



Legislation Text

File #: 10-0480, **Version:** 1

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

There is a resolution before you to accept an easement from Speedway Superamerica LLC, a Delaware limited liability company, for the construction and maintenance of a pedestrian access easement at the intersection of Plymouth Road and Huron Parkway.

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 \$109.00 based on a formula developed and approved by the Michigan Department of Transportation ("MDOT"). Speedway Superamerica 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, Speedway Superamerica LLC, A Delaware 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 3928, Page 663 recorded on February 7, 2000;

Whereas, A Secretary's Certificate dated December 14, 2009, authorized the grant of easement to the City of Ann Arbor for pedestrian access to encumber the property perpetually;

Whereas, Speedway Superamerica LLC has accepted the City's offer of \$109.00, 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, Speedway Superamerica 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

Beginning at the SE Corner of Outlot "D" of North Campus Heights No. 2, as recorded in Liber 15 of

Plats, Pages 45 and 46, according to the plat there of, in Washtenaw County Records, Michigan;

Thence N 5.02 feet along the easterly line of said Outlot "D", said easterly line also being the Westerly line of Huron Parkway (80 ft. wide); thence S 44° 45' 28" W 7.32 feet to the southerly line of said Outlot "D" said southerly line also being the northerly line of Plymouth Road (100 ft wide); thence N88° 04' 30" E 5.16 feet along said southerly line to the PLACE OF BEGINNING, being a part of the SE ¼ of Section 15, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan. Containing 13 sq. feet of land, more or less.

RESOLVED, That the City of Ann Arbor hereby accept said grant of easement.