



## Legislation Text

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File #: 15-0479, Version: 1

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Resolution to Release an Existing Public Utilities Easement and Accept in Its Place a New Public Utilities Easement at 590 W. Ellsworth Road from Barnes Development Company, LLC **(8 Votes Required)**

In 2013, City Council accepted a grant of easement from 3965 South State Associates, L.L.C. for public utilities on the property now owned by Barnes Development Company, LLC. Barnes Development Company, LLC now wishes to reroute the easement to permit construction of a commercial building. The new public utilities easement is intended to supersede and replace the prior easement.

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

Release of the existing easement and acceptance of the new easement is recommended.

Prepared by: Alexandria L. Hammett, Legal Assistant

Reviewed by: Christopher Frost, Assistant City Attorney

Approved by: Steven D. Powers, City Administrator

Whereas, In 2013, 3965 South State Associates, L.L.C. granted to the City an easement for public utilities at 590 W. Ellsworth Road, recorded at Liber 4996, Page 313 of Deeds, Washtenaw County Records;

Whereas, Barnes Development Company, LLC is the current owner of property commonly known as 590 W. Ellsworth Rd., Ann Arbor, Michigan 48108, described at Liber 5034, Page 547 of Deeds, Washtenaw County Records;

Whereas, In order to replace the existing easement, Barnes Development Company, LLC, has signed a new grant of easement for public utilities, described as:

Part of the S.W. 1/4 of Sec. 9, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, described as commencing at the S.W. Corner of said Section 9; thence N. 87° 53' 20" E. 528.00 ft. along the South line of Section 9 also being the centerline of Ellsworth Road (variable width) and N. 1° 06' 00" W. 214.57 ft. to the point of beginning; proceeding thence S. 88° 54' 00" W. 126.39 ft.; thence S. 01° 06' 00" E. 114.46 ft.; thence S. 88° 54' 00" W. 58.80 ft.; thence N. 01° 01' 00" W. 30.00 ft. ; thence N. 88° 54' 00" E. 28.80 ft.; thence N. 01° 06' 00" W. 114.64 ft.; thence N. 87° 53' 20" E. 156.37 ft.; thence S. 01° 06' 00" E. 32.93 ft. to the point of beginning.

Whereas, City staff have recommended release of the existing easement and acceptance of this replacement easement for public utilities;

RESOLVED, That the City of Ann Arbor releases all rights conferred by the easement recorded at

Liber 4996, Page 313 of Deeds, Washtenaw County Records;

RESOLVED, That the City of Ann Arbor accepts this replacement grant of easement for public utilities from Barnes Development Company, LLC; and

RESOLVED, That an appropriate instrument approved by the City Attorney evidencing this release and replacement be recorded at the Washtenaw County Register of Deeds as soon as practicable following approval of this Resolution.