



Legislation Details (With Text)

**File #:** 10-1206      **Version:** 1      **Name:** 12/06/10 Resolution Partially Vacating Easement from Boardwalk Commerce Associates

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

**File created:** 12/6/2010      **In control:** City Council

**On agenda:** 12/6/2010      **Final action:** 12/6/2010

**Enactment date:** 12/6/2010      **Enactment #:** R-10-438

**Title:** Resolution Partially Vacating Easement from Boardwalk Commerce Associates Limited Partnership (8 Votes Required)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Recorded survey - easements to be vacated.pdf

Date	Ver.	Action By	Action	Result
12/6/2010	1	City Council	Approved	Pass

**Resolution Partially Vacating Easement from Boardwalk Commerce Associates Limited Partnership (8 Votes Required)**

There is a resolution before you to vacate part of an easement for Public Utilities from Boardwalk Commerce Associates Limited Partnership, a Michigan limited partnership, which grant was given as part of the Boardwalk Commerce Center project located at the corner of Eisenhower Parkway and Boardwalk Drive in the City of Ann Arbor.

In 1992, Boardwalk Commerce Associates recorded an easement to the City of Ann Arbor, granting easements for sanitary sewer and water main, as well as for a storm water detention pond, storm sewer and ingress road. This easement was recorded in Liber 2590, page 46 on February 28, 1992, Washtenaw County Records and conveyed to the City without cost.

After a review of Council records it was determined that the easement was not presented to the City Council prior to recording by the Property Owner, or subsequently, and has not been accepted by the City Council.

The Project Management team has reviewed the grant of easement and has determined it is not in the City's best interest to accept that portion of grant for the detention pond, storm sewer and ingress road.

Vacation of the easement with respect to the grants for the detention pond, storm sewer and ingress road is recommended.

Prepared by: Elizabeth Severn, Legal Assistant

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Roger W. Fraser, City Administrator

Whereas, Boardwalk Commerce Associates Limited Partnership, a Michigan limited partnership, was the owner in fee simple of property located in the City of Ann Arbor, County of Washtenaw, State of

Michigan, as described in the Warranty Deed recorded in the Washtenaw County Records at Liber 2202, page 261 recorded on January 15, 1988, which property was subsequently split into two parcels described as follows:

Legal Description - Parcel "A"

Commencing at the SW corner of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 87°09'00" E 1904.44 ft along the S line of said Section 4 to a point on the R.O.W. line of the Ann Arbor Railroad; thence N 08°20'00" W 82.13 ft along said R.O.W. line to a point on the northerly R.O.W. line of the Eisenhower Parkway to the Point of Beginning; thence along the northerly R.O.W. line of Eisenhower Parkway S 85°32'50" W 628.68 ft to a point in the easterly R.O.W. line of Boardwalk Drive; thence along said R.O.W. line N 01°53'00" W 236.32 ft; thence N 88°07'00" E 290.40 ft; thence N 01°53'00" W 225.00 ft; thence N 88°07'00" E 280.82 ft to a point on the westerly R.O.W. line of the Ann Arbor Railroad; thence along the arc of a curve to the right 298.11 ft, said curve having a radius of 5679.97ft, chord of 298.08 ft. chord bearing S 09°50'13" E; thence S 08°20'00" E 138.81 ft to the Point of Beginning. Containing 4.6870 acres, more or less.

Tax Parcel Code Number: 09-12-04-301-014  
Commonly known as 2925 Boardwalk Drive

Legal Description - Parcel "B"

Commencing at the SW corner of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 87°09'00" E 1904.44 ft along the S line of said Section 4 to a point on the R.O.W. line of the Ann Arbor Railroad; thence N 08°20'00" W 82.13 ft along said R.O.W. line to a point on the northerly R.O.W. line of Eisenhower Parkway; thence S 85°32'50" W 628.68 ft along said R.O.W. line to a point in the easterly R.O.W. line of Boardwalk Drive (80 ft. wide); thence N 01°53'00" W 236.00 ft. to the Point of Beginning; thence continuing N 01°53'00" W 225.00 ft; thence N 88°07'00" E 290.40 ft.; thence S 01°53'00" E 225.00 ft; thence S 88°07'00" W 290.04 ft to the Point of Beginning. Containing 1.500 acres, more or less.

Tax Parcel Code Number: 09-12-04-301-013  
Commonly known as 2915 Boardwalk Drive

Whereas, In 1992, Boardwalk Commerce Associates recorded, independently and without prior review and acceptance by City Council, an easement to the City of Ann Arbor, recorded in Liber 2590, page 46 on February 28, 1992, Washtenaw County Records;

Whereas, At no time subsequent to the recording of the grant of easement has the City taken any action to accept several portions of this grant of easement;

Whereas, The Public Services Area, after review of the easement area and the recorded term of the grant of easement has recommended that it is in the best interest of the City not to accept the grant of easement in its entirety; and

Whereas, The City desires to vacate those portions of the recorded grant of easement that it has never accepted, either by resolution or action, being specifically those grants for a detention pond, storm sewer and ingress road;

RESOLVED, That the City of Ann Arbor hereby vacates and relinquishes any rights conveyed to it in the easement recorded in Liber 2590, page 46 on February 28, 1992, Washtenaw County Records,

with respect to the grants for a detention pond, storm sewer and ingress road, as more particularly described as follows:

Pond Easement to be Vacated

To provide a volume of 13,494.00 cubic ft. from elevation 823.00 to elevation 825.00 (V.5.C.S. Datum) over an area described as follows:

Commencing at the SE corner of parcel "A"; thence N 08°20'00" W 100.00 ft to the Point of Beginning; thence S 81°40'00" W 45 ft; thence N 08°53'39" W 180.01 ft; thence N 81°06'29"E 45.00 ft; thence along a curve to the right 141.65ft., said arc having a radius of 5679.97 ft, chord of 141.64 ft, chord bearing S 09°02'52" E; thence S 08°20'00" E 38.81 ft to the Point of Beginning.

Storm Sewer Easement to be Vacated

Beginning at the NE corner of parcel "A"; thence along arc of a curve to the right 180.00 ft, said curve having a radius of 5679.97 ft, chord of 179.99 ft, chord bearing S 10°25'58" E; thence S 80°09'47" W 20.00 ft; thence N 09°50'13" W 123.92 ft; thence N 68°12'26" W 94.70 ft; thence S 88°07'00" W 183.90 ft; thence N 01°53'00"W 20 ft; thence N 88°07'00" E 290.40 ft to the Point of Beginning.

30 ft wide Road Easement to be Vacated

Commencing at the SW corner of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 87°09'00" E 1904.44 ft along the S line of said Section 4 to a point on the R.O.W. line of the Ann Arbor Railroad; thence N 08°20'00" W 82.13 ft along said R.O.W. line to a point on the northerly R.O.W. line of the Eisenhower Parkway; thence S 85°32'50" W 628.68 ft along said R.O.W. line to a point in the easterly R.O.W. line of Boardwalk Drive (80 ft. wide); thence N 01°53'00" W 236.32 ft to the Point of Beginning; said point being the SE corner of parcel "B"; thence continuing N 01°53'00" W 15.00 ft; thence N 88°07'00" E 290.40 ft; thence S 01°53'00" E 30.00 ft; thence S 88°07'00" W 290.40 ft; thence N 01°53'00" W 15.00 ft to the Point of Beginning.

RESOLVED, That an appropriate instrument approved by the City Attorney be recorded at the Washtenaw County Register of Deed's Office as soon as practicable following approval of this resolution.