



Legislation Text

File #: 10-0814, **Version:** 1

Resolution Authorizing Fixed Annexation and Water Improvement Charges and Fees for 2562 Newport Road in Connection with Access Grant for Newport Creek Culvert Project

There is a resolution before you to authorize certain annexation application and water improvement and connection charges as consideration for a grant of access to the portions of the property at 2562 Newport Road (Tax Parcel Code No.: I-09-18-150-014) necessary for construction of the Newport Creek Culvert.

Section 2:23 of the Ann Arbor City Code authorizes the City to furnish water service outside City limits with the approval of City Council when necessary to obtain a right-of-way agreement and where the customer agrees as a condition of receiving service to annex. The proposed charges and fees presented for Council approval were a result of negotiations with the property owner in exchange for temporary grading and easement rights for permanent drainage granted to the City in connection with the Newport Creek Culvert construction project.

The following proposed fees were reviewed and recommended by the Public Services Area Administrator and the Community Services Area Administrator in connection with the Project.

- Application of the FY2010 rate of \$553 for annexation applications (rate expired June 30, 2010 during negotiation)
- Reduction of the water improvement charge to the amount of \$1,447.09 (said amount being the historic improvement charge) for this property on the condition that the Property Owner completes the annexation petition (including payment of all fees and payment in full of the reduced water improvement charge) no later than December 31, 2010 and obtains active water service within ninety (90) days of annexation.
- Reduction of the water connection charges, water tap and meter fees to zero, subject to same annexation and connection requirement stated above.
- Waiver of \$40 recording fee for outside City service water agreement.

Failure of the Property Owner to satisfy the annexation and active service condition within the identified time periods would result in the water improvement charge being adjusted back to the fixed improvement charge current at the time of connection. In addition, the water connection charge, water tap fee, meter fee and recording fee would be charged at the full rate. The Property Owner has accepted this condition.

These fixed charges and fees are applicable only to the current Property Owner. Should the property be transferred or sold by the Property Owner before annexation and/or connection have been completed all fixed or reduced fees are void and the subsequent owner will be responsible for full payment of all fees and charges. The Property Owner has accepted this condition.

Prepared by: Elizabeth Severn, Legal Assistant

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Roger W. Fraser, City Administrator

Whereas, Louis E. Betke, a single man, is the owner in fee simple of property commonly known as 2562 Newport Road, located in the Township of Ann Arbor, County of Washtenaw, State of Michigan, as described in the Warranty Deed recorded in the Washtenaw County Records at Liber 944, page 631 recorded on April 7, 1961;

Whereas, In consideration of the grant to the City of certain rights to enter and occupy a portion of the real property commonly known as 2562 Newport Road, Ann Arbor, Michigan, in connection with the construction of the Newport Creek Culvert Project, the City Administration has negotiated the provision of outside water service with the Property Owner, by and through his Attorney in Fact, Michael L. Betke, under Power of Attorney;

Whereas, Pursuant to Section 2:23 the Property Owner has agreed in connection with the provision of outside water service to annex into the City by the date specified and under the conditions stated in this Resolution;

Whereas, The fixed water improvement charge and reduced charges stated below have been reviewed and recommended for City Council approval:

- Application of the FY2010 rate of \$553 for annexation applications (rate expired June 30, 2010 during negotiation)
- Reduction of the water improvement charge to the amount of \$1,447.09 (said amount being the historic improvement charge) for this property on the condition that the Property Owner completes the annexation petition (including payment of all fees and payment in full of the reduced water improvement charge) no later than December 31, 2010 and obtains active water service within ninety (90) days of annexation.
- Reduction of the water connection charges, water tap and meter fees to zero, subject to same annexation and connection requirement stated above.
- Waiver of \$40 recording fee for outside City service water agreement.

Whereas, The proposed fixed charges and fees are conditional upon the following:

- Owner must complete the annexation petition, including payment of all required fees, by December 31, 2010.
- Owner must further obtain active water service within 90 days of annexation.
- The fee reductions are non-transferable and void if the conditions stated above are not satisfied within the specified time periods.

Whereas, The Property owner has agreed to the City conditions;

Whereas, The Property Owner, has in good faith, executed and delivered all necessary documents to grant the City access to his property for construction activities, both temporary and permanent, in connection with the Newport Creek Culvert construction project;

RESOLVED, That City Council authorize the fixed fees stated herein for annexation application, water improvement charges, water connection charges, water tap and meter fees and waiver of the recording fees for

Property Address: 2562 Newport Road, Ann Arbor, Michigan, situated in the Township of Ann Arbor, Washtenaw County, Michigan

Tax Parcel Code No.: I-09-18-150-014

subject to the satisfaction of all conditions of annexation and commencement of active water service to the property within the time periods stated above;

RESOLVED, That should the Owner of the Real Property fail to satisfy the conditions stated for authorization of the fixed fees stated herein that the Real Property shall be subject to the then current water main improvement charge fixed charge and all other charges and fees shall be due and payable in full at the time of connection at the then current rate for such charges and fees;

RESOLVED, That the Public Services Area be directed to send a copy of this resolution by first class mail to the Owner of the Real Property and the Attorney in Fact for the Owner of the Real Property on file with the Public Services Area and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan;

RESOLVED, That the City Administrator is authorized and directed to take all necessary actions to implement this Resolution.