



## Legislation Text

File #: 17-0221, Version: 2

### Resolution to Vacate Right-of-Way/Alley at 3500 Washtenaw and Accept in Its Place Solid Waste and Sanitary Sewer Easements from Washtenaw Commons, LLC and NEJ-Washtenaw, LLC **(8 Votes Required)**

This vacation and acceptance of easements is part of the Pittsfield Retail Project. 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 presently used as an alley for solid waste collection and contains a public sanitary sewer line. The mall 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 propose that the City vacate the alley and that the owner 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, but the City will not be responsible for maintenance of the alley going forward. This resolution vacating this alley will also accept the solid waste and sanitary sewer easements granted by the owners.

Prepared By: Brett Lenart, Planning Manager

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

Approved By: Howard S. Lazarus, City Administrator

Whereas, Washtenaw Commons, LLC and NEJ-Washtenaw, LLC are the owners of property commonly known as 3500 Washtenaw Avenue, Ann Arbor, Michigan 48104, described in Liber 5065, Page 886 of Deeds, Washtenaw County Records;

Whereas, City staff have proposed the vacation of a 24-foot wide public right-of-way behind 3500 Washtenaw Avenue; and

Whereas, Washtenaw Commons, LLC and NEJ-Washtenaw, LLC, owners of 3500 Washtenaw Avenue, have signed easements for solid waste and sanitary sewer and appurtenances over the property that will be vacated, which will allow the City to provide these services to the parcel;

**RESOLVED**, That the City of Ann Arbor hereby vacates all rights to the 24-foot wide public right-of-way granted by a Right of Way Agreement dated December 29, 1965 and recorded at Liber 1145, Page 249 of Deeds, Washtenaw County Records, 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 0Deg 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

RESOLVED, That the City of Ann Arbor hereby accepts the grant of easement for solid waste from Washtenaw Commons, LLC and NEJ-Washtenaw, LLC, described as:

Part of the N.E. 1/4 of Section 2, T.3S., R.6E., Pittsfield Township, Washtenaw Co., Michigan. Commencing at the North 1/4 Corner of Section 2; thence along the North-South 1/4 line of Section 2, S00°13'58"E, 1482.35 feet to the point of beginning; thence S77°04'10"E, 651.69 feet; thence S13°07'00"W, 24.00 feet; thence N77°04'10"W, 646.00 feet; thence N00°13'58"W, 24.65 feet to the point of beginning. Containing 0.36 acres, more or less; and

RESOLVED, That the City of Ann Arbor hereby accepts the grant of easement for sanitary sewer from Washtenaw Commons, LLC and NEJ-Washtenaw, LLC, described as:

Part of the N.E. 1/4 of Section 2, T.3S., R.6E., Pittsfield Township, Washtenaw Co., Michigan. Commencing at the North 1/4 Corner of Section 2; thence along the North-South 1/4 line of Section 2, S00°13'58"E, 1482.35 feet to the point of beginning; thence S77°04'10"E, 651.69 feet; thence S13°07'00"W, 24.00 feet; thence N77°04'10"W, 646.00 feet; thence N00°13'58"W, 24.65 feet to the point of beginning. Containing 0.36 acres, more or less; and

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

RESOLVED, That the easements accepted by this resolution be recorded concurrently with the vacation at the Washtenaw County Register of Deeds.