



Legislation Details (With Text)

File #: 19-0026 **Version:** 1 **Name:** 1/22/19 Maple Village Sanitary Easement and Release
Type: Resolution **Status:** Passed
File created: 1/22/2019 **In control:** City Council
On agenda: 1/22/2019 **Final action:** 1/22/2019
Enactment date: 1/22/2019 **Enactment #:** R-19-012

Title: Resolution to Partially Release a Sanitary Sewer Easement (Liber 1006, Pages 401, 404, 407) and Accept a New Sanitary Sewer Easement at Maple Village Shopping Center from Brixmor Holdings 1 SPE, LLC (8 Votes Required)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Maple Village Sanitary Map.pdf, 2. 1962 indentures.pdf

Date	Ver.	Action By	Action	Result
1/22/2019	1	City Council	Approved	Pass

Resolution to Partially Release a Sanitary Sewer Easement (Liber 1006, Pages 401, 404, 407) and Accept a New Sanitary Sewer Easement at Maple Village Shopping Center from Brixmor Holdings 1 SPE, LLC **(8 Votes Required)**

In 1962, City Council accepted a grant of easement for sanitary sewer on the property now owned by Brixmor Holdings 1 SPE, LLC ("Brixmor"). As part of the redevelopment of Maple Village, the City required a new sanitary sewer and easement which is intended to replace part of the original sanitary sewer and easement.

A separate resolution approves an agreement to transfer ownership of the old sanitary sewer to Brixmor, who wishes to use it as a private sewer lead serving 195 N. Maple Road (currently PNC Bank). That resolution and agreement do not affect this release and acceptance.

The new easement is in standard form and is conveyed without cost to the City.

Release of part of the existing easement and acceptance of the new easement are recommended.

Prepared by: Michele Yanga, Legal Assistant

Reviewed by: Christopher Frost, Senior Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

Whereas, In 1962, Maple Village Shopping Center, Inc., Fred Lieberman, and National Bank and Trust Company, as Trustee of the Estate of Minnie E. Bock granted to the City an easement for sanitary sewer at Maple Village Shopping Center by three separate indentures recorded at Liber 1006, Pages 401, 404, and 407 of Deeds respectively, Washtenaw County Records;

Whereas, Brixmor Holdings 1 SPE, LLC is the current owner of property commonly known as 155-396 N. Maple Road, Ann Arbor, Michigan 48103, described at Liber 4641, Page 463 and Liber 5155, page 857 of Deeds, Washtenaw County Records (Maple Village Shopping Center);

Whereas, Brixmor Holdings 1 SPE, LLC has signed a new grant of easement for sanitary sewer, described as:

A 30 FOOT WIDE SANITARY SEWER EASEMENT SITUATED IN THE CITY OF ANN ARBOR, COUNTY OF WASHTENAW, STATE OF MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SECTION 25, TOWN 2 SOUTH, RANGE 5 EAST, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN; THENCE SOUTH 01°38'00" EAST ALONG THE EAST LINE OF SAID SECTION 1200.00 FEET; THENCE SOUTH 88°45'37" WEST 45.00 FEET TO THE POINT OF BEGINNING AND A POINT ON THE WEST RIGHT-OF-WAY LINE OF MAPLE ROAD; THENCE CONTINUING SOUTH 88°45'37" WEST 217.42 FEET; THENCE SOUTH 65°05'23" WEST 49.41 FEET; THENCE SOUTH 87°56'21" WEST 168.31 FEET; THENCE SOUTH 22°07'38" WEST 107.85 FEET; THENCE SOUTH 73°40'23" WEST 30.90 FEET TO WEST PARCEL LINE; THENCE SOUTH 22°11'00" WEST ALONG WEST PARCEL LINE 38.34 FEET; THENCE NORTH 73°40'23" EAST 69.26 FEET; THENCE NORTH 22°07'38" EAST 102.93 FEET; THENCE NORTH 87°56'21" EAST 154.96 FEET; THENCE NORTH 65°05'23" EAST 49.19 FEET; THENCE NORTH 88°45'37" EAST 197.32 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MAPLE ROAD; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF MAPLE ROAD THE FOLLOWING THREE (3) COURSES: (1) NORTH 01°38'00" WEST 8.14 FEET; (2) NORTH 88°32'30" EAST 14.06 FEET; (3) NORTH 01°38'00" WEST 21.80 FEET TO THE POINT OF BEGINNING. SAID EASEMENT CONTAINS 0.40 ACRES (17308 SQ. FT.) MORE OR LESS.

RESOLVED, That the City of Ann Arbor hereby releases all rights granted by the indentures recorded at Liber 1006, Page 401, 404, and 407 of Deeds, Washtenaw County Records as to the following described land only:

"ALSO Commencing at the northeast corner Section 25, Scio Township, T2S, R5E, Washtenaw County, Michigan; thence south in the east line of Section 25, 1234.87 feet; thence deflecting 89 degrees 25 minutes right 33 feet for a place of beginning; thence continuing in the aforementioned course 432 feet; thence deflecting 65 degrees 42 minutes left 106 feet to the point of termination."

RESOLVED, That the City of Ann Arbor retains all other rights granted by the indentures except as stated in releases recorded in Liber 1150, Page 345 and Liber 1465, Page 866;

RESOLVED, That the City of Ann Arbor hereby accepts the new grant of easement for sanitary sewer from Brixmor Holdings 1 SPE, LLC; and

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