



Legislation Text

File #: 09-0108, **Version:** 1

Resolution Accepting Utility Easement from Windwood Drive Ann Arbor, LLC Windemere Apartments (8 Votes Required)

It came to the City's attention during an administrative site plan review that the City had not obtained an easement for public utilities from the original developer of the Windemere Apartment complex. Additionally, the site plan review disclosed that a number of the carports are encroaching into the easement area.

The existing utility system including both water main and sanitary sewer loops throughout the apartment site and is required in order to provide fire protection as well as minimize service disruption and assure improved water quality.

Windwood Drive Ann Arbor, LLC, the current owner, has agreed to grant to the City an easement for public utilities and has agreed to the City's terms and conditions, including indemnification of the City for acceptance of the grant of easement, which acknowledges the carport encroachments and sets forth the parties' respective obligations and responsibilities in connection with the permitted carport encroachments.

The Systems Planning Area has reviewed the survey provided by the owner and found it to be accurate and has no objections to the City permitting Windwood Drive Ann Arbor, LLC to continue to encroach in the easement area under the terms of the grant of easement.

Approval of the grant of easement, which permits the carport encroachments, is recommended.

Prepared by: Marylou Zimmerman, Legal Assistant

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Roger W. Fraser, City Administrator

Whereas, Windwood Drive Ann Arbor, LLC, a Delaware limited liability company, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 4436, Page 94, dated October 29, 2004 and recorded on November 2, 2004;

Whereas, The City of Ann Arbor and Windwood Drive Ann Arbor, LLC, desire to acknowledge the existence of carport encroachments in the easement area and permit the continued encroachments in, on and over the following described water mains and sanitary sewers; and

Whereas, A Resolution of the Sole Member, dated December 12, 2008, authorized the execution and delivery of an easement for the construction and maintenance of public utilities that permits the continued carport encroachments;

RESOLVED, That the City of Ann Arbor accepts an easement for public utilities from Windwood Drive Ann Arbor, LLC, that permits the continued carport encroachments over property located in the City

of Ann Arbor, Washtenaw County, Michigan and described as follows:

Description of 40 foot wide Easement

Centerline description for a water main located in part of Sections 10, 11, 14 and 15, T. 2 S., R. 6 E., City of Ann Arbor, Washtenaw County, Michigan, being more particularly described as:

Commencing at the N.E. corner of Section 15 and proceeding along the E line of Section 15 S. 00° 05'10" W. 265.26 feet to a point on the N Right-of-Way line of Green Road (100 feet wide) and N. 89° 36'07" W. 96.33 feet to the POINT OF BEGINNING; Thence from said POINT OF BEGINNING of the easement centerline N. 00°23'53" E. 13.21 feet; Thence N. 07°32'52" E. 55.87 feet; Thence N. 00° 37'10" E. 173.99 feet; Thence N. 13°08'29" W. 9.23 feet to a point "A"; Thence N. 76°51'31" E. 30.26 feet to a POINT OF ENDING; Thence continuing from said point "A" N. 13°08'29" W. 187.18 feet; Thence N. 07°37'47" E. 134.56 feet; Thence N. 13°04'30" E. 107.29 feet; Thence N. 37°48'06" E. 10.13 feet to a point "B"; Thence N. 37°48'06" E. 96.35 feet; Thence S. 88°40'48" E. 215.47 feet to a point "C"; Thence N. 00°22'33" E. 34.64 feet to a point "D"; Thence S. 89°37'27" E. 37.00 feet to a POINT OF ENDING; Thence continuing from said Point "D" N. 00°22'33" E. 138.06 feet to a POINT OF ENDING; Thence continuing from said point "C" S. 88°40'48" E. 23.23 feet; Thence S. 56°45'34" E. 44.63 feet; Thence S. 25°56'47" E. 62.31 feet; Thence S. 07°00'05" W. 201.00 feet; THENCE S. 25°54'21" E. 178.35 feet; Thence S. 00°15'21" W. 19.94 feet to a point "E"; Thence N. 89°44'39" W. 29.95 feet to a POINT OF ENDING; Thence continuing from said point "E" S. 00°15'21" W. 67.92 feet; Thence S. 23°40'57" W. 244.61 feet to said N line of Green Road and a POINT OF ENDING; Thence continuing from said Point "B" N. 52°11'54" W. 16.82 feet; Thence N. 78°16'41" W. 24.58 feet to a point "F"; Thence S. 11°43'19" W. 49.05 feet to A POINT OF ENDING; Thence continuing from said point "F" N. 78°16'41" W. 115.69 feet; Thence S. 89°42'33" W. 76.56 feet; Thence S. 70°45'11" W. 104.50 feet to a point "G"; Thence N. 19°14'49" W. 34.38 feet to A POINT OF ENDING; Thence continuing from said point "G" S. 70°45'11" W. 21.64 feet; Thence N. 78°22'10" W. 9.32 feet to a point "H"; Thence N. 11°37'50" E. 11.73 feet; Thence N. 38°42'12" W. 101.02 feet; Thence S. 89°59'40" W. 148.18 feet; Thence S. 54°51'34" W. 10.60 feet to a point "I"; Thence N. 35°08'26" W. 13.83 feet; Thence N. 00°07'06" E. 150.89 feet to a POINT OF ENDING; Thence continuing from said point "I" S. 54°51'34" W. 55.76 feet; Thence N. 79°01'31" W. 187.99 feet; Thence N. 89°33'21" W. 22.25 feet to a point "J"; Thence N. 00°26'39" E. 36.03 feet TO A POINT OF ENDING; Thence continuing from said point "J" N. 89°33'21" W. 204.57 feet to a point "K"; Thence N. 89°33'21" W. 171.95 feet TO A POINT OF ENDING; Thence continuing from said point "H" S. 11°37'50" W. 100.60 feet; Thence S. 78°38'18" W. 110.49 feet; Thence S. 22°48'53" W. 123.73 feet to a point "L"; Thence N. 67°11'07" W. 41.26 feet to a POINT OF ENDING; Thence continuing from said point "L" S. 22°48'53" W. 153.51 feet; Thence S. 16°57'40" W. 10.85 feet to a point "M"; Thence S. 71°34'21" E. 170.17 feet; Thence S. 01°38'47" E. 78.92 feet to a point "N"; Thence S. 88°21'13" W. 32.05 feet TO A POINT OF ENDING; Thence continuing from said point "N" S. 01°38'47" E. 143.62 feet to said N line of Green Road and a POINT OF ENDING; Thence continuing from said point "M" N. 71°34'21" W. 14.83 feet; Thence N. 77°39'08" W. 128.42 feet; Thence N. 66°13'15" W. 66.58 feet to a point "O"; Thence S. 23° 46'45" W. 18.54 feet; Thence S. 28°26'22" W. 11.51 feet to a point "P"; Thence N. 61°33'38" W. 44.99 feet to a POINT OF ENDING; Thence continuing from said point "P" S. 28°26'22" W. 191.98 feet to said N line of Green Road and a POINT OF ENDING; Thence continuing from said point "O" N. 66° 13'15" W. 96.14 feet; Thence N. 48°05'45" W. 197.77 feet; Thence N. 00°04'00" E. 127.85 feet to a point "Q"; Thence N. 89°56'00" W. 46.29 feet to a POINT OF ENDING; Thence continuing from said point "Q" N. 00°04'00" E. 118.21 feet to said point "K" and POINT OF ENDING of this easement

