



Legislation Text

File #: 13-1346, **Version:** 1

Resolution to Approve an Agreement between the City of Ann Arbor and the Regents of the University of Michigan to Set Boundary Line as Established by Survey **(8 Votes Required)**

There is a resolution before you to approve an agreement between the City of Ann Arbor and the Regents of the University of Michigan to set a boundary line as established by a survey. The location of the boundary that runs north-south along the western edge of the City-owned Arboretum property and the eastern edge of the University's property, as written, is now uncertain because of its reference to obsolete natural features. The parties wish to establish the boundary with certainty and agreed to establish and set the boundary based on a survey. The City contracted with Arbor Land Consultants for a survey, the survey was done, and both the City and the University agree that the line established by the survey is and shall be the boundary line between their respective, adjoining parcels.

City and University staff have worked cooperatively both on the concept and the details of this agreement. The establishment of a boundary that is certain benefits both parties and serves as mutual consideration for this agreement at no cost to and with no additional consideration from either party.

The terms and conditions of the grant of easement have been reviewed and approved by the appropriate city service areas. Approval of this agreement is recommended.

Approval of this Agreement is necessary before approval of the easement to the Regents of the University of Michigan for conduit across City-owned Arboretum land that is also on tonight's agenda. This Agreement to set Boundary Line as Established by Survey is on the November 21, 2013, agenda of the Board of Regents of the University of Michigan for approval.

Prepared by: Kelly Davis, Legal Assistant

Reviewed by: Abigail Elias, Chief Assistant City Attorney

Approved by: Steven D. Powers, City Administrator

Whereas, The City of Ann Arbor ("City") and the Regents of the University of Michigan ("University") are adjoining landowners of parcels of property located and described as follows:

1. Property owned by the City: A parcel of land in the Northwest 1/4 of Section 27 and the Northeast 1/4 of Section 28, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan identified as tax parcel 09-09-28-101-006;
2. Property owned by the University: A parcel of land in the Northeast 1/4 of Section 28, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan identified as tax parcel 09-09-28-101-007;

Whereas, The location of the boundary that runs north-south along the western edge of the City's property and the eastern edge of the University's property, as written, is now uncertain because of its reference to obsolete natural features;

Whereas, The parties wish to establish the boundary with certainty;

Whereas, The parties agreed to establish and set the boundary based on a survey;

Whereas, The City contracted with Arbor Land Consultants, Inc., for a survey, the survey was done, and both the City and the University agree that the line established by the survey is and shall be the boundary line between their respective, adjoining parcels; and

Whereas, The establishment of a certain boundary benefits both parties and serves as mutual consideration for this agreement at no cost to and with no additional consideration from either party.

RESOLVED, That the City agrees that the north-south boundary line between certain adjoining parcels owned by the City (tax parcel 09-09-28-101-006) and the University (tax parcel 09-09-28-101-007), respectively, is established as:

A line described as:

Commencing at the East 1/4 Corner of Section 28, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan; thence along the East-West 1/4 line of said Section 28 South $86^{\circ}41'29''$ West 660.00; thence continuing along said East-West 1/4 line South $86^{\circ}41'29''$ West 383.92 feet (recorded as about 24 rods) to the East line of Forest Hill Cemetery as historically occupied; thence along said East line North $00^{\circ}56'10''$ West 332.78 feet (recorded as 20 rods) to the Northeast corner of Forest Hill Cemetery as occupied; thence along the North line of said cemetery South $86^{\circ}04'02''$ West 245.00 feet (recorded as about 16 rods); thence South $01^{\circ}26'21''$ East 33.00 feet; thence South $86^{\circ}41'29''$ West 247.50 feet; thence North $01^{\circ}26'21''$ West 33.00 feet to the Point of beginning of said line;

thence N $86^{\circ}41'29''$ East 55.70 feet to the West line of a parcel of land sold by William M. Clark to the City of Ann Arbor in Liber 162, Page 500, Washtenaw County records; thence along said West line the following thirty (30) courses:

N $25^{\circ}15'49''$ E 157.07 feet, N $43^{\circ}48'01''$ E 87.77 feet, N $34^{\circ}54'07''$ E 57.34 feet, N $16^{\circ}55'04''$ E 55.00 feet, N $32^{\circ}42'58''$ E 64.01 feet, N $51^{\circ}18'09''$ E 53.69 feet, S $89^{\circ}06'44''$ E 67.95 feet, N $24^{\circ}53'25''$ E 85.88 feet, N $13^{\circ}24'35''$ W 41.19 feet, N $58^{\circ}00'53''$ W 45.41 feet, N $05^{\circ}53'22''$ E 33.27 feet, S $89^{\circ}57'16''$ E 53.97 feet, N $80^{\circ}53'11''$ E 46.27 feet, N $28^{\circ}39'58''$ E 65.86 feet, N $01^{\circ}31'15''$ E 48.24 feet, N $84^{\circ}30'13''$ W 99.24 feet, N $47^{\circ}40'47''$ W 52.24 feet, N $65^{\circ}25'02''$ W 73.46 feet, S $85^{\circ}51'14''$ W 26.56 feet, N $22^{\circ}19'16''$ W 36.35 feet, N $12^{\circ}02'46''$ W 59.99 feet, N $02^{\circ}25'50''$ E 49.42 feet, N $66^{\circ}44'30''$ W 27.88 feet, S $80^{\circ}27'57''$ W 42.01 feet, N $28^{\circ}06'03''$ W 5.14 feet, N $38^{\circ}54'03''$ W 25.77 feet, N $59^{\circ}50'13''$ W 17.80 feet, N $22^{\circ}31'09''$ W 110.26 feet, N $44^{\circ}54'36''$ W 59.05 feet, N $24^{\circ}48'23''$ W 38.37 feet;

thence North $85^{\circ}42'33''$ East 142.66 feet; thence North $87^{\circ}22'02''$ East 50.00 feet; thence continuing North $87^{\circ}22'02''$ East 23 feet more or less to the Southerly bank of the Huron River and the point of ending of said line; and

RESOLVED, That the Mayor and City Clerk be authorized to execute the Agreement between the

City of Ann Arbor and the Regents of the University of Michigan to Set Boundary Line as Established by Survey in the form approved by the City Attorney and following execution by the University.