of Section 19 and part of the Southwest 1/4 of Section 20, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, being a re-plat of part of Lots 15 and 16 of the Plat of the Southeast 1/4 of Section 19, T2S, R6E, and a re-plat of part of Lots 15 and 16 of "SPRING HILL ADDITION TO THE CITY OF ANN ARBOR, MICHIGAN" as recorded in Liber 15 of Plats, Page 29, Washtenaw County Records; thence S89°51'00"E 168.28 feet along the Southerly line of Wendy Road; thence S06°31'18"W 78.04 feet; thence Southerly 133.84 feet along the arc of a 460.00 foot radius circular curve to the right, through a central angle of 16°40'16", having a chord that bears S14°51'26"W 133.37 feet to the POINT OF BEGINNING; thence along the Westerly side of a building and building overhang in the following five courses: S28°10'53"E 10.11 feet, S29°32'34"W 6.29 feet, S60°27'26"E 1.66 feet, N29°32'34"E 0.90 feet and S60°27'26"E 0.90 feet; thence Southwesterly 2.65 feet along the arc of a 470.00 foot radius circular curve to the right, through a central angle of 00°19'25", having a chord that bears S24°48'43"W 2.65 feet; thence S24°58'26"W 187.33 feet; thence N89°51'00"W 11.02 feet; thence N24°58'26"E 191.96 feet; thence Northwesterly 14.30 feet along the arc of a 460.00 foot radius circular curve to the left, through a central angle of 01°46'52", having a chord that bears N24°05'00"E 14.30 feet to the Point of Beginning. Being a part of Lot 13 of "SPRING HILL ADDITION TO THE CITY OF ANN ARBOR, MICHIGAN" a part of the Southwest 1/4 of Section 20, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 1 of Plats, Page 21,

Washtenaw County Records and containing 1989 square feet of land, more or less. Being subject to easements and restrictions of record, if any.

RESOLVED, That the City hereby accepts said grant of easement.