



Legislation Text

File #: 20-1529, Version: 1

Resolution to Grant Two Easements to the Michigan Department of Transportation (MDOT) for Sidewalk Ramp Improvements at Washtenaw and Observatory **(8 Votes Required)**

MDOT is requesting two “highway” easements from the City of Ann Arbor related to sidewalk ramp work at the intersection of Observatory Street and Washtenaw Avenue (the term “highway” in this context does not imply a freeway or limited access road, but is the general legal term for public right-of-way used by MDOT).

These easements will be located on property owned by the City adjacent to the Observatory Street right of way at the north corner and east corners of the intersection of Observatory Street and Washtenaw Avenue. The easements will allow MDOT to make the sidewalk ramps meet Americans with Disabilities Act (ADA) standards.

The easements will be granted to MDOT without compensation and MDOT will construct the sidewalk at no cost to the City.

The bidding process will commence in fall of 2020, with construction beginning in spring 2021. In order to satisfy bidding requirements, MDOT is also requesting the City sign a Right of Entry form to allow them access to the easement area, if necessary, prior to the easements being executed. MDOT has also requested a temporary Consent to Grade for temporary entry onto a small portion of City property for grading purposes during the sidewalk construction. MDOT has requested that these be approved at the October 19, 2020 Council meeting to meet MDOT bidding schedules.

Public Services staff is supportive of granting these easements, Rights of Entry, and Consent to Grade to MDOT.

Prepared by: Michele Yanga, Legal Assistant

Reviewed by: Christopher Frost, Senior Assistant City Attorney

Approved by: Tom Crawford, Interim City Administrator

Whereas, MDOT would like to reconstruct sidewalk ramps at the intersection of Observatory Street and Washtenaw Avenue;

Whereas, MDOT wishes to construct a portion of the sidewalk within land owned by the City of Ann Arbor;

Whereas, Insufficient space exists to construct this ramp within the existing rights-of-way;

Whereas, In order to construct the ramps, MDOT has requested two highway easements and Rights of Entry from the City;

Whereas, The City Administrator has reviewed the proposed easements and, under City Code 1:321 (4), recommends that there be no appraisal because the easements will provide a public benefit of substantial value which will be constructed at no cost to the City, and the City would incur the time

and cost of obtaining the appraisal; and

Whereas, The City Council concurs with the reasons of the City Administrator that an appraisal is unnecessary;

RESOLVED, That the City of Ann Arbor hereby approves granting a highway easement and Right of Entry to MDOT over the area shown as Parcel 107 on the attached drawing;

RESOLVED, That the City of Ann Arbor hereby approves granting a highway easement and Right of Entry to MDOT over the area shown as Parcel 105 on the attached drawing;

RESOLVED, That, the Mayor and City Clerk are authorized to execute the easements after approval by the City Attorney; and

RESOLVED, That the City Administrator is authorized sign the Rights of Entry and necessary consents to grade after approval by the City Attorney and to take all appropriate actions to implement this resolution.