



Legislation Text

File #: 11-1143, **Version:** 1

Resolution Accepting Easement for Storm Management Activities and Systems from All Property Owners of Hillwood Subdivision No. 2 (**8 Votes Required**)

There is a resolution before you to accept an easement from the owners of all the lots of Hillwood Subdivision Number Two, Steve Ratner, Nancy Szabo, Gary James Nakpairat, Sharon M. Nakpairat, Mark F. Mau, and Kathleen T. Bonds (collectively, the "Lot Owners"), for the construction and maintenance of a storm water management activities and systems near Orchard Hills Drive and Rock Creek Drive. The Lot Owners have granted an easement to the City, subject to City Council approval.

The terms and conditions of the grant of easement have been reviewed and approved by the Project Management Unit of the Public Services Area.

Acceptance of the grant of easement is recommended.

Prepared by: Nickolas Buonodono

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Tom Crawford, Interim City Administrator

Whereas, the Lot Owners are the owners in fee simple of property located partially in the City of Ann Arbor and partially in Ann Arbor Charter Township, County of Washtenaw, State of Michigan, described as lots 25, 26, 27, and 28 of Hillwood Subdivision Number Two, a platted subdivision recorded in Liber 10 of Plats, pages 54 and 55, Washtenaw County Records;

Whereas, lots 25, 27, and 28 of Hillwood Subdivision Number Two are located in the City of Ann Arbor, County of Washtenaw, State of Michigan;

Whereas, lot 26 of Hillwood Subdivision Number Two is located in Ann Arbor Charter Township, County of Washtenaw, State of Michigan;

Whereas, because the subdivision consists of a total of the four lots described above, the Lot Owners are all the owners of record in fee simple of lots in Hillwood Subdivision Number Two;

Whereas, the streets and alleys as shown on the plat for the subdivision are dedicated to the use of the lot owners of Hillwood Subdivision Number Two only, and all of the owners of all of the lots in the subdivision executed on October 29, 1966 an Agreement for Use of Private Road (the "Agreement") as recorded in Liber 1180, page 344, Washtenaw County Records, whereby a portion of the Private Drive was expressly dedicated for use as a foot path only;

Whereas, the Lot Owners have amended the Agreement (the "Amended Agreement") for the limited purpose of providing storm water management, by allowing surface and subsurface alteration of the footpath area as described:

That portion of Private Drive as described on the plat of Hillwood Subdivision Number Two, City of

Ann Arbor, Washtenaw County, Michigan and recorded in Liber 10 of Plats, pages 54 and 55, Washtenaw County Records, that is bounded at one end by extending the north line of Lot 26 the entire width of the Private Drive, and bounded on the other end by a line running the entire width of Private Drive, parallel to the west boundary of Hillwood Subdivision Number Two and seventy (70) feet east of the said boundary of said subdivision.

Whereas, the Amended Agreement provides for the use of a portion of Rock Creek (Private) Drive to also include such storm water management activities by the City of Ann Arbor as are needed to alleviate any storm water flooding in any portion of the subdivision; and

Whereas, the Lot Owners have executed and delivered an easement to the City for a storm water control system, being more particularly described as follows:

Being a part of the Southwest 1/4 of Section 27, Township 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, State of Michigan and more fully described as:

Beginning at the Northwest corner of Lot 25 of Hillwood Subdivision Number Two, as recorded in Liber 10 of Plats, Pages 54 and 55, Washtenaw County Records, Washtenaw County, State of Michigan; thence N00°18'30"W 66.04 feet along the East Right of Way line of Orchard Hills Drive and the West line of said Hillwood Subdivision Number Two; thence S88°30'30"E 193.96 feet along the North line of said Subdivision and the North Right of Way line of Rock Creek Drive (66' wide and Private); thence S01°26'30"W 17.23 feet (16.41 feet recorded) along the East line of said Subdivision; thence the following seven (7) courses along the Right of Way line of said Rock Creek Drive; 133.13 feet along the arc of a 133.57 feet radius circular curve concave to the Southwest, having a central angle of 57°06'30", and a chord which bears S30°26'45"E 127.69 feet, 113.38 feet along the arc of a 224.00 feet radius circular curve to the left, having a central angle of 29°00'00", and a chord which bears S16°23'30"E 112.17 feet, S30°53'30"E 8.32 feet, 60.18 feet along the arc of a 60.14 feet radius circular curve to the left, having a central angle of 57°20'00", and a chord which bears S59°33'30"E 57.70 feet, 85.01 feet along the arc of a 121.00 feet radius circular curve to the right, having a central angle of 40°15'00", and a chord which bears S68°06'00"E 83.27 feet; nontangentially S47°36'00"E 40.45 feet, and 96.06 feet along the arc of a 63.34 feet radius circular curve to the left, having a central angle of 86°54'00", and a chord which bears N88°57'00"E 87.12 feet; thence the following three courses along the West Right of Way line of Rock Creek Drive S45°30'00"W 60.00 feet, S50°30'00"W 65.98 feet, and S35°15'00"W 90.67 feet; thence the following eleven (11) courses along the Right of Way line of said Rock Creek Drive (Private) nontangentially 148.23 feet along the arc of a 102.00 feet radius circular curve concave to the west, having a central angle of 83°16'00", and a chord which bears N06°23'00"W 135.53 feet, 77.26 feet along the arc of a 55.00 feet radius circular curve to the left, having a central angle of 80°30'00", and a chord which bears N88°16'00"W 71.08 feet, S51°29'00"W 35.00 feet, 82.28 feet along the arc of a 249.00 feet radius circular curve to the left, having a central angle of 18°56'00", and a chord which bears S42°01'00"W 81.90 feet. Thence nontangentially N73°06'30"W 68.56 feet, N32°27'30"E 18.42 feet, 104.07 feet along the arc of a 315.00 feet radius circular curve to the right, having a central angle of 18°56'00", and a chord which bears N42°01'00"E 103.60 feet, 37.21 feet along the arc of a 25.86 feet radius circular curve to the left, having a central angle of 82°26'00", and a chord which bears N10°10'16"E 34.08 feet, N30°53'30"W 19.91 feet, 146.78 feet along the arc of a 290.00 feet radius circular curve to the right, having a central angle of 29°00'00", and a chord which bears N16°23'30"W 145.22 feet, 102.14 feet along the arc of a 67.57 feet radius circular curve to the left, having a central angle of 86°37'00", and a chord which bears N45°11'47"W 92.69 feet, and N88°30'30"W 125.98 feet to the

Place of Beginning.

RESOLVED, That the City hereby accepts said easement.