



Legislation Text

File #: 10-0482, **Version:** 1

Resolution Accepting Easement for Pedestrian Access from Greenbrier Apartments LLC (Plymouth Road-Green Road Resurfacing Project-2010) **(8 Votes Required)**

There is a resolution before you to accept an easement from Greenbrier Apartments LLC, a Michigan limited liability company, for the construction and maintenance of a pedestrian access easement at the intersection of Green Road and Greenbrier Drive.

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, this project will receive federal funds and must meet the requirements of MDOT including the offer of compensation for the requested easement.

A Valuation Statement was prepared by the Project Management Unit of the Public Services Area which placed compensation for the pedestrian access easement at \$6,030.00 based on a formula developed and approved by the Michigan Department of Transportation ("MDOT"). Greenbrier Apartments LLC has agreed to accept the City's written offer, 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: Elizabeth Severn, Legal Assistant

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Roger W. Fraser, City Administrator

Whereas, Greenbrier Apartments LLC, a Michigan limited liability company, is the owner in fee simple of property located in the City of Ann Arbor, County of Washtenaw, State of Michigan, as described in the Washtenaw County Records at Liber 4365, Page 641 dated February 26, 2004;

Whereas, A Consent Resolution of the Sole Member dated January 7, 2010, authorized the grant of easement to the City of Ann Arbor for pedestrian access to encumber the property perpetually;

Whereas, Greenbrier Apartments LLC has accepted the City's offer of \$6,030.00, made in accordance with federal funding requirements for this project and based on a valuation formula developed and approved by the Michigan Department of Transportation; and

Whereas, Greenbrier Apartments LLC has executed and delivered an easement to the City for pedestrian access to encumber and run with the land and burden the respective property perpetually, being more particularly described as follows:

Description of Pedestrian Access Acquisition

Portion of Easement Area located at the SE corner of Greenbrier Drive and Green Road

Commencing at the center of Section 23, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan; thence N01° 06' 00" E 1142.19 feet along the N and S ¼ line of said Section and the centerline of Green Road (80 feet wide); thence S88° 54' 00" E 40.00 feet along the centerline of Greenbrier Drive (85 feet wide) to the Easterly right-of-way line of said Green Road; thence S01° 06' 00" W 42.50 feet along said Green Road right-of-way line to the Southerly line of said Greenbrier Drive, also being the POINT OF BEGINNING; thence S88° 54' 00" E 159.97 feet along said Southerly line of Greenbrier Drive; thence S01° 06' 00" W 3.00 feet; thence N88° 54' 00" W 159.97 feet to the Easterly line of said Green Road; thence N01° 06' 00" E 3.00 feet along said Easterly line of Green Road to the POINT OF BEGINNING. Being a part of the NE ¼ of Section 23, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan. Containing 480 sq. feet of land, more or less.

Portion of Easement Area located at the NE corner of Greenbrier Drive and Green Road

Commencing at the center of Section 23, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan; thence N01° 06' 00" E 1142.19 feet along the N and S ¼ line of said Section and the centerline of Green Road (80 feet wide); thence S88° 54' 00" E 40.00 feet along the centerline of Greenbrier Drive (85 feet wide) to the Easterly right-of-way line of said Green Road; thence N01° 06' 00" E 42.50 feet along said Green Road right-of-way line to the Northerly line of said Greenbrier Drive, also being the PLACE OF BEGINNING; thence S88° 54' 00" E 159.97 feet along said Northerly line of Greenbrier Drive; thence N01° 06' 00" E 3.00 feet; thence N88° 54' 00" W 159.97 feet to the Easterly line of said Green Road; thence S01° 06' 00" W 3.00 feet along said Easterly line of Green Road to the PLACE OF BEGINNING. Being a part of the NE ¼ of Section 23, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan. Containing 480 sq. feet of land, more or less.

RESOLVED, That the City hereby accepts said easement.