



Legislation Text

File #: 18-0521, **Version:** 1

Resolution to Accept Conveyance of Land for Public Park at North Sky West Condominium from Pulte Homes of Michigan, LLC **(8 Votes Required)**

This proposed conveyance of parkland is a parcel that is currently part of the North Sky West Condominium. Pulte Homes of Michigan, LLC, a Michigan limited liability company, the owner and developer of North Sky West Condominium, is donating a 2.07 acre parcel, which has been reviewed and recommended by the Land Acquisition Committee of the Park Advisory Commission, pending completion of due diligence.

The executed deeds and other necessary instruments will be held in escrow pending the City's completion of due diligence on the parcels, including title work, environmental, and survey review. Upon satisfactory completion of due diligence, the City will notify the escrow agent that the City accepts the property, the deeds will be recorded, and the property will transfer to the City. If the due diligence is not satisfactory to staff and cannot be corrected, the City will notify the escrow agent that the City will not accept the property, the deeds will not be recorded, and the City will not take ownership.

This escrow arrangement will allow the developer to obtain building permits in compliance with the development agreement while the City completes its due diligence.

Approval of this conveyance subject to escrow is recommended.

Prepared by: Michele Yanga, Legal Assistant

Reviewed by: Christopher Frost, Senior Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

Whereas, Pulte Homes of Michigan, LLC, is the owner and developer of property commonly known as North Sky West Condominium, described in a Master Deed recorded in Liber 5222, page 367 of Deeds, Washtenaw County Records; and

Whereas, Pulte Homes of Michigan, LLC, has agreed to donate to the City a 2.07 acre parcel, described as:

Commencing at the West $\frac{1}{4}$ corner of Section 16, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan; thence North 00 degrees 26 minutes 45 seconds East 667.77 feet along the West line of said Section 16 to the Point of Beginning; thence continuing along said West line North 00 degrees 26 minutes 45 seconds East 587.67 feet; thence North 26 degrees 01 minutes 04 seconds East 88.67 feet; thence North 88 degrees 00 minutes 11 seconds East 258.14 feet; thence South 01 degrees 52 minutes 53 seconds East 125.02 feet; thence 13.13 feet along a curve to the left, said curve having a radius of 125.00 feet, a delta angle of 6 degrees 01 minutes 11 seconds and a chord bearing South 84 degrees 32 minutes 54 seconds West 13.13 feet; thence North 08 degrees 27 minutes 41 seconds West 112.00 feet; thence South 72 degrees 54 minutes 42 seconds West 71.10 feet; thence South 55 degrees 39 minutes 28 seconds West 71.10 feet; thence South 38 degrees 30 minutes

08 seconds West 70.32 feet; thence South 30 degrees 17 minutes 42 seconds West 45.00 feet; thence South 27 degrees 12 minutes 44 seconds West 56.16 feet; thence South 18 degrees 19 minutes 48 seconds West 91.02 feet; thence South 00 degrees 24 minutes 44 seconds West 137.21 feet; thence South 22 degrees 29 minutes 37 seconds East 84.64 feet; thence South 47 degrees 07 minutes 17 seconds East 84.15 feet; thence South 72 degrees 30 minutes 14 seconds East 84.37 feet; thence North 88 degrees 07 minutes 57 seconds East 435.34 feet; thence South 01 degrees 52 minutes 03 seconds East 63.08 feet; thence South 87 degrees 57 minutes 33 seconds West 639.65 feet to the Point of Beginning. Containing 2.07 acres, more or less.

RESOLVED, That the City of Ann Arbor hereby accepts this conveyance of parkland pending recording of a warranty deed under an escrow agreement between the City, Pulte Homes of Michigan, LLC, and Liberty Title Company; and that if the deed for this conveyance is not so recorded, this acceptance is void;

RESOLVED, That the escrow agreement shall provide that transfer of title to the City shall be contingent upon the City's completion of due diligence on the parcels, including title work, environmental, and survey review; and that if the due diligence is not satisfactory to the City, the deed will not be recorded and the City will not take ownership;

RESOLVED, That the transaction shall be concluded by September 1, 2018 or as soon thereafter as practicable; and

RESOLVED, That the City Administrator be authorized and directed to implement this resolution, including the determination of satisfactory due diligence for the parcels, execution of the escrow agreement and all closing documents after approval as to form by the City Attorney, and all other appropriate actions.