



Legislation Text

File #: 11-1260, **Version:** 1

Resolution to Approve the Assignment of the City Place Development Agreement and the Amendment of the City Place Development Agreement to Modify the Sequence of Construction
In a recent transaction, all of the parcels underlying this development were sold to City Place Ann Arbor, LLC. The Development Agreement was assigned to this entity pending the City's consent to the assignment. Consent to the assignment of the Development Agreement is recommended by the City Attorney's Office as it will clarify that the current property owner will be responsible for the Development Agreement provisions, along with other requirements of the approved site plan.

The developer has indicated that a modification of the construction sequence would allow for adequate time to consider resubmitting the Heritage Row PUD project to the City. This would necessitate an amendment to the City Place Development Agreement which requires that the developer complete construction of water mains and storm sewers prior to any building permits being issued. The proposed amendment would allow the completion of this work during construction of the buildings which would give the developer the flexibility to delay some of the utility work until spring. The work would need to be completed prior to the issuance of any certificate of occupancy for the buildings, but the developer would still need to meet ordinance requirements for providing adequate fire protection to the site prior to the issuance of any building permits. Staff review has determined that a foundation-only permit could issue with the fire protection currently available on the site.

Prepared by: Kevin S. McDonald, Senior Assistant City Attorney

Reviewed by: Stephen K. Postema, City Attorney

Sponsored by: Carsten Hohnke

Whereas, The petitioner, Fifth Avenue Limited Partnership, has assigned its rights to the City Place development to City Place Ann Arbor, LLC;

Whereas, The City Place Development Agreement requires that the Agreement not be assigned without the approval of the City, and that such approval shall not be withheld unreasonably;

Whereas, City Place Ann Arbor, LLC is now the owner of the project site and there is no reason to withhold approval of the assignment; and

Whereas, City Place Ann Arbor, LLC has requested that P-4 of the Development Agreement be amended to modify the required construction sequence so that they have additional time to consider resubmitting the Heritage Row PUD project to the City;

RESOLVED, That City Council approve the assignment of the City Place Development Agreement to City Place Ann Arbor, LLC;

RESOLVED, That City Council approve an amendment of the Development Agreement to include the following revision.

(P-4) To install all water mains, storm sewers, sanitary sewers and public streets,

through the first course of asphalt, pursuant to CITY approved plans and specifications, necessary to connect the site with existing CITY systems adjacent to the site prior to the issuance of any building permits certificate of occupancy for the Project. Notwithstanding this requirement, all site improvements necessary to meet the requirements for fire coverage and emergency access must be installed by PROPRIETOR and approved by the City Fire Department prior to the issuance of any building permit, consistent with Chapter 57, Section 5:132 of Ann Arbor City Ordinance.

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign a consent to assignment and amendment to the Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney.

Sponsored by: Councilmember Hohnke