



Legislation Text

File #: 11-0251, **Version:** 1

Resolution Accepting Easement for Monitoring Well Access from Duane F. Mason and Vacating Prior Easement **(8 Votes Required)**

There is a resolution before you to accept an easement for access to a groundwater monitoring well from Duane F. Mason over property located on Platt Road south of the Ann Arbor landfill.

City Council adopted a resolution on November 20, 1989, stating that the establishment of a groundwater monitoring well on said property was necessary to fulfill the obligations of the City under the operating license and consent agreement for the landfill with the Michigan Department of Natural Resources. Thereafter, the City entered into an easement with the previous property owner and located a monitoring well on said property. The monitoring well has been utilized since 1989 and continues to be utilized to monitor groundwater, accessing the property pursuant to City's easement rights.

It recently came to the attention of the City that that the original survey and legal description of the location of the monitoring well used in the existing recorded easement did not accurately described the "as-installed" placement of the monitoring well.

This easement will vacate and supersede the prior easement for monitoring well access and modify the terms of a declaration of taking, since both documents relied on an erroneous legal description for the location of the well.

The easement is in standard form and conveyed without cost to the City.

Acceptance of the easement is recommended.

Prepared by: Elizabeth Severn, Legal Assistant

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Roger W. Fraser, City Administrator

Whereas, Duane F. Mason is the owner in fee simple of property commonly known as vacant Platt Road, located in the Township of Pittsfield, County of Washtenaw, State of Michigan, as described in the Fiduciary Deed recorded in the Washtenaw County Records at Liber 4738, page 36 recorded on June 12, 2009;

Whereas, The City has located a well on said property to monitor the downstream groundwater from the Ann Arbor landfill to fulfill the obligations of the City under the operating license and consent agreement for the landfill with the Michigan Department of Natural Resources;

Whereas, A discrepancy between the "as-installed" location of the monitoring well and the legal description of the recorded easement granted to the City for the placement and access to the installed monitoring well has been identified and Duane F. Mason has agreed to execute a new easement correctly describing the "as-installed" location; and

Whereas, Duane F. Mason has delivered an easement for Monitoring Well Access for lands located in the Township of Pittsfield, County of Washtenaw to the City, to run with the land and burden the respective property perpetually, being more particularly described as follows:

LEGAL DESCRIPTION OF A MONITORING WELL ACCESS EASEMENT

Being a part of the SE ¼ of Section 15, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan Commencing at the SE corner of said Section 15; thence N01° 06' 17" W 2397.67 feet along the East line of said Section and centerline of Platt Road; thence S88° 07' 03" W 1345.62 feet ; thence S 00°52'37" E 405.07 feet for a PLACE OF BEGINNING; thence continuing S00° 52' 37" E 60.00 feet; thence N 89°07'23" E 60.00 feet; thence N 00° 52' 37" W 60.00 feet; thence S 89°07'23" W 60.00 feet to the PLACE OF BEGINNING.

RESOLVED, That the City of Ann Arbor hereby accepts said grant of easement;

RESOLVED, That this grant of easement shall vacate, supersede and replace the grant of easement as recorded in Liber 4707, Page 829 on November 25, 2008 in Washtenaw County Records; and

RESOLVED, That this grant of easement shall also vacate, supersede and replace only the property description in Schedule A in the Declaration of Taking as recorded in Liber 2365, Page 399, on November 22, 1989, Washtenaw County Records. All other terms and conditions contained in said Declaration of Taking shall remain in full force and effect and binding on the parties.