



Legislation Text

File #: 08-0930, Version: 1

Resolution Accepting Easement for Public Access from the Estate of Oscar Spaly (1817 W. Stadium Blvd.) West Stadium Boulevard at Pauline Boulevard Reconstruction **(8 Votes Required)**

There is a resolution before you to accept an easement from the Estate of Oscar Spaly, Washtenaw County Probate Court File No. 08 558 DE, for the construction and maintenance of a public access easement at the intersection of Pauline Boulevard and West Stadium Boulevard.

An appraisal report is not required when the City acquires an easement for value of less than \$10,000 under Section 1:320(3) of the Ann Arbor City Code, however, a Valuation Statement was prepared by the Project Management Unit of the Public Services Area which placed compensation for the public access easement at \$287.00 based on a formula developed and approved by the Michigan Department of Transportation ("MDOT"). This project will receive federal funds and must meet the right-of-way requirements of MDOT including the offer of compensation for the requested easement.

The Estate of Oscar Spaly has agreed to accept the City's written offer, which includes language stating that granting the easement would not create a negative impact on the allowable floor area ratio and that the City would assume responsibility for its activities, 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: Marylou Zimmerman, Legal Assistant

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Roger W. Fraser, City Administrator

Whereas, The Estate of Oscar Spaly, Washtenaw County Probate Court File No. 08 558 DE, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 1630, Page 61, recorded December 13, 1977;

Whereas, Gregory A. Spaly and Robert F. Spaly, the Personal Representatives of The Estate of Oscar Spaly, Washtenaw County Probate Court File No. 08 558 DE, have accepted the City's offer of \$287.00, based on a valuation formula developed and approved by the Michigan Department of Transportation; and

Whereas, Gregory A. Spaly and Robert F. Spaly, the Personal Representatives of The Estate of Oscar Spaly, Washtenaw County Probate Court File No. 08 558 DE, on behalf of the Estate, have executed and delivered an easement to the City for public access to encumber and run with the land and burden the respective property perpetually, being more particularly described as follows:

Part of Lot 41 of "Douglas Woods" a subdivision of part of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 13 of Plats, Page 28 and 29, Washtenaw County Records, described as follows: Beginning at the most

Easterly corner of said Lot 41; thence Southwesterly 6.00 feet along the Northerly right-of-way line of Suffolk Avenue; thence Northeasterly 8.45 feet to a point on the Southwesterly right-of-way line of Stadium Boulevard; thence Southeasterly 6.00 feet along said right-of-way line to the Point Of Beginning.

Said acquisition contains 18 square feet, or 0.0004 acres, more or less.

Description of property: Lots 41 and 42 of "Douglas Woods" a subdivision, part of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 13 of Plats, Page 28 and 29, Washtenaw County Records. Subject to reservations, restrictions, and easements of record, if any.

Also known as Parcel No. 09-09-31-204-087

RESOLVED, That the City hereby accept said easement.