



## Legislation Details (With Text)

|                        |            |                      |              |              |   |
|------------------------|------------|----------------------|--------------|--------------|---|
| <b>File #:</b>         | 20-0933    | <b>Version:</b>      | 1            | <b>Name:</b> | 7/6/20 Pathway Easement in Marshall Nature Area |
| <b>Type:</b>           | Resolution | <b>Status:</b>       | Passed       |              |   |
| <b>File created:</b>   | 7/6/2020   | <b>In control:</b>   | City Council |              |   |
| <b>On agenda:</b>      | 7/6/2020   | <b>Final action:</b> | 7/6/2020     |              |   |
| <b>Enactment date:</b> | 7/6/2020   | <b>Enactment #:</b>  | R-20-240     |              |   |

**Title:** Resolution to Grant a Pathway Easement and Grading Permit to the Charter Township of Ann Arbor in Marshall Nature Area (8 Votes Required)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Matthei Botanical Gardens Trail Illustration.pdf

| Date     | Ver. | Action By    | Action   | Result |
|----------|------|--------------|----------|--------|
| 7/6/2020 | 1    | City Council | Approved | Pass   |

Resolution to Grant a Pathway Easement and Grading Permit to the Charter Township of Ann Arbor in Marshall Nature Area **(8 Votes Required)**

The Charter Township of Ann Arbor is requesting a pathway easement from the City of Ann Arbor to complete the Matthei Botanical Gardens Trail, a critical north-south connector to the B2B Trail. This portion of the trail will connect Marshall Nature Area and Matthei Botanical Gardens to Parker Mill and the B2B Trail, which goes through Gallup Park. Phase 1 of this trail, completed in October 2018, connects Matthei to Parker Mill County Park. It won the SEMCOG Regional Showcase award and is widely used.

The trail is designed to provide two safe non-motorized crossings of busy roads:

- mid-block on Dixboro Road, near the Botanical Gardens and the Fleming Creek subdivisions, and
- signalized on Plymouth Road at the intersection with Dixboro Road.

The trail is designed to minimize environmental impacts and provide universal access. It is funded in part by Transportation Alternative Program funds, so it must meet MDOT standards. That means it will be an ADA-compliant, 10-foot-wide, paved trail with 2-foot-wide shoulders. This wider trail design makes it safer for multiple users.

The easement is needed to allow the trail to be routed along the southeastern corner of Marshall Nature Area, adjacent to Dixboro Road, because there is not sufficient room within the existing road ROW to locate the trail there. This is due to the planned addition of a right turn lane on southbound Dixboro Road at Plymouth Road. The pathway easement and grading permit are requested to allow for the creation of the new trail on park property. The design team is making every effort to minimize the environmental impact and use of the park and will also address drainage issues where the trail connects with the Marshall Nature Area driveway. The portion of Marshall Nature Area that would be subject to the easement is already kept clear due to an existing overhead utility easement.

The trail will be complete in fall of 2021, with construction beginning in either fall 2020 or spring 2021.

The lead on this Phase 2 project is the Charter Township of Ann Arbor. The project is managed by the Washtenaw County Road Commission. It has received funding from the Washtenaw County Parks and Recreation Commission, SEMCOG, Superior Township, corporate neighbors, the Ralph Wilson Legacy Fund, and the Charter Township of Ann Arbor. Routine maintenance will be provided by the Fleming Creek neighborhood, University of Michigan, and Ann Arbor Parks and Recreation Services.

City Park staff is supportive of granting this easement and grading permit to the Charter Township of Ann Arbor for Phase 2 of the Matthaei Botanical Garden Trail. The Park Advisory Commission unanimously recommended approval of the easement at their June 16, 2020 meeting.

Prepared by: Dave Borneman, NAP Supervisor

Reviewed by: Derek Delacourt, Community Services Area Administrator  
Christopher Frost, Senior Assistant City Attorney

Approved by: Tom Crawford, Interim City Administrator

Whereas, The Charter Township of Ann Arbor would like to complete Phase 2 of the Matthaei Botanical Gardens Trail, which would connect Marshall Nature Area and Matthaei Botanical Gardens to Parker Mill and the B2B Trail;

Whereas, The Township wishes to construct a portion of the trail along the eastern boundary of Marshall Nature Area, from the intersection of Dixboro and Plymouth Road to the entrance to Marshall Nature Area on Dixboro Road;

Whereas, Insufficient space exists to construct this trail within the existing Dixboro Road right-of-way;

Whereas, In order to construct the trail, the Charter Township of Ann Arbor has requested a pathway easement and grading permit from the City;

Whereas, The Park Advisory Commission supports creating new trail linkages to City parks and between the City and the surrounding area, and unanimously recommended approval of the easement and permit at their June 16, 2020 meeting;

Whereas, The City Administrator has reviewed the proposed easement and, under City Code 1:321 (4), recommends that there be no appraisal because the easement will provide a public recreational benefit of substantial value which will be constructed at no cost to the City, and the City would incur the time and cost of obtaining the appraisal; and

Whereas, The City Council concurs with the reasoning of the City Administrator that an appraisal is unnecessary;

RESOLVED, That the City of Ann Arbor hereby approves granting a pathway easement and associated grading permit to the Charter Township of Ann Arbor in Marshall Nature Area, in substantially the area shown on the proposed plans for Phase 2 of the Matthaei Botanical Gardens Trail;

RESOLVED, That, the Mayor and City Clerk are authorized to execute the easement and grading permit after approval as to form by the City Attorney and as to substance by the City Administrator; and

RESOLVED, That the City Administrator is authorized to take all appropriate action to implement this resolution.