



## Legislation Details (With Text)

<b>File #:</b>	08-1132	<b>Version:</b>	1	<b>Name:</b>	1-5-09 Resolution Accepting Easement for Public Utilities from The Public Schools of the City of Ann Arbor (Miller-Maple Transmission Water Main Project – located at Forsythe and Wines Schools) (8 votes required)
<b>Type:</b>	Resolution	<b>Status:</b>			Passed
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<b>Enactment date:</b>	1/20/2009	<b>Enactment #:</b>			R-09-031
<b>Title:</b>	Resolution Accepting Easement for Public Utilities from the Public Schools of the City of Ann Arbor (Miller-Maple Transmission Water Main Project - located at Forsythe and Wines Schools) (8 Votes Required)				

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. easement H8.PDF

Date	Ver.	Action By	Action	Result
1/20/2009	1	City Council	Approved	Pass
1/5/2009	1	City Council		
1/5/2009	1	City Council	Postponed	Pass

### Resolution Accepting Easement for Public Utilities from the Public Schools of the City of Ann Arbor (Miller-Maple Transmission Water Main Project - located at Forsythe and Wines Schools) **(8 Votes Required)**

There is a resolution before you to accept an easement for public utilities from The Public Schools of the City of Ann Arbor, a public body corporate organized and existing under the Michigan Revised School Code, for the portion of the Miller-Maple Transmission Water Main Project that is constructed on school property.

The grant of easement includes a new 24-inch water main, a new 30-inch storm sewer and a new 8-inch force main, all of which were installed in the main trench which also accommodates an existing 24-inch water main. The pipes are jointly located on Forsythe Middle School and Wines Elementary School property.

The easement does not include the right to install electrical conduit. The conduit was not included in the construction. There are five main reasons conduit was not installed with the water main project.

- 1) The AAPS was firm in not granting an easement across their property for electrical conduit that might enable a nearby wind turbine. Without the school easement there was no obvious route to transmit power to the Water Treatment Plant

- 2) There were technical questions whether the voltage produced by the wind turbine could transmit power to the WTP over the distance involved effectively (line loss and efficiencies if the voltage had to be transformed).

3) The cost of the conduit was priced at approximately \$200,000; essentially a \$200,000 bet that a wind turbine would be built. The developer of the turbine wanted the city solely to make the investment and was not willing to place some of their capital in the speculative investment.

4) The conduit could be installed at a later date if a turbine were to be built in that area. Directional drilling could be used to install the conduit with minimal disturbance. Current costs for directional drilling would be slightly more expensive than the price we had received as part of the water project, but the cost could then be incurred as part of a viable/real project.

5) DTE was not supportive of the wind turbine for the WTP and was making comments about standby charges and/or rates to be ready to serve the WTP when wind power was not available. Without DTE cooperation the economics were decidedly against the wind turbine.

Given the above conditions at the time the decision had to be made to install the conduit, the decision was made to not do so at that time.

The easement is in standard form and conveyed without cost to the City.

Acceptance of the easement is recommended

Prepared by: Marylou Zimmerman, Legal Assistant

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Roger W. Fraser, City Administrator

Whereas, The Public Schools of the City of Ann Arbor, a public body corporate organized and existing under the Michigan Revised School Code, is the owner of record of property located in the City of Ann Arbor, Washtenaw County, Michigan;

Whereas, The Board of Trustees of The Public Schools of the City of Ann Arbor on April 16, 2008 authorized the delivery of a perpetual easement to the City for the construction and maintenance of public utilities; and

Whereas, The Public Schools of the City of Ann Arbor, has delivered an easement to the City for public utilities along the northerly portion of the school's property, to run with the land and burden the respective property perpetually, being more particularly described as follows:

#### Description of a Temporary Variable Width Construction Easement:

Commencing at the center of Section 19, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N00° 15' 00" E 1471.04 feet along the N and S ¼ line of said Section and the Easterly line of "MARTIN ACRES NO. 2" as recorded in Liber 12 of Plats, Pages 29 and 30, Washtenaw County Records and the Northerly extension thereof to the POINT OF BEGINNING; thence continuing N00° 15' 00" E 115.00 feet along said N and S ¼ line; thence S89° 12' 25" E 69.27 feet; thence S44° 12' 25" E 102.14 feet; thence S89° 20' 42" E 1188.17 feet; thence S00° 14' 23" W 75.00 feet along the centerline of Newport Road; thence N89° 20' 42" W 1211.04 feet; thence N51° 21' 16" W 52.60 feet; thence N89° 12' 25" W 76.72 feet to the POINT OF BEGINNING. Being a part of the NE ¼ of Section 19, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan and containing 2.39 acres of land, more or less. Being subject to the rights of the public over that portion of Newport Road, as occupied. Also, being subject to easements and restrictions of record, if any.

#### Description of a Permanent Variable Width Utility System Easement:

Commencing at the center of Section 19, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N00°15'00"E 1471.04 feet along the North and South 1/4 line of said Section and the

Easterly line of "MARTIN ACRES NO. 2" as recorded in Liber 12 of Plats, Pages 29 and 30, Washtenaw County Records and the Northerly extension thereof to the POINT OF BEGINNING; thence continuing N00°15'00"E 100.00 feet along said North and South 1/4 line; thence S89°12'25"E 47.63 feet; thence N37°46'00"E 200.02 feet; thence S52°14'00"E 40.00 feet; thence S37°46'00"W 194.75 feet; thence S44°12'25"E 52.93 feet; thence S89°20'42"E 1209.33 feet; thence S00°14'23"W 60.00 feet along the centerline of Newport Road; thence N89°20'42"W 1205.78 feet; thence N51°21'16"W 28.13 feet; thence N89°12'25"W 101.16 feet to the Point of Beginning. Being a part of the Northeast 1/4 of Section 19, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan and containing 2.08 acres of land, more or less. Being subject to the rights of the public over that portion of Newport Road, as occupied. Also being subject to easements and restrictions of record, if any. Tax ID No. 09-09-19-103-029;030 and 032

RESOLVED, That the City hereby accept said easement.