



## Legislation Text

---

**File #:** 19-0475, **Version:** 1

---

Resolution to Approve Agreements with 115 Depot, LLC and 201 Depot L.L.C. for Storm Water, Sidewalk and Temporary Construction Easements at 115 and 201 Depot Street for the Allen Creek Railroad Berm Opening Project **(8 Votes Required)**

115 Depot, LLC and 201 Depot L.L.C. are related entities that have agreed in principle to enter three related and cross-referenced agreements granting the City storm water, sidewalk, and temporary construction easements at 115 and 201 Depot Street that are essential for the Allen Creek Railroad Berm Opening Project. The agreements consist of a Master Agreement signed by all three parties and two separate Easement Agreements (one each for 115 Depot and 201 Depot respectively) signed by the City and the owner of the respective parcels.

The Allen Creek Railroad Berm Opening Project includes installing a culvert through the railroad berm to provide flood relief in the Depot Street area and an adjacent pedestrian tunnel to allow nonmotorized access connecting Depot Street to Argo Nature Area and the Border-to-Border Trail. The project is partly funded with federal and state grants.

It is required that the City obtain these easements (and the easement on 841 Broadway, which is also before Council on March 18, 2019) before the project can enter the MDOT bidding process. After going to bid, the project will be ready to proceed to the construction phase, which is anticipated to begin in the summer of 2019.

**Background:** Council has taken a number of actions in furtherance of this project, including:

On August 15, 2016, Council passed a resolution (R-16-331) to accept a \$3,085,550 phased FEMA Hazard Mitigation Assistance Grant.

On January 3, 2017 Council passed a resolution (R-17-004) to authorize a \$674,656.50 professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann) for the design of the project.

On March 20, 2017, Council passed a resolution (R-17-083) to approve a grant application to the Michigan Natural Resources Trust Fund (MNRTF) Program for the project.

On May 15, 2017, Council passed a resolution (R-17-176) to approve a Design Phase Agreement with the National Railroad Passenger Corporation (Amtrak) for \$97,020.00 for review of design plans for the project.

On February 5, 2018, Council passed a resolution (R-18-033) to approve and appropriate \$971,250 in Transportation Alternative Program grant funding and \$614,255 in Major Street Fund balance to the project.

On March 19, 2018, Council passed a resolution (R-18-099) to approve an agreement with Level 3

Communications, LLC for \$118,200.00 to relocate fiber optic lines for the project.

On June 18, 2018, Council passed a resolution (R-18-256) to enter an agreement with DTE Gas Company regarding these easements for the project.

On August 9, 2018, Council passed a resolution (R-18-319) to approve a Michigan Natural Resources Trust Fund Grant Agreement and to accept and appropriate up to \$300,000.00 in grant funds for the project.

On February 4, 2019, Council passed a resolution (R-19-050) to approve a contract with MDOT for the project.

On February 19, 2019, Council passed a resolution (R-19-067) to accept and appropriate the second phase of a Hazard Mitigation Assistance Grant from FEMA for the project.

**Budget Impact:** The cost of the easement is \$7,000 for the permanent sidewalk easement and \$.036 per square foot per month of use by the City for the temporary construction easement. Based on the project schedule, the estimated maximum cost of the temporary construction easement is up to \$4,976. The value of the easements was determined by appraisal as required by the grants used for this project. Funding for this acquisition is available in the existing Allen Creek Berm Opening project budget.

**Sustainability Framework:** The proposed work completed under this project furthers the Sustainable Systems and Safe Community goals of the City's Sustainability Framework.

Prepared by: Michele Yanga, Legal Assistant

Reviewed by: Christopher Frost, Senior Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

Whereas, 115 Depot, LLC is the owner of 115 Depot Street, Ann Arbor, Michigan 48104 and has agreed in principle to the Master Agreement and an Easement Agreement for storm sewers and appurtenances at 115 Depot Street as described in the exhibits attached to this resolution; and

Whereas, 201 Depot L.L.C. is the owner of 201 Depot Street, Ann Arbor, Michigan 48104 and has agreed in principle to the Master Agreement and an Easement Agreement for storm sewers, sidewalks, and a temporary construction easement at 201 Depot Street as described in the exhibits attached to this resolution;

RESOLVED, That the City of Ann Arbor hereby approves the Master Agreement with 115 Depot, LLC and 201 Depot L.L.C;

RESOLVED, That the City of Ann Arbor hereby approves the Easement Agreement with 115 Depot, LLC;

RESOLVED, That the City of Ann Arbor hereby approves the Easement Agreement with 201 Depot L.L.C;

RESOLVED, That the Mayor and City Clerk are authorized and directed to sign the agreements approved in this resolution on behalf of the City, after approval as to form by the City Attorney and

approval as to content by the City Administrator; and

RESOLVED, That the City Administrator is authorized to take all appropriate action to implement these agreements.

Sponsored by: Mayor Taylor