



Legislation Text

File #: 09-1064, Version: 1

Resolution to Approve Deed Restrictions on Use of Portion of Ann Arbor Municipal Airport (**8 Votes Required**)

The City presently pumps raw water originating from the Steere Farm well field, located on the Airport property, thru a water transmission main to the City's Water Treatment Plant for the purpose of delivering potable water to the residents of the City. The raw water transmission main is required to operate continuously and perpetually.

The existing raw water transmission main will be sealed and abandoned in place and replaced with a new raw water transmission main and appurtenances that will deliver raw water to the City's Water Treatment Plant. The proposed raw water transmission main will be 30 inches in diameter and will be located a minimum of 150 feet from the existing raw water transmission main located within the following described portion of the airport property:

Legal Description

The Northwest $\frac{1}{4}$ of Section 17.

Also, the Southwest $\frac{1}{4}$ of Section 17.

Also, the Southeast $\frac{1}{4}$ of Section 17.

Also, the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 17.

Also, the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 17.

Also, a parcel of land described as: Commencing at the Northeast corner of Section 17; thence South 620 feet in the East line of Section 17 for a place of beginning; thence South 763.30 feet in the East line of Section 17 to a point which is 50 feet South of the Northeast corner of Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$; thence West 1379.73 feet to the West line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$; thence North 235 feet in the West line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$; thence East 23 rods; thence North 32 rods; thence East 1008.85 feet to the place of beginning.

The FAA is requiring the City to accept and approve deed restrictions, which would be recorded with the Washtenaw County Register of Deeds and become part of the title record of the property, for the portion of the Airport property that will be used for the construction of the new raw water transmission main. The deed restrictions are summarized below:

Require notice and comment from the City Airport Manager prior to any construction or maintenance activities within the area of the Airport property occupied by the raw water transmission main

Prohibit any maintenance or construction equipment which would encroach into restricted airspace of clear zones, approach slopes, runway and taxiway, or safety areas to enter upon or be used upon lands of the City without notice to and approval of the City's Airport Manager; except in emergency conditions.

Prohibit, except as otherwise permitted under written authorization, the construction of above ground level building, structure, poles or other objects, manmade or natural, to a height in

excess of Federal Aviation Regulation (FAR) Part 77 surfaces, based upon current runways or future runways which may be constructed.

Require filing of a notice consistent with the requirements of FAR Part 77 (FAA Form No. 7460 -1) prior to constructing any maintenance or improvement within the area of the Airport property occupied by the raw water transmission main.

Restrict and limit access to third parties to the area occupied by the raw water transmission main.

Indemnification of the State of Michigan against any loss, cost, damage or expense, including attorney fees, arising out of or from any accident or other occurrence by reason of construction, operation, maintenance or use of the raw water transmission main within the area of the Airport property occupied by the raw water transmission main.

Agreement that the City will not seek funding from the State of Michigan for any cost or expense involved in future relocation of the raw water transmission main should it become necessary in connection with any future airport improvement project which includes the area of the Airport property occupied by the raw water transmission main.

Approval of the restrictions is recommend by the Airport Manager and City Administration.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Reviewed by: Matt Kulhanek, Airport Manager; Sue McCormick, Public Services Area Administrator

Approved by: Roger W. Fraser, City Administrator

Whereas, The City of Ann Arbor is fee title owner of certain property located in City of Ann Arbor, Washtenaw County, which is designated and operated as the Ann Arbor Municipal Airport, more particularly described as:

The Northwest $\frac{1}{4}$ of Section 17.

Also, the Southwest $\frac{1}{4}$ of Section 17.

Also, the Southeast $\frac{1}{4}$ of Section 17.

Also, the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 17.

Also, the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 17.

Also, a parcel of land described as: Commencing at the Northeast corner of Section 17; thence South 620 feet in the East line of Section 17 for a place of beginning; thence South 763.30 feet in the East line of Section 17 to a point which is 50 feet South of the Northeast corner of Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$; thence West 1379.73 feet to the West line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$; thence North 235 feet in the West line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$; thence East 23 rods; thence North 32 rods; thence East 1008.85 feet to the place of beginning.

Whereas, The City intends to abandon in place the existing raw water transmission main servicing the City's Water Treatment Plant which traverses the Ann Arbor Municipal Airport property and replace it with a new raw water transmission main and appurtenances approximately 150 feet from the existing transmission main;

Whereas, FAA requires that the City accept and voluntarily subject on its ownership certain deed restrictions in connection with the construction and operation of the new raw water transmission main on airport property; specifically,

Require notice and comment from the City Airport Manager prior to any construction or

maintenance activities within the area of the Airport property occupied by the raw water transmission main

Prohibit any maintenance or construction equipment which would encroach into restricted airspace of clear zones, approach slopes, runway and taxiway, or safety areas to enter upon or be used upon lands of the City without notice to and approval of the City's Airport Manager; except in emergency conditions.

Prohibit, except as otherwise permitted under written authorization, the construction of above ground level building, structure, poles or other objects, manmade or natural, to a height in excess of Federal Aviation Regulation (FAR) Part 77 surfaces, based upon current runways or future runways which may be constructed.

Require filing of a notice consistent with the requirements of FAR Part 77 (FAA Form No. 7460 -1) prior to constructing any maintenance or improvement within the area of the Airport property occupied by the raw water transmission main.

Restrict and limit access to third parties to the area occupied by the raw water transmission main.

Indemnification of the State of Michigan against any loss, cost, damage or expense, including attorney fees, arising out of or from any accident or other occurrence by reason of construction, operation, maintenance or use of the raw water transmission main within the area of the Airport property occupied by the raw water transmission main.

Agreement that the City will not seek funding from the State of Michigan for any cost or expense involved in future relocation of the raw water transmission main should it become necessary in connection with any future airport improvement project which includes the area of the Airport property occupied by the raw water transmission main.

Whereas, The City Airport Manager and Public Services Area Administrator recommend acceptance of restrictions; and

Whereas, The City Attorney has prepared the necessary restrictive covenants deed for recording the restrictions against the City's title to the property;

RESOLVED, That City Council accepts and approves the restrictions as set forth above and directs the City Attorney to record the necessary instrument with the Washtenaw County Register of Deeds; and

RESOLVED, That a copy of the recorded instrument shall be provided to the FAA as evidence of the City of Ann Arbor's acceptance of and voluntary subjection to the deed restrictions.

Sponsored by: Councilmember Higgins