



Legislation Details (With Text)

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| File #: | 13-0508 | Version: | 1 | Name: | 5/6/13 - UM Occupancy Agr - Tappan St New Conduit |
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| Title: | Resolution to Approve Agreement between the City of Ann Arbor and the Regents of the University of Michigan for Right-of-Way Occupancy by Conduit Facilities within Tappan Street (8 Votes Required) | | | | |
| Sponsors: | | | | | |
| Indexes: | | | | | |
| Code sections: | | | | | |
| Attachments: | 1. ROW Tappan.pdf | | | | |

| Date | Ver. | Action By | Action | Result |
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| 5/13/2013 | 1 | City Council | Approved | Fail |
| 5/6/2013 | 1 | City Council | Continued | |

Resolution to Approve Agreement between the City of Ann Arbor and the Regents of the University of Michigan for Right-of-Way Occupancy by Conduit Facilities within Tappan Street **(8 Votes Required)**

The City and the University of Michigan have reached agreement on a template for a long term occupancy agreement to be used for new installations of University facilities in City rights-of-way. The University has insisted that each occupancy agreement be processed as if the document grants to the University an interest in land, even if it doesn't. The City does not believe that the occupancy agreement grants to the University any interest in land. As drafted, it grants to the University an interest in land only to the extent it grants to the University, by its terms, an interest in land. Nevertheless, in accordance with the University's request, but without agreeing that the agreement grants an interest in land, the document is being submitted to City Council for approval with a requirement of 8 votes as if it granted an interest in land.

The attached Agreement between the City of Ann Arbor and the Regents of the University of Michigan for Right-of-Way Occupancy by Conduit Facilities within Tappan Street. The University of Michigan needs to install conduits under Tappan Street to connect a new emergency generator to the Lawyers Club buildings at 551 S. State Street. The Lawyers Club buildings are located on the west side of Tappan Street. The generator is located on the east side of Tappan Street, on a rooftop at Lorch Hall, 611 Tappan Street. The generator will provide with backup emergency power in the event of a power outage and the conduits under Tappan Street are required to connect the generator with the buildings it serves.

The University has already paid all fees required for the review and approval of the installation of these conduit facilities in Tappan Street, and will pay for all permits required for the construction. The agreement provides for the University to reimburse the City the costs and expenses incurred by the City while the University is constructing, maintaining, repairing and/or removing the conduit facilities, to the extent necessitated by that work. In addition, if the City performs work in Tappan Street, the

agreement also requires the University to reimburse the City any additional costs the City incurs for that work due to the University's conduit facilities in that location.

Approval of this right-of-way occupancy agreement is recommended.

Prepared by: Abigail Elias, Chief Assistant City Attorney

Reviewed by: Craig Hupy, Public Services Area Administrator

Approved by: Steven D. Powers, City Administrator

Whereas, The University of Michigan has requested permission to place and maintain conduit facilities within Tappan Street to connect a generator located at 611 Tappan Street, on the east side of the street, with the Lawyers Club buildings at 551 S. State Street, on the west side of Tappan Street; and

Whereas, The proposed agreement uses a form of long-term occupancy agreement with terms and conditions that City and University staff reached agreement on to govern the placement and maintenance of University facilities such as these within the City's rights-of-ways;

RESOLVED, That City Council approves the Agreement between the City of Ann Arbor and the Regents of the University of Michigan for Right-of-Way Occupancy by Conduit Facilities within Tappan Street;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said Agreement after approval as to form by the City Attorney and approval as to substance by the City Administrator; and

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution.