



Legislation Text

File #: 08-0837, Version: 1

Resolution Vacating Access Easement for Groundwater Monitoring Well and Accepting Replacement Access Easement for Groundwater Monitoring Well from Walter Hilton Revocable Trust In Pittsfield Township **(8 Votes Required)**

The City of Ann Arbor has an existing access easement for a groundwater monitoring well located on the Walter Hilton Trust Property in Pittsfield Township. City Council adopted a resolution on November 20, 1989, stating that the establishment of a groundwater monitoring well on private property to the south of the Ann Arbor landfill 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, which necessitated the acquisition of an easement over private property. The access easement was purchased by means of a Declaration of Taking, as recorded on November 22, 1989 in Liber 2365, Page 399 of the Washtenaw County Records.

The City wishes to vacate the current access easement for the groundwater monitoring well, contingent upon the completion of the purchase of 52 acres of the Walter Hilton Revocable Trust property, and contingent upon the acceptance of a new access easement as described in the attached resolution.

The attached resolution will simultaneously vacate the existing access easement for the groundwater monitoring well on the Walter Hilton Revocable Trust property and accept a replacement 20 foot wide access easement, also contingent upon the purchase of 52 acres from the Solid Waste Enterprise Fund.

Solid Waste of the Public Services Area has reviewed the easement being vacated and has no objections.

Approval to vacate the existing access easement and to accept the replacement access easement is recommended.

Prepared by: Ginny Trocchio, The Conservation Fund

Reviewed by: Sue McCormick, Public Services Administrator

Whereas, Walter Hilton Revocable Living Trust UDD March 11, 2005, is the fee simple owner of property located in Pittsfield Township, Washtenaw County, Michigan as described in Liber 115 of Deeds, Page 266, recorded on June 21, 1888;

Whereas, The City of Ann Arbor acquired an easement for access to a groundwater monitoring well for the installation, use, maintenance and testing, including any associated equipment, for groundwater monitoring and for vehicular access to the monitoring well, as described in Liber 2365, Page 399, recorded on November 22, 1989;

Whereas, The City now desires to abandon the above-referenced access easement contingent upon the purchase of 52 acres of the Walter Hilton Trust property by the City and more fully described as:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 15, T3S, R6E, PITTSFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, THENCE N 01° 06'17"W 2006.96 FEET ALONG THE EAST LINE OF SAID SECTION 15 AND THE CENTERLINE OF PLATT ROAD TO THE PLACE OF BEGINNING; THENCE S 90° 00'00"W 75.38 FEET; THENCE S26°33'54"W 89.44 FEET; THENCE S90°00'00"W 92.22 FEET; THENCE N52°07'30"W 45.47 FEET; THENCE S89°18'05"W 589.29 FEET; THENCE S00°00'00"E 40.73 FEET; THENCE N90°00'00"W 60.00 FEET; THENCE N00°00'00"E 60.00 FEET; THENCE N89°18'05"E 656.06 FEET; THENCE S52°07'30"E 45.61 FEET; THENCE N90°00'00"E 73.00 FEET; THENCE N26° 33'54"E 89.44 FEET; THENCE N90°00'00"E 87.35 FEET TO THE EAST LINE OF SAID SECTION 15 AND THE CENTERLINE OF PLATT ROAD; THENCE S01° 06'17"E 20.00 FEET ALONG THE EAST LINE OF SAID SECTION 15 AND THE CENTERLINE OF PLATT ROAD TO THE PLACE OF BEGINNING, BEING PART OF THE S.E. ¼ OF SECTION 15, T3S, R6E CONTAINING 0.49 ACRES OF LAND, MORE OR LESS AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

Whereas, The City now desires to accept a 20-foot wide access easement relocating access to its existing groundwater monitoring well contingent upon the purchase of 52 acres of the Walter Hilton Revocable Trust property by the City, and more fully described as:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 15, T3S, R6E PITTSFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN; 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 865.67 FEET ALONG THE SOUTH LINE OF THE ANN ARBOR LANDFILL PROPERTY FOR A PLACE OF BEGINNING; THENCE S00°00'00"E 402.20 FEET; THENCE N90°00'00"E 40.00 FEET; THENCE S00°00'00"E 60.00 FEET; THENCE N90°00'00"W 60.00 FEET; THENCE N00°00'00"E 461.54 FEET; THENCE N88°07'03"E 20.01 FEET ALONG SAID SOUTH LINE TO THE PLACE OF BEGINNING. BEING A PART OF THE S.E. ¼ OF SAID SECTION 15 AND CONTAINING ACRES OF LAND, MORE OR LESS.

RESOLVED, That the City Clerk be authorized and directed to provide the City Attorney for recording a certified copy of this Resolution vacating the existing access easement described in Liber 2365, Page 399, recorded on November 22, 1989 in Washtenaw County Records, Michigan, after notice of satisfaction of the required contingency that the City has acquired title to 52 acres of the Walter Hilton Trust property as described above; and

RESOLVED, That the City accept an Access Easement, contingent upon the purchase of 52 acres of the Walter Hilton Trust property by the City, in, on and over certain property as described above, being a part of Tax ID number L-12-15-400-001 located in Pittsfield Township, Washtenaw County, Michigan.