



Legislation Details (With Text)

File #: 14-1720 **Version:** 1 **Name:** 12/15/14 MAVD ROW Vacation
Type: Resolution/Public Hearing **Status:** Passed
File created: 12/15/2014 **In control:** City Council
On agenda: 12/15/2014 **Final action:** 12/15/2014
Enactment date: 12/15/2014 **Enactment #:** R-14-415

Title: Resolution to Vacate Roadway Rights in a 50-foot by 178-foot Area Fronting 2727 S. State Street (CPC Recommendation: Approval - 8 Yeas and 0 Nays) (8 Votes Required)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 9/3/14 Planning Staff Report, 2. 9/3/14 Planning Commission Minutes.pdf, 3. 2727 S. State St. vacation drawing.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------|-----------------|--------|
| 12/15/2014 | 1 | City Council | Held and Closed | |
| 12/15/2014 | 1 | City Council | Approved | Pass |

Resolution to Vacate Roadway Rights in a 50-foot by 178-foot Area Fronting 2727 S. State Street (CPC Recommendation: Approval - 8 Yeas and 0 Nays) **(8 Votes Required)**

Approval of this resolution will vacate an approximately 50-foot wide, 178-foot long right for future roadway across 2727 South State Street.

Petition Summary:

- The City obtained the right to use this area for roadway in 1973 and has not exercised this right to date. This area is currently part of a parking lot belonging to the parcel at 2727 S. State Street.
- The petitioner, MAV Development (on behalf of South State Commons III, LLC, the owner of 2727 S. State St.), requests the vacation of unexercised City roadway rights to allow development of a proposed financial institution building at 2727 S. State Street for the South State Commons III project.
- The petitioner requests the City vacate an approximately 50-foot wide, 178-foot long right for future roadway across 2727 South State Street. The City obtained the right to use this area for roadway in 1973 and has not exercised this right to date. This area is currently part of a parking lot belonging to the parcel at 2727 S. State Street.
- In the past, the City obtained 50-foot wide rights for roadway from 2727 South State as well as other parcels along South State Street. These parcels are not contiguous and the City has no plans to obtain similar rights from other parcels or to use the existing ones.
- Project Management and Systems Planning Unit staff evaluated this location and its position

relative to future road improvements and determined it was farther north than a potential boulevard would expect to be constructed. Planning staff noted that the building pattern is largely fixed to the north. Vacating these roadway rights will not alter the existing S. State roadway and will make the front setback at 2727 S. State consistent with buildings on nearby parcels.

The City Planning Commission held a public hearing regarding the vacation at its meeting of September 3, 2014 and heard no objections or concerns. The City Planning Commission recommends approval of the requested vacation.

A map indicating the area proposed for vacation is attached.

Attachments: 9/3/14 Planning Staff Report, 9/3/14 Planning Commission Minutes, Vacation Drawing

Prepared By: Chris Cheng, City Planner

Reviewed By: Wendy L. Rampson, Planning Manager and Sumedh Bahl, Community Services Area Administrator

Whereas, South State Commons III LLC is the owner of property commonly known as 2727 S. State Street, Ann Arbor, Michigan 48104, described in Liber 4535, Page 731 of Deeds, Washtenaw County Records;

Whereas, The City of Ann Arbor presently holds certain roadway rights over a portion of 2727 S. State Street, granted by a deed recorded at Liber 1437, Page 44, of Deeds, Washtenaw County Records;

Whereas, MAV Development, on behalf of South State Commons III LLC, has presented the City a written request seeking vacation of these roadway rights;

Whereas, The City Planning Commission reviewed this request on September 3, 2014 and recommended approval of the vacation;

Whereas, On November 6, 2014, City Council approved a resolution of intent to vacate the future Right-Of-Way easement and hold a public hearing on this vacation on December 15, 2014; and

Whereas, City Council held a public hearing on this vacation on December 15, 2014;

RESOLVED, That the City of Ann Arbor vacates all rights granted by the deed recorded at Liber 1437, Page 44, of Deeds, Washtenaw County Records to use the following described parcel for roadway purposes:

Commencing at the Southwest corner of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, thence N01°53'00"W 250.00 feet along the West line of said Section; thence N87°09'00"E 51.25 feet; thence N02°03'20"W 614.05 feet along the Easterly right-of-way line of South State Street to the POINT OF BEGINNING: thence continuing N02°03'20"W 178.59 feet along said right-of-way line; thence N87°01'00"E 51.15 feet; thence S01°53'00"E 178.60 feet; thence S87°01'00"W 50.61 feet to the Point of Beginning. Being a part of the Southwest 1/4 of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan and containing 9,086 square feet of land, more or less;

RESOLVED, That the City of Ann Arbor retains all rights granted by the deed recorded at Liber 1437, Page 44, of Deeds, Washtenaw County Records as to other parcels described therein; and

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