



Legislation Details (With Text)

**File #:** 10-0015      **Version:** 1      **Name:** 3/1/2010 305 Rock Cr WIC  
**Type:** Resolution      **Status:** Passed  
**File created:** 3/1/2010      **In control:** City Council  
**On agenda:** 3/1/2010      **Final action:** 3/1/2010  
**Enactment date:** 3/1/2010      **Enactment #:** R-10-047

**Title:** Resolution Authorizing Water Improvement Charge for 305 Rock Creek Court (\$12,559.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 305 Rock Creek Water Agreement.pdf

Date	Ver.	Action By	Action	Result
3/1/2010	1	City Council	Approved	Pass

Resolution Authorizing Water Improvement Charge for 305 Rock Creek Court (\$12,559.00)  
Your approval is requested to levy the 2009 fixed water improvement charge of \$12,559.00 on the property known as 305 Rock Creek Court. The previous owners were given permission to obtain water service by connecting to water main in Orchard Hills Drive although they were not a part of the assessed water main district. The applicable connection charges have been paid and the property is “active” for water service. In order for the City to allow this connection, the owners signed a water agreement in 1989 that indicates the water assessment for this property will become due in the amount in place at the time water main is constructed in Rock Creek Court. There are no current plans in the approved Capital Improvement Plan to construct water main in Rock Creek Court.

The 1989 agreement predates the 2008 Code change which establishes fixed improvement charges. The home sold in July 2009 and in order to satisfy the recorded water agreement and address this outstanding liability against the property, the new owners requested to pay the 2009 fixed water improvement charge with an installment plan. Payment of this improvement charge results in the prepayment of the assessment for the property when water main is constructed in Rock Creek Court. However, it is uncommon for a city parcel to have a utility service without the assessment, or improvement charge, being satisfied. Therefore, staff supports the new owners’ request to fulfill this obligation.

The property owners request to pay now the property’s share of the existing utilities through the City improvement charge levy as required under section 1:278, Chapter 12, of the Ann Arbor Code. No amount is due for the sewer improvements that service the property. The \$12,559.00 Water Improvement Charge is to be levied and then made payable in 11 annual installments at 5.270% interest per annum on the unpaid balance.

It is therefore recommended that Council levy these improvement charges according to the terms described above.

Prepared by: Beverly J. Selvig, Management Assistant, Public Services

Reviewed by: Sue F. McCormick, Public Services Administrator

Approved by: Roger W. Fraser, City Administrator

Whereas, The City has previously constructed improvements described as follows:

Parcel ID 09-09-27-301-063 (305 Rock Creek Ct)

**Sanitary Sewer:**

8" Sanitary Sewer Privately Constructed with no city funds (File #81064) = \$0.00

**Water Main:**

8" Water Main in Orchard Hills Drive; File No. 89044; District No. 89044

2009 Fixed Improvement Charge = \$12,559.00

**GRAND TOTAL OF IMPROVEMENT CHARGES: \$12,559.00;**

Whereas, The owners of 305 Rock Creek Ct are being furnished water service under the terms and conditions of "Water Agreement" (attached) recorded as Liber 2323 Page 280 at the Washtenaw County Register of Deeds;

Whereas, The agreement requires payment of the water assessment, herein referred to as the water improvement charge, due in the amount at the time that water main is constructed in Rock Creek Court;

Whereas, There is no plan to construct water main in Rock Creek Court in the current Capital Improvement Plan;

Whereas, Code change effective January 1, 2008, established fixed improvement charges;

Whereas, The new owners of record have requested to satisfy the water special assessment; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is levied against certain properties and this fair share has not been previously paid;

RESOLVED,

1. That Council levy an improvement charge against the following annexed property which is specifically benefited by the above improvements:

<u>Property Address:</u>	305 Rock Creek Drive
<u>City Assessor Code:</u>	09-09-27-301-063
<u>Planning File No.:</u>	9273R17.1

LOT 64 & PRT OF LOT 63 DESCRIBED AS BEG NW COR LOT 63, TH N 88 DEG 43 MIN 55 SEC E 25 FT, TH S 39 DEG 12 MIN 40 SEC E 231.78 FT, TH S 19 DEG 49 MIN 30 SEC E 88.07 FT, TH 12.5 FT ALNG ARC OF CURV LT, RAD 60 FT TO SW COR OF LOT 63, TH NW 67.38 FT, TH NWLY 152.57 FT ALNG SWLY LINE OF LOT 63, TH N 6 DEG 59 MIN E 70.48 FT, TH S 88 DEG 50 MIN W 20 FT, TH N 1 DEG 10 MIN W 44.92 FT TO POB, HILLWOOD SUB NO 5; situated in the City of Ann Arbor, Washtenaw County, Michigan;

2. That the improvement charge levied is \$12,559.00;
- 3.. That this levy satisfies the "Water Agreement" obligation, item 3.b., recorded with the Washtenaw County Register of Deeds under Liber 2323 Page 280;
4. That this improvement charge is divided into 11 equal installments; the first to be due on June 1, 2010, and the 10 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 5.270% per annum commencing June 1, 2010;
5. That the Public Services Area be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
6. That this levied improvement charge is to be invoiced to the owners, Moshe Talpaz & Sarah Talpaz (husband & wife), of the property known as 305 Rock Creek Ct, City of Ann Arbor, Washtenaw County, Michigan 48104, and to be credited in the amount of \$12,559.00 to Fund 0042-073-8000-7151.