centerline description.

A centerline description of a variable width sanitary sewer easement being located five (5) feet adjacent and parallel with the existing sanitary sewer located in part of Sections 10, 11, 14 AND 15, T. 2 S., R. 6 E., City of Ann Arbor, Washtenaw County, Michigan, being more particularly described as:

Commencing at the N.E. corner of Section 15 and proceeding along the E line of Section 15 S. $00^{\circ}05'10''$ W. 265.26 feet to a point on the N Right-of-Way line of Green Road (100 feet wide) to a point "A" said point being located on the N Right-of-Way line of Green Road (100 feet wide) and N. $89^{\circ}36'07''$ W. 101.08 feet along said Right-of-Way to the POINT OF BEGINNING; Thence from said POINT OF BEGINNING of a 60 foot easement centerline N. $00^{\circ}23'53''$ E. 238.56 feet; Thence along the centerline of a 50 foot wide easement N. $13^{\circ}22'59''$ W. 224.76 feet; Thence the following four (4) courses along the centerline of a 40 foot wide sanitary sewer easement: 1) N. $10^{\circ}56'32''$ E. 219.20 feet, 2) N. $24^{\circ}48'35''$ E. 111.50 feet, 3) N. $06^{\circ}28'13''$ W. 124.87 feet, and 4) N. $00^{\circ}04'50''$ W. 27.93 feet to a POINT OF ENDING; and continuing from said point "A" S. $89^{\circ}36'07''$ E. 252.94 feet along said N Right-of-Way line of Green Road to a POINT OF BEGINNING; Thence from said POINT OF BEGINNING of a 40 foot wide sanitary sewer easement centerline N. $23^{\circ}23'46''$ E. 308.74 feet; Thence the following three (3) courses along the centerline of a 30 foot wide sanitary sewer easement: 1) N. $26^{\circ}56'44''$ W. 236.04 feet, 2) N. $07^{\circ}22'27''$ E. 172.14 feet, and 3) N. $09^{\circ}43'25''$ W. 117.86 feet to a POINT OF ENDING; Thence continuing from said point "A" the following two (2) courses along said N Right-of-Way line of Green Road: 1) N. $89^{\circ}36'07''$ W. 337.34 feet and 2) 264.40 feet along the arc of a curve to the right, radius 1150.00 feet, central angle $13^{\circ}10'23''$, and a chord that bears N. $83^{\circ}00'55''$ W. 263.82 feet to a POINT OF BEGINNING; Thence from said POINT OF BEGINNING of a 50 foot wide sanitary sewer easement centerline N. $51^{\circ}55'21''$ W. 139.16 feet; Thence along the centerline of a 40 foot wide sanitary sewer easement the following eight (8) courses: 1) N. $23^{\circ}57'36''$ E. 93.61 feet, 2) N. $36^{\circ}39'11''$ W. 67.56 feet, 3) N. $65^{\circ}16'33''$ W. 3.60 feet to a point "B", 4) N. $23^{\circ}18'12''$ E. 311.21 feet, 5) N. $13^{\circ}30'21''$ W. 3.50 feet to a point "C", 6) N. $13^{\circ}30'21''$ W. 156.56 feet, 7) N. $79^{\circ}19'04''$ W. 273.01 feet, and 8) N. $89^{\circ}55'14''$ W. 259.18 feet to a POINT OF ENDING; Thence from said point "B" along the centerline of a 30 foot wide sanitary sewer easement N. $65^{\circ}16'33''$ W. 303.37 feet to a POINT OF ENDING; Thence from said point "C" along the centerline of a 40 foot wide easement the following two (2) courses: 1) N. $78^{\circ}18'23''$ E. 141.48 feet and 2) N. $10^{\circ}50'06''$ E. 172.75 feet to the POINT OF ENDING.