



Legislation Text

File #: 10-1139, **Version:** 2

Resolution Granting Joint Easement for Permanent Drainage into the S. Fifth Avenue Underground Parking Structure from the City of Ann Arbor to 330 East Liberty, LLC and 320 South Division LLC **(8 Votes Required)**

There is a resolution before you to approve a grant of a joint easement for permanent drainage into the S. Fifth Avenue Underground Parking Structure of storm water runoff by three properties located immediately adjacent to the new underground parking structure located on South Fifth Avenue. The easement will provide for the allocation collectively to be used by and between the three properties of not to exceed 12,500 CFT of surplus detention capacity at parking structure as outlined below.

In fulfillment of the goal to make the South Fifth Avenue underground parking structure as environmentally friendly as possible, the structure was designed to capture and detain storm water quantities well in excess of City and County requirements for the project. The considerable drop in elevation on this block produces a natural opportunity to capture storm water runoff from the adjacent properties east and north of the structure, thereby using some of the structure's surplus storm water capacity to mitigate storm water runoff into the Allen Creek drain. Storm water from these properties currently flows unchecked and unfiltered into the city's storm system.

In this section of downtown, very little storm water is able to infiltrate into the ground, and instead is rapidly conveyed through surface runoff into storm drains that feed into the Allen Creek drain and then to the Huron River. Storm water runoff from the initial half inch of rain, also known as first flush, tends to carry the most pollution as it washes automotive fluids, deicers, and other contaminants into the storm drains. The South Fifth Avenue parking structure's excess detention capacity is an opportunity to detain and treat some storm water that currently flows uncontrolled into Allen Creek and the Huron River.

The structure's detention tanks will have the following capacity: 40,763 CFT
Requirement for storm water detention for the entire Library Lot site: 19,491 CFT
Surplus /unused detention capacity: 21,272 CFT

This storm water easement would utilize the following quantity: 12,500 CFT
Undesignated excess detention capacity: 8,772 CFT

On March 2, 2010 the Washtenaw County Drain Commissioners office approved this plan to capture runoff from these three adjacent properties into the underground parking structure detention system. On March 10, 2010 the South Fifth Avenue parking structure site plan was administratively amended to add three additional inlet structures off site, modify the storm water runoff calculations and detention outlet and modify the storm sewer connection to the underground structure.

Acceptance of this easement is recommended.

Prepared by: Susan Pollay, Executive Director, Ann Arbor DDA and Mary Joan Fales, Senior

Assistant City Attorney

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Roger W. Fraser, City Administrator

Whereas, The City of Ann Arbor is the owner in fee simple of the property within the 300 block of South Fifth Avenue to be occupied by and commonly known as South Fifth Avenue Parking Structure;

Whereas, The South Fifth Avenue Parking Structure, when constructed, will have storm water detention capacity well in excess of what is required for the site;

Whereas, There is an opportunity improve the water quantity and quality issues with the Allen Creek Drain by capturing significant quantities of storm water currently running off adjacent properties located at 328 E. Liberty St., S. Division Street Vacant, and 320 S. Division St., (collectively "Grantee's Property") being more specifically described as:

BEGINNING at the Northwest corner of Lot 8, B3S, R6E, as recorded in Original Plat of Ann Arbor, Liber 7, Page 82-83, Washtenaw County Records; thence S89°25'39"E 132.24 feet along the South right-of-way of E. Liberty Street. And the north line of said Lot 8; thence S00°23'57"W 174.42 feet; thence S89°26'41"E 84.75 feet; thence S00°23'57"W 90.36 feet; thence N89°27'43"W 217.06 feet; thence N00°24'48"E 264.89 feet along the West line of Lot 7 and said Lot 8 to the Place of Beginning, being part of Lots 7 and Lot 8 of the Original Plat of Ann Arbor, containing 0.98 acres of land, more or less.

And further described in the Washtenaw County tax records as follows:

Tax ID Number 09-09-29-111-015 (328 E. Liberty Street)

Part of Lot 8, B3S, R6E, Original Plat of Ann Arbor; Beginning NW corner Lot 8; thence Easterly 132.20 feet; thence Southerly 116.0 feet; thence Westerly 132.4 feet more/less; thence Northerly 116.0 feet to POB.

Tax ID Number 09-09-29-403-019 (S. Division St. Vacant)

Part of Lots 7 and 8, B3S, R6E, Original Plat of Ann Arbor; Beginning NW corner Lot 7; thence Southerly 66 feet; thence Easterly 71.6 feet; thence Northerly 24.25 feet; thence Easterly 61 feet; thence Northerly 57.65 feet more/less; thence Westerly 132.4 feet more/less; thence Southerly 16.4 feet to POB.

Tax ID Number 09-09-29-403-007 (320 S. Division St.)

South 90.75 feet of lot 7, excluding the West 71 feet of the north 24.75 feet, B3S, R6E, Original Plat of Ann Arbor.

Whereas, The South Fifth Avenue Parking Structure has been designed with a minimum 75-year life, and once constructed, the structure and its storm water detention system will be receive regular and extensive preventative maintenance under the DDA's management intended to prolong service life beyond the minimum 75-year period; and

Whereas, It is recommended that the City deliver a joint easement for permanent drainage into the S. Fifth Avenue Underground Parking Structure allocating available surplus detention capacity at the Parking Structure not to exceed 12,500 CFT in total to the respective owners of the adjacent properties 328 E. Liberty St., vacant lot at S. Division Street and 320 S. Division Street, being 330 East Liberty, LLC and 320 South Division LLC, be used by and between the three properties and to run with the land and burden the respective property perpetually so long as a storm water detention system exists at or on the Property, being more specifically described as:

Lot 2, the North 1/2 of Lot 3 and the North 1/2 of Lot 6 except the East 33 feet thereof (Division Street), Block 3 South, Range 6 East "ORIGINAL PLAT OF THE VILLAGE (NOW CITY) OF ANN ARBOR", Washtenaw County, Michigan and containing 67,837 square feet of land, more or less.

RESOLVED, The City of Ann Arbor hereby grants to 330 East Liberty, LLC and 320 South Division, LLC a joint easement for permanent drainage not to exceed 12, 500 CFT in total from their respectively owned properties at 328 E. Liberty St., S. Division Street Vacant, and 320 S. Division St. properties (described above as "Grantee's Property") into the a subsurface municipally operated stromwater detention system to be located at, on or adjacent to the property commonly known as and occupied by the South Fifth Avenue Parking Structure.