



## Legislation Text

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**File #:** 13-1343, **Version:** 1

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### Resolution to Approve a Grant of Easement to the Regents of the University of Michigan for Conduit Across City-Owned Arboretum Land **(8 Votes Required)**

There is a resolution before you to approve a grant of easement from the City of Ann Arbor to the Regents of the University of Michigan for Conduit Facilities across City-owned Arboretum land. Burnham House currently has an old technology Internet connection which is very slow for Arboretum staff offices. The proposed conduit would tie into conduit in Washington Heights to run new fiber for a high-speed Internet connection.

The terms and conditions of the grant of easement have been reviewed and approved by both the University and appropriate city service areas. The easement is conveyed without cost to the City.

The Agreement between the City of Ann Arbor and the Regents of the University of Michigan to set Boundary Line as Established by Survey that is on tonight's agenda needs to be approved before this grant of easement is approved because that boundary line defines both part of the boundary of the encumbered property and part of the boundary of the easement being granted. The 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. Therefore, the resolution approving this grant of easement conditions it on approval by the Board Regents of the Agreement to set Boundary Line as Established by Survey.

Approval of this grant of easement is recommended.

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, a Michigan municipal corporation, is the owner of property described in Liber 318 Page 1, Liber 318 Page 2, and Liber 1043 Page 285 of Washtenaw County deeds located in the City of Ann Arbor, County of Washtenaw, Michigan; and

Whereas, The easement to the University is for the purpose of constructing, altering, repairing, maintaining, and replacing conduit and all necessary laterals/piping or other appurtenances thereto, being more particularly described as:

A part of the Northeast  $\frac{1}{4}$  of Section 28, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan described as: Commencing at the East  $\frac{1}{4}$  Corner of said Section 28; thence along the East-West  $\frac{1}{4}$  line of said Section 28 South  $86^{\circ}41'29''$  West 1043.92 feet 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 128.99 feet to the Point of Beginning; thence continuing South  $86^{\circ}41'29''$  West 10.00 feet; thence North  $03^{\circ}11'17''$  West 4.79 feet; thence North  $81^{\circ}14'23''$  West 35.11 feet; thence 16.33 feet along the arc of a 105.00 feet radius circular

curve to the right, said curve having a central angle of 09° 01'17" and a chord which bears North 76° 43'45" West 16.52 feet, thence North 72° 13'06" West 44.85 feet, thence North 86° 41'29" East 27.78 feet' thence South 72° 13'06" East 18.93 feet; thence 14.96 feet along the arc of a 95.00 feet radius circular curve to the left, said curve having a central angle of 09° 01'17" and a chord which bears South 76° 43'45" East 14.94 feet; thence South 81° 14'23" East 43.22 feet; thence South 03° 11'17" East 12.87 feet to the Point of Beginning. Containing 956 square feet (0.02 acres) or land, more or less.

Whereas, Approval of this grant of easement is conditioned on approval of an Agreement to set Boundary Line as Established by Survey by both the City and the Regents of the University of Michigan because the boundary line impacts the descriptions of both the property the easement crosses and the easement itself;

Whereas, City Council approved the Agreement to set Boundary Line as Established by Survey on November 18, 2013; and

Whereas, The 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;

RESOLVED, That the Mayor and City Clerk be authorized to execute the grant of easement in the form approved by the City Attorney subject to approval by the Regents of the University of Michigan of the Agreement to set Boundary Line as Established by Survey and following execution of the easement by the University.