



Legislation Text

File #: 17-0557, **Version:** 1

Resolution to Approve an Easement Agreement for the Regional Detention Basin at 2250 Ann Arbor-Saline Road (\$230,000.00) **(8 Votes Required)**

Attached for your review and approval is a resolution to enter into an easement with the owner of 2250 Ann Arbor-Saline Road for the regional detention basin that is a requirement of the conditional zoning for the site, as well as the approved site plan and development agreement.

Council approved the conditional zoning and site plan for 2250 Ann Arbor-Saline Road on December 5, 2016. The conditional zoning requires that the owner enter into an easement agreement with the City that grants the City the right to use 72% (112,933 cubic feet) of the total capacity of the stormwater management system on-site for a regional detention basin to provide storm water detention for the surrounding area. The extra capacity in the detention basin that is being provided on this property will provide an additional stormwater management opportunity that will benefit the surrounding area. The detention basin will absorb additional stormwater from off-site and release it over time into the City's stormwater system to help minimize overland water flow into downstream neighborhoods. The City's FY2018-2023 Capital Improvement Plan has identified the need for a regional stormwater detention basin in this area.

The required terms of the easement are in the approved 2250 Ann Arbor-Saline Road Development Agreement and the 2250 Ann Arbor-Saline Road Conditional Zoning Statement of Conditions, including the following:

- The City shall pay the owner \$170,000.00 for the easement, which will include the detention basin, outlet control structure and outlet pipe.
- The City shall also reimburse the owner for 72% of the construction costs for the detention basin, up to a maximum of \$60,000.00.
- The easement shall allow the City to construct the detention basin at any time and charge the owner for 28% of the construction costs in the event the City decides to construct the detention basin before the owner is willing and able to construct it.
- The easement shall be granted in perpetuity.
- The owner and any subsequent property owner shall maintain the landscape in and around the detention basin, and the City shall maintain the outlet control structure and outlet pipe.
- The City shall periodically inspect the operation of the detention basin, as necessary.

Budget Impact

Funding for this easement is available in the approved Stormwater Capital Budget. \$170,000.00 shall be paid to the owner for the easement at the time of the execution, and a maximum of \$60,000.00 shall be paid to the owner for construction costs at the time of construction if the owner constructs the basin.

Approval of this resolution is recommended so that the easement agreement may be executed prior

to May 1, 2017 as required by the 2250 Ann Arbor-Saline Road Conditional Zoning Statement of Conditions.

Prepared By: Kevin S. McDonald, Senior Assistant City Attorney

Reviewed By: Craig Hupy, Public Services Area Administrator

Approved By: Howard S. Lazarus, City Administrator

Sponsored by Mayor Christopher Taylor

Whereas, Mirafzali Family LLC is the owner of property commonly known as 2250 Ann Arbor-Saline Road, being more particularly described as:

Commencing at the Northwest corner of Section 5, T3S, R6E; thence Easterly along the North line of Section 5, 984.9 feet; thence deflecting 90°53' to the right 718.12 feet to an iron pipe for the Place of Beginning; thence deflecting 79°06' to the left 493.10 feet; thence deflecting 32°12' to the right 394.72 feet to the centerline of Saline Road; thence deflecting 90° to the right 264.28 feet along the centerline of the Saline Road; thence deflecting 90° to the right 195.82 feet; thence deflecting 40° to the left, 449.67 feet; thence deflecting 86°54' to the right, 398.00 feet to the Place of Beginning. Except for East 60 feet along and Northwesterly of the centerline of Ann Arbor-Saline Road in the City of Ann Arbor, Washtenaw County, Michigan.

Whereas, On December 5, 2016 City Council approved the 2250 Ann Arbor-Saline Road rezoning with conditions (ORD-16-19) and the 2250 Ann Arbor-Saline Road Site Plan and Development Agreement (R-16-467);

Whereas, The rezoning with conditions and the Site Plan and Development Agreement require the owner to enter into an easement agreement with the City and grant an easement to the City for the use of 72% (112,933 cubic feet) of the stormwater management system on the property shown on the approved Site Plan for a regional detention basin to provide stormwater detention for the surrounding area;

Whereas, Funding for the easement and the City share of the detention basin construction is available in the approved Stormwater Capital Budget;

Whereas, The easement will allow the City to construct the regional detention basin at any time and charge the owner for 28% of the construction costs in the event the City wishes to construct the detention basin before the owner is willing and able to construct it; and

Whereas, The City received an appraisal consistent with the requirements of Chapter 14, Section 1:321 of Ann Arbor City Code;

RESOLVED, That the City Council authorizes the Mayor and City Clerk to execute an easement agreement for use of the detention basin as shown on the approved Site Plan for 2250 Ann Arbor-Saline Road incorporating the terms of this resolution, the 2250 Ann Arbor-Saline Road Conditional Zoning Statement of Conditions and the 2250 Ann Arbor-Saline Road Development Agreement, after approval as to form by the City Attorney and approval as to substance by the City Administrator; and

RESOLVED, That City Council authorize the City Administrator to take any necessary administrative action necessary to implement this resolution.