



Legislation Details (With Text)

File #: 14-1717 **Version:** 1 **Name:** 12/15/14: Briarwood easement vacation
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Title: Resolution to Release a 10 x 325-Foot Area of Water Main and Sanitary Sewer Easement at 800 Briarwood Circle (8 Votes Required)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/15/2014	1	City Council	Approved	Pass

Resolution to Release a 10 x 325-Foot Area of Water Main and Sanitary Sewer Easement at 800 Briarwood Circle (8 Votes Required)

On April 14, 1975, Briarwood, The J. L. Hudson Company, Sears Roebuck and Co., and J. C. Penney granted an easement to the City for water mains and sanitary sewer at 700 Briarwood Circle for the Briarwood Mall, which was recorded at Liber 1525, Pages 506, and 515, Washtenaw County Records. On November 18, 1976, John and Pauline McMullen also granted an easement to the City for water mains in the same area.

Briarwood, LLC is the present owner of 800 Briarwood Circle, which was split from the previous parcel at 700 Briarwood Circle and which contains part of these easements. Briarwood, LLC and has requested this release so that its buildings will comply with approved site plan requirements. The City approved Briarwood, LLC's site plan upon condition of this release.

The easement area to be released does not presently contain any utilities and City staff have determined that the area is not needed now or in the foreseeable future and may be released.

Release of this portion of the easement is recommended.

Prepared by: Kelly Davis, Legal Assistant

Reviewed by: Christopher Frost, Assistant City Attorney

Approved by: Steven D. Powers, City Administrator

Whereas, Briarwood, The J. L. Hudson Company, Sears Roebuck and Co., and J. C. Penney granted an easement to the City of Ann Arbor for water mains and sanitary sewers at 700 Briarwood Circle, recorded at Liber 1525, Pages 506, and 515 of Deeds, Washtenaw County Records;

Whereas, John and Pauline McMullen granted an easement to the City for water mains at 700 Briarwood Circle, recorded at Liber 1600, Page 324 of Deeds, Washtenaw County Records;

Whereas, Briarwood, LLC is the owner of the property at 800 Briarwood Circle, which was split from

700 Briarwood Circle and contains a portion of these easements;

Whereas, Briarwood, LLC has requested that a 10 x 325-foot portion of these easements on its property be released so that its property complies with a site plan approved by the City;

Whereas, The City has approved Briarwood, LLC's site plan upon condition that this portion of the easements is released;

Whereas, The portion to be released does not presently contain any City utilities, City staff have determined that it is no longer necessary for City purposes, and City staff have recommended approval of this release;

RESOLVED, That the City of Ann Arbor releases all rights conferred by the easements recorded at Liber 1525, Pages 506, and 515, and Liber 1600, Page 324, Washtenaw County Records in the following area:

A part of the Existing 50 foot wide Grant of Easement and Dedication for Sanitary and Water Main as recorded in Liber 1525 Page 506-514, Liber 1525 Page 515-523, and Liber 1600 Page 324-329, Washtenaw County Records being a part of the Northeast $\frac{1}{4}$ of Section 8, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, being more particularly described as: Commencing at the Northeast Corner of said Section 8; thence South $01^{\circ}39'00''$ East 1518.95 feet along the East line of said Section 8; thence S $87^{\circ}25'00''$ W 100.01 feet to the intersection of the North line of Hilton Boulevard and the West line of State Street; thence continuing South $87^{\circ}25'00''$ West 133.93 feet along the North line of Hilton Boulevard; thence 297.50 feet along the arc of a 892.43 foot radius curve to the left, having a chord bearing South $77^{\circ}52'00''$ West 296.12 feet along the North line of Hilton Boulevard; thence South $21^{\circ}41'00''$ East 21.00 feet; thence 330.04 feet along the arc of a 871.43 foot radius curve to the left, having a chord bearing South $57^{\circ}28'00''$ West 328.07 feet; thence South $46^{\circ}37'00''$ West 159.00 feet; thence 97.61 feet along the arc of a 847.43 foot radius curve to the left, having a chord bearing South $49^{\circ}55'00''$ West 97.56 feet; thence South $44^{\circ}10'50''$ West 6.36 feet; thence North $58^{\circ}08'45''$ West 142.57 feet; thence North $73^{\circ}09'00''$ West 5.98 feet; thence North $16^{\circ}51'00''$ E 462.50 feet; thence North $73^{\circ}09'00''$ West 402.23 feet; thence North $39^{\circ}29'21''$ West 158.31 feet; thence North $73^{\circ}09'00''$ West 165.00 feet; thence North $16^{\circ}51'00''$ East 294.93 feet; thence North $73^{\circ}09'00''$ West 20.00 feet for a POINT OF BEGINNING; thence South $16^{\circ}51'00''$ West 324.93 feet; thence North $73^{\circ}09'00''$ West 10.00 feet; thence North $16^{\circ}51'00''$ East 324.93 feet; thence South $73^{\circ}09'00''$ East 10.00 feet to the POINT OF BEGINNING; being a part of parcel ID No. 09-12-08-100-068.

RESOLVED, That the City of Ann Arbor retains all rights conferred in the remaining areas described by the easements recorded at Liber 1525, Pages 506, and 515, and Liber 1600, Page 324 of Deeds, Washtenaw County Records;

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