



Legislation Text

File #: 17-0010, Version: 1

Resolution of Intent to Vacate 24-Foot Wide Right-of-Way at Washtenaw Commons, 3500 Washtenaw **(8 Votes Required)**

In 1965, the owners of 3500 Washtenaw Avenue executed a "Right of Way Agreement" that granted to the City a 24-foot wide easement for public right-of-way behind the shopping center on the parcel. This right-of-way is used as an alley for solid waste collection and contains a public sanitary sewer line serving the buildings on the 3500 Washtenaw parcel. The shopping center at 3500 Washtenaw was recently redeveloped as "Washtenaw Commons" and while reviewing the site plan amendment, staff determined that the alley was not necessary for public access. Staff therefore proposed that the City vacate the alley and that the owner instead grant the City an easement for the existing sanitary sewer and an easement for solid waste removal. This ensures that the City has access to the alley to provide services to the Washtenaw Commons parcel, but the City will not be responsible for maintenance or repair of the alley going forward. The resolution vacating this alley will also contain a resolution accepting the replacement solid waste and sanitary sewer easements.

Project Management and Systems Planning Unit staff concur that this alley vacation is acceptable because this segment serves only the Washtenaw Commons parcel and does not serve any other parcel or contain any public utilities serving any other parcel.

The same 1965 Right of Way Agreement also granted the City a 22-foot wide public right-of-way adjacent to Washtenaw Avenue (commonly known as the "Washtenaw Service Drive"). Restrictions contained in this easement required that the right-of-way be paved, however the site plan contained landscaping in this area to reduce impervious surface. Staff therefore proposed that the owner grant the City a revised right-of-way eliminating these restrictions and permit the landscaping. The resolution vacating the alley will also contain a resolution accepting the revised grant of right-of-way for the same 22-foot wide area without the paving restrictions.

Approval of this resolution announces the City's intent to vacate the described 24-foot alley and serves as notification that City Council will hold a public hearing on this vacation on July 17, 2017. A resolution to approve the vacation and accept the replacement solid waste and sanitary sewer easements also will be placed on the July 17, 2017 City Council agenda.

The Planning Commission held a public hearing on December 6, 2016 and recommended approval of the proposed vacation. A map indicating the area proposed for vacation is attached.

Prepared By: Matt Kowalski, City Planner

Reviewed By: Brett Lenart, Planning Manager

Derek Delacourt, Community Services Area Administrator

Approved By: Howard S. Lazarus, City Administrator

Whereas, City staff have proposed the vacation of a 24-foot wide public right-of-way behind the Washtenaw Commons development at 3500 Washtenaw Avenue, more particularly described as

The south 24 feet of the following 4 parcels of land:

Beg NE cor Lot 9 Pittsfield Park No. 1 th N 76 Deg 50
Min W 200 ft th N 13 Deg 10 Min W 379.88 ft th S 76
Deg 50 Min E 200 ft th S 13 Deg 10 Min W 379.5 ft to
P.O.B. Prt W Frl 1/2 of NE Frl 1/4 Sec 2 T3S, R6E

Com Cen Sec 2 th N 0 Deg 13 Min 58 Sec W 674.25 ft
Th S 76 Deg 49 Min 58 Sec E 281 ft for P.O.B. th N
13 Deg 07 Min W 380.08 ft th S 76 Deg 45 Min E 165
Ft th S 13 Deg 07 Min W 379.88 ft th N 76 Deg 49 Min
58 Sec W 165 ft to P.O.B. prt NE 1/4 Sec. 2, T3S, R6E,

Com Cen Sec 2 th N 0 Deg 13 Min 58 Sec W 674.25 ft th
S 76 Deg 49 Min 59 Sec E 141 ft to P.O.B. th N 13 Deg
08 Min E 380 ft th S 76 Deg 47 Min E 140 ft th S
13 Deg 07 Min W 380 ft th N 76 Deg 49 Min 58 Sec W
140.05 ft to P.O.B. Prt Sec 2 T3S, R6E

Com Cen Sec 2 th N 0 Deg 13 Min 58 Sec W 674.25 ft to
P.O.B. th N 0 Deg 13 Min 58 Sec W 128.62 ft th S 76
Deg 48 Min E 90.13 ft th N 13 Deg 10 Min 30 Sec E
254.92 ft th S 76 Deg 45 Min E 80.32 ft th S 13 Deg
07 Min W 380 ft th N 76 Deg 49 Min 58 Sec W 141 ft
To P.O.B Prt Sec 2, T3S R6E

Whereas, The owner of 3500 Washtenaw Avenue has signed easements for solid waste and sanitary sewer over the property that will be vacated, which will allow the City to provide these services to the parcel;

Whereas, The owner of 3500 Washtenaw Avenue has signed an easement for public right-of-way that will remove restrictions on the Washtenaw Service Drive in front of 3500 Washtenaw Avenue;

Whereas, The Planning Commission recommended approval of the proposed vacation on December 6, 2016;

RESOLVED, That City Council appoints July 17, 2017 at 7:00 p.m. in the Council Chambers of the Larcom City Hall, Ann Arbor, Michigan, as the time and place City Council will meet to hear objections to the vacation of the 24-foot wide right-of-way;

RESOLVED, That notice of such meeting, including a copy of this resolution, shall be published not less than four weeks before the time appointed for such meeting in a newspaper of general circulation in the City; and

RESOLVED, That objections to this proposed vacation may be filed with the City Clerk in writing and that all persons wishing to address the proposed vacation will be heard by the City Council at the public hearing noticed in this resolution.