



Legislation Text

File #: 10-1205, **Version:** 1

Resolution Partially Accepting Easement for Public Utilities from Boardwalk Commerce Associates Limited Partnership **(8 Votes Required)**

There is a resolution before you to accept a portion of a grant of easement for Public Utilities from Boardwalk Commerce Associates Limited Partnership, a Michigan limited partnership, which grant was given as part of the Boardwalk Commerce Center project located at the corner of Eisenhower Parkway and Boardwalk Drive in the City of Ann Arbor.

In 1992, Boardwalk Commerce Associates recorded, independently and without review by or cost to the City, an easement to the City of Ann Arbor, granting easements for sanitary sewer and water main, as well as for a storm water detention pond, storm sewer and ingress road. This easement was recorded in Liber 2590, page 46 on February 28, 1992, Washtenaw County Records.

After a review of Council records it was determined that the easement was not presented to the City Council prior to recording by the Property Owner, or subsequently, and has not been accepted by the City Council.

The Project Management team has reviewed the grant of easement and has determined it is in the City's best interest to accept only that portion of grant for the sanitary sewer and water main.

Acceptance of the easement for water main and sanitary sewer only is recommended.

Prepared by: Elizabeth Severn, Legal Assistant

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Roger W. Fraser, City Administrator

Whereas, Boardwalk Commerce Associates Limited Partnership, a Michigan limited partnership, was the owner in fee simple of property located at the corner of Eisenhower Parkway and Boardwalk Drive in the City of Ann Arbor, County of Washtenaw, State of Michigan, as described in the Warranty Deed recorded in the Washtenaw County Records at Liber 2202, page 261 recorded on January 15, 1988, which property is more particularly described as follows:

Commencing at the SW corner of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 87°09'00" E 1904.44 ft along the S line of said Section 4 to a point on the R.O.W. line of the Ann Arbor Railroad; thence N 08°20'00" W 82.13 ft along said R.O.W. line to a point on the northerly R.O.W. line of the Eisenhower Parkway to the Point of Beginning; thence along the northerly R.O.W. line of Eisenhower Parkway S 85°32'50" W 628.68 ft to a point in the easterly R.O.W. line of Boardwalk Drive; thence along said R.O.W. line N 01°53'00" W 461.32 ft; thence N 88°07'00" E 571.22 ft to a point on the westerly R.O.W. line of the Ann Arbor Railroad; thence along the arc of a circular curve to the right 298.11 ft, said curve having a radius of 5679.97 ft, central angle of 03°00'26", having a chord which bears S 09°50'13" E 298.08 ft; thence S 08°20'00" E 138.81 ft. to the Point of Beginning. Containing 6.187 acres, more or less.

Whereas, In 1992, Boardwalk Commerce Associates recorded, independently and without prior

review and acceptance by City Council, an easement to the City of Ann Arbor, recorded in Liber 2590, page 46 on February 28, 1992, Washtenaw County Records;

Whereas, At no time subsequent to the recording of the grant of easement has the City taken any action to accept this grant of easement, or any portion thereof;

Whereas, The Public Services Area, after review of the easement area and the recorded term of the grant of easement has recommended that it is in the best interest of the City not to accept the grant of easement in its entirety but limit the City's acceptance to the grant of easement for sanitary sewer and water main; and

Whereas, The City desires to accept those portions of the recorded grant of easement for sanitary sewer and water main that it has never accepted, either by resolution or action, being more particularly described as:

30 ft wide Sanitary Sewer Easement

Described as the S 30 ft of the N 40 ft. of the parcel as described above.

40 ft. wide Water Main Easement

Described as the N 40 ft. of the parcel as described above.

RESOLVED, That the City of Ann Arbor hereby accepts only those grants of easement for sanitary sewer and water main as previously recorded in Liber 2590, page 46 on February 28, 1992, Washtenaw County Records.