



Legislation Text

File #: 11-0422, **Version:** 1

Resolution Accepting Easement for Road Right-of-Way and Approve Related Temporary Grading Permit from the University of Michigan (E. Stadium Bridge Replacement Project) (\$563,400.00) **(8 Votes Required)**

There is a resolution before you to accept an easement for Road Right-of-Way from the University of Michigan and approve the temporary grading permits and payment for occupation of the designated areas during the E. Stadium Bridge Replacement project.

In order to receive authorization to proceed with the construction of the E. Stadium Bridge Replacement Project, it is necessary to acquire both temporary and permanent right-of-way for the project.

Public Services Administration and the City Attorney's Office have negotiated the terms of the easement and temporary grading permit with the Office of General Counsel for the University of Michigan and University staff. As part of the Tiger II Discretionary Grant review, the terms of the easement are subject to approval by MDOT. Should MDOT request modification of any of the terms of the negotiated easement, the required modifications to the easement terms will be resubmitted for approval by City Council and the University.

The impacted University property was appraised in accordance with FHWA, MDOT and City requirements to determine the fair market valuation of rights the City is acquiring under the documents.

The TIGER II grant will reimburse the City for 80% of the City's costs for the Right-of-Way (ROW) and the temporary grading permits (TGP), up to \$800,000.00. The Street Reconstruction Millage will interim finance payment of all right-of-way and temporary grading permits until such time the City is reimbursed for 80% of its right-of-way and temporary grading permit costs.

Acceptance of the easement and approval of the temporary grading permits are recommended.

Prepared by: Homayoon Pirooz, Project Management Service Unit Manager; Mary Joan Fales, Senior Assistant City Attorney

Reviewed by: Sue McCormick, Public Services Area Administrator; Stephen K. Postema, City Attorney

Roger W. Fraser, City Administrator

Sponsored: Council members Marcia Higgins and Margie Teal

Whereas, The E. Stadium Boulevard Bridge has deteriorated in condition and should be replaced to continue to ensure the health and safety of the residents of the community;

Whereas, The University of Michigan is the fee simple owner of land adjacent to the approaching roadway project areas;

Whereas, The City and the University have negotiated in good faith the terms and conditions for

occupancy, both temporary and permanent, of the required property to complete the bridge replacement;

Whereas, As part of the Tiger II Discretionary Grant review, the terms of the easement are subject to final approval by MDOT;

Whereas, In accordance with FHWA, MDOT and City requirements the land to be occupied was appraised to determine its fair market valuation;

Whereas, The University has agreed to accept the appraised fair market valuation stated in the temporary grading permit in the amount \$563,400.00, for the rights afforded the City under the temporary grading permit and easement and payable under the terms of the temporary grading permit in three installments over the life of the project;

Whereas, The TIGER II grant will reimburse the City for 80% of its costs for the Right-of-Way (ROW) and the temporary grading permits (TGP), up to \$800,000.00; and

Whereas, The Street Reconstruction Millage will interim finance payment of the Rights of Way and Temporary Grading Permits for the project;

RESOLVED, That the City of Ann Arbor hereby accepts said grant of easement for road right-of-way and its submission to MDOT for final approval;

RESOLVED, That should MDOT request modification of any of the terms of the approved easement when submitted for their final approval, the required modifications to the easement terms will be resubmitted for approval by City Council and the University;

RESOLVED, That City Council approves the terms of the temporary grading permit required in connection with the E. Stadium Bridge Replacement Project and authorizes the payment of \$563,400.00 to the University of Michigan for the occupancy rights, temporary and permanent, in connection with the Project;

RESOLVED, That City Council authorizes the expenditure from the City's Streets Reconstruction Millage of \$563,400.00 for the purchase of the Rights of Way and the Temporary Grading permits; where 80% of the City's cost up to \$800,000.00 will be returned to the City from the obligated Federal TIGER II grant for the E. Stadium Bridges Replacement project;

RESOLVED, That the Mayor and Clerk be authorized and directed to execute the grant of easement acknowledging its acceptance; and

RESOLVED, That the Mayor and Clerk be authorized and directed to execute the related temporary grading permits after approval as to substance by the City Administrator and approval as to form by the City Attorney.