



Legislation Text

File #: 10-0481, **Version:** 1

Resolution Accepting Easement for Pedestrian Access from First Properties Associates Limited Partnership (Plymouth Road-Green Road Resurfacing Project-2010) **(8 Votes Required)**

There is a resolution before you to accept an easement from First Properties Associates Limited Partnership, a Michigan limited partnership, for the construction and maintenance of a pedestrian access easement at the intersection of Plymouth Road and Commonwealth Boulevard.

An appraisal report is not required when the City acquires an easement for value of less than \$10,000.00 under Section 1:320(3) of the Ann Arbor City Code, however, this project will receive federal funds and must meet the requirements of MDOT including the offer of compensation for the requested easement.

A Valuation Statement was prepared by the Project Management Unit of the Public Services Area which placed compensation for the pedestrian access easement at \$471.00 based on a formula developed and approved by the Michigan Department of Transportation ("MDOT"). First Properties Associates Limited Partnership has agreed to accept the City's written offer, 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: Elizabeth Severn, Legal Assistant

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Roger W. Fraser, City Administrator

Whereas, First Properties Associates Limited Partnership, a Michigan limited partnership, is the owner in fee simple of property located in the City of Ann Arbor, County of Washtenaw, State of Michigan, as described in the Washtenaw County Records at Liber 3023, Page 709 dated September 1, 1994;

Whereas, A Resolution of The General Partner, dated December 15, 2009, authorized the grant of easement to the City of Ann Arbor for pedestrian access to encumber the property perpetually;

Whereas, First Properties Associates Limited Partnership has accepted the City's offer of \$471.00, made in accordance with federal funding requirements for this project and based on a valuation formula developed and approved by the Michigan Department of Transportation; and

Whereas, First Properties Associates Limited Partnership has executed and delivered an easement to the City for pedestrian access to encumber and run with the land and burden the respective property perpetually, being more particularly described as follows:

Description of Pedestrian Access Easement

Commencing at the SW Corner of Lot 13 of Plymouth Professional Park", a Subdivision according to the Plat thereof, as recorded in Liber 23 of Plats, Pages 30, 31, and 32, Washtenaw County Records, Michigan; Thence N 70° 54' 30" E 7.00 feet along the Southerly line of said Lot 13 and the Northerly line of Plymouth Road (100 feet wide) to the POINT OF BEGINNING, said POINT OF BEGINNING also being the SW Corner of an existing 7.00 feet wide sidewalk easement as recorded in Liber 3120, Page 940; thence along the Easterly line of said sidewalk easement the following two courses: N19° 05' 30" W 10.00 feet and 10.79 feet along an arc of a 263.00 foot radius to the right, having a central angle of 02° 21' 02", chord bearing N17° 54' 59" W 10.79 feet; thence S47° 16' 16" E 23.58 feet to said Northerly line of Plymouth Road; thence along said Northerly line of Plymouth Road; S70° 54' 30" W 11.36 feet to the POINT OF BEGINNING. Being a part of the SW ¼ of Section 14, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan. Containing 120 sq. feet of land, more or less.

RESOLVED, That the City hereby accepts said easement.