



Legislation Details (With Text)

File #: 14-0513 **Version:** 1 **Name:** 04/07/14 Belle Tire ROW Vacation
Type: Resolution/Public Hearing **Status:** Passed
File created: 4/7/2014 **In control:** City Council
On agenda: 4/7/2014 **Final action:** 4/7/2014
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Title: Resolution to Vacate a Seven-Foot Wide Strip of West Ellsworth Road Near the Corner of South State Street and Accept a Grant of Easement for Non-motorized Use (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (8 Votes Required)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 3/18/14 Planning Staff Report, 2. Vacation and Easement Drawing.pdf, 3. 3-18-2014 CPC Minutes for Belle Tire ROW Vacation

| Date | Ver. | Action By | Action | Result |
|----------|------|--------------|-----------------|--------|
| 4/7/2014 | 1 | City Council | Approved | Pass |
| 4/7/2014 | 1 | City Council | Held and Closed | |

Resolution to Vacate a Seven-Foot Wide Strip of West Ellsworth Road Near the Corner of South State Street and Accept a Grant of Easement for Non-motorized Use (CPC Recommendation: Approval - 9 Yeas and 0 Nays) **(8 Votes Required)**

There is a resolution before you vacate a portion of an existing easement for public right-of-way and to accept in its place an easement for non-motorized use from 3965 South State Associates, L.L.C. at 3975 South State Street and 590 West Ellsworth Road.

In 2013, 3965 South State Associates, L.L.C. granted to the City a 50-foot wide easement for public right-of-way adjacent to 3975 South State Street and 590 West Ellsworth Road. This strip was anticipated to allow the widening of Ellsworth Road at State Street and permit installation of a sidewalk to fill a sidewalk gap. Belle Tire currently has a site plan pending approval at 590 West Ellsworth. The proposed building lacks sufficient setback space due to the width of the previously granted public right-of-way. Staff review indicates if a 7-foot wide strip of the public right-of-way were vacated and replaced with an easement for non-motorized use, then the setback requirements of City Code would be satisfied and the City would retain the ability to install a sidewalk as originally planned.

The City Planning Commission held a public hearing regarding the vacation at its meeting of March 18, 2014 and heard no objections or concerns. The City Planning Commission recommends approval of the requested vacation upon condition that the petitioner convey an easement for non-motorized use in its place.

Petitioner has provided that easement for Council's acceptance. The easement is conveyed without cost to the City.

Vacation of the 7-foot wide strip of public right-of-way and acceptance of the easement for non-motorized use in its place is recommended.

Attachments: 3/18/14 Planning Commission Staff Report, 3/18/14 Planning Commission Minutes, Vacation and Easement Drawing

Prepared By: Chris Cheng, City Planner

Reviewed By: Wendy L. Rampson, Planning Manager and Sumedh Bahl, Community Services Area Administrator

Whereas, 3965 South State Associates, L.L.C. is the owner of property commonly known as 3975 South State Street and 590 West Ellsworth Road, Ann Arbor, Michigan 48108, described in Liber 4715, Pages 626, 627, and 628 of Deeds, Washtenaw County Records;

Whereas, 3965 South State Associates, L.L.C. recently granted to the City a 50-foot wide easement for public right of way adjacent to 3975 South State Street and 590 Ellsworth Road, recorded in Liber 4996, Page 312 of Deeds, Washtenaw County Records;

Whereas, 3965 South State Associates, L.L.C. has requested this vacation;

Whereas, The City Planning Commission reviewed this request on March 18, 2014 and recommended approval of the vacation upon the condition that petitioner grant an easement for non-motorized use over the same parcels to be vacated;

Whereas, 3965 South State Associates, L.L.C. has executed and delivered a grant of easement for non-motorized use over the same parcels to be vacated;

Whereas, On March 3, 2014, City Council approved a resolution of intent to vacate and hold a public hearing on this vacation on April 7, 2014; and

Whereas, City Council held a public hearing on this vacation on April 7, 2014;

RESOLVED, That the City of Ann Arbor vacates all rights in the following described parcels of public right-of-way, being part of the right-of-way that was granted by an easement recorded at Liber 4996, Page 312 of Deeds, Washtenaw County Records:

Part of the S.W. 1/4 of Sec. 9, T. 3 S., R. 6 E., City of Ann Arbor, Washtenaw County, Michigan, described as commencing at the S.W. Corner of said Section 9; thence N. 87° 53' 20" E. 528.00 ft. along the South line of Section 9 also being the centerline of Ellsworth Road (variable width) and N. 01° 06' 00" W. 43.01 ft. to the point of beginning, proceeding thence S. 87° 53' 20" W. 139.68 ft. along the northerly right of way line of Ellsworth Road; thence N. 01° 06' 00" W. 7.00 ft.; thence N. 87° 53' 20" E. 139.68 ft.; thence S. 01° 06' 00" E. 7.00 ft. to the point of beginning. Being a part of Tax Parcel I.D. No. 09-12-09-301-014; and

Part of the S.W. 1/4 of Sec. 9, T. 3 S., R. 6 E., City of Ann Arbor, Washtenaw County, Michigan, described as commencing at the S.W. Corner of said Section 9; thence N. 87° 53' 20" E. 388.26 ft. along the South line of Section 9 also being the centerline of Ellsworth Road (variable width) and N. 01° 01' 00" W. 43.01 ft. to the point of beginning, proceeding thence S. 87° 53' 20" W. 17.57 ft. along the northerly right of way line of Ellsworth Road; thence N. 01° 06' 00" W. 7.00 ft.; thence N. 87° 53' 20" E. 17.57 ft.; thence S. 01° 06' 00" E. 7.00 ft. to the point of beginning. Being a part of Tax Parcel I.D. No. 09-12-09-301-013.

RESOLVED, That except for the parcels vacated by this resolution, the City of Ann Arbor retains all rights granted by the easement for public right-of-way recorded at Liber 4996, Page 312 of Deeds, Washtenaw County Records;

RESOLVED, That an appropriate instrument approved by the City Attorney evidencing this vacation be recorded at the Washtenaw County Register of Deeds as soon as practicable following approval of this resolution; and

RESOLVED, That the City of Ann Arbor accepts the grant of easement for non-motorized use from 3965 South State Associates, L.L.C. over the same parcels that are vacated by this resolution.