



## Legislation Text

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**File #:** 12-0557, **Version:** 1

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### Resolution Approving a Grant of Easement to DTE Energy for a Storm Water Discharge Pipe (Located at Gallup Park) **(8 Votes Required)**

There is a resolution before you to approve a grant of easement to DTE Energy, a Michigan corporation, for the construction and maintenance of a storm water discharge pipe located in Gallup Park.

The drainage pipeline is for the purpose of discharging water into the Huron River and will run underground from the DTE electrical substation at Geddes and Fuller traversing the gravel access drive to the park directly to the river. The installation is required to meet state/federal regulations for DTE infrastructure improvements.

The terms, conditions, and location of the grant of easement have been reviewed and approved by all required City service areas. DTE is required under the terms of the grant to file copies of "as built" drawings with the City and copies of all state/federal permits required in connection with construction and any maintenance activities thereafter with the Parks Manager. Uninterrupted access to the park must be maintained at all times under the terms of the easement.

Prepared by: Andrea Odegaard, Legal Assistant

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Steven D. Powers, City Administrator

Whereas, DTE Energy, a Michigan corporation, has requested an easement for the construction and maintenance of a storm water discharge pipe to be located in Gallup Park for the purpose of discharging water into the Huron River; and

Whereas, The required City service areas have reviewed the request and determined that it is in the City's best interest to grant the easement;

RESOLVED, That the City of Ann Arbor hereby approve said grant of easement for the construction and maintenance of a storm water discharge pipe located in Gallup Park, said easement being more particularly described as follows:

A 10-foot wide by approximately 50-foot long easement described as follows (the "Easement Area"):

Part of the SW  $\frac{1}{4}$  of Section 26, T2S, R6E, Ann Arbor Township [now City of Ann Arbor], Washtenaw County, Michigan. Commencing at the intersection of the centerline of Fuller Road (66-foot wide) and Geddes Avenue (66-foot wide) as described in the Warranty Deed to Detroit Edison Company, Liber 1203, Page 408, Washtenaw County Records; thence S23° 31' 30" W, 177.35 feet, along the centerline of the Geddes Avenue as described; thence N54° 22' 30" W, 122.13 feet, along the Southerly line of the Detroit Edison property and its extension, to the POINT OF BEGINNING; thence S48° 27' 00" W, 50.79 feet, to a point on the water's edge of the Huron River; thence N 41°

33' 00" W, 10.00 feet; along said Huron River; thence N48° 27' 00" E, 48.51 feet; thence S 54° 22' 30" E, 10.26 feet, along the Southerly line of the Detroit Edison property to the POINT OF BEGINNING (the "Easement Area"). Containing 496.5 square feet of land in area, more or less.

The Easement Area is located within the parcel transferred to the City of Ann Arbor by limited warranty deed from the Edison Illuminating Company of Detroit dated September 17, 1963 and recorded in Liber 1043, page 285, being know as parcel G-5 and described as follows (the "Grantor's Land"):

That part of the Southeast Quarter of Section 27 and Southwest Quarter of Section 26, North of the Huron River T. 2 S., R. 6 E., Township of Ann Arbor, described as:

Commencing at east Quarter Post, Section 27, T. 2 S., R. 6 E., Ann Arbor Township [now City of Ann Arbor], thence South 35 degrees 30 minutes West 627.7 feet, more or less to the center of the Territorial Road, so-called for the point of beginning of the parcel here described; thence southeasterly along the center of said Territorial Road, to the North and South quarter line of Section 26; thence southerly along said quarter line to the north bank of the Huron River; thence westerly along the north bank of said river following its crooks and turns, to the most easterly corner of land formerly owned by Henry K. White on said river; thence North 40 degrees 30 minutes East, 15 chains and 25 links to the center of the Territorial Road; thence easterly along center of the Territorial Road to point of beginning, excepting and reserving therefrom a parcel upon which the house and barns are located which is described as beginning in the center of the Territorial Road at the intersection of the center of a road to the southwesterly to the Huron River, running thence westerly along the center of said Territorial Road 410.3 feet, more or less, to a line produced Southerly between lands of said Carl F. Widenmann, Executor of the last will and testament of Frederick Widenmann, deceased, and lands formerly owned by Campbell on the North side of said Territorial Road; thence southwesterly on said produced line, through a one-inch (1") iron pipe stake in the South fence line of said Territorial Road, 150.4 feet, more or less, to a one-inch (1") iron pipe stake in the side of the hill and on the 755 contour referred to the United States Geological Survey Datum; thence southeasterly along said hill 221.5 feet, more or less, to the southwest corner of the pig house, thence easterly along the south side of said pig house through a one-inch (1") iron pipe stake in the West fence line of said southwesterly highway and on the said 755 contour U.S.G.S. Datum 222.8 feet, more or less, to the center of the said road, southwesterly to the Huron River; thence northeasterly along the center of said road 178.4 feet, more or less, to the place of beginning; also excepting so much of the above described property sold by Huron Farms Company to Alexander G. Ruthven and Florence H. Ruthven, his wife, by deed dated August 18, 1941; also excepting so much of the above described property deeded by Huron Farms Company to Lauren B. Hunter and Delia S. Hunter, his wife, on March 4, 1936; also subject to the rights and privileges reserved in the deed from Carl F. Widenmann, Executor of the last will and testament of Frederick Widenmann to Huron Farms Company, dated January 15, 1916 and recorded in Liber 205 of Deeds on Page 182, Washtenaw County Records. Except so much of the above described property deeded by The Edison Illuminating Company of Detroit to Harry G. and Edwina J. Hall, by deed dated January 14, 1944.; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the grant of easement in the form approved by the City Attorney.