



Legislation Details (With Text)

|                        |            |                      |   |              |  |
|------------------------|------------|----------------------|---|--------------|--|
| <b>File #:</b>         | 18-1821    | <b>Version:</b>      | 1 | <b>Name:</b> | 9/6/22 Resolution to Accept Easement and Appropriate \$47,710.00 to Reimburse Dhu Varren on the Park Condominium Association |
| <b>Type:</b>           | Resolution | <b>Status:</b>       |   |              | Passed   |
| <b>File created:</b>   | 9/6/2022   | <b>In control:</b>   |   |              | City Council   |
| <b>On agenda:</b>      | 9/19/2022  | <b>Final action:</b> |   |              | 9/19/2022  |
| <b>Enactment date:</b> | 9/19/2022  | <b>Enactment #:</b>  |   |              | R-22-311   |

**Title:** Resolution to Accept an Access Easement, Appropriate \$47,710.00 from the General Fund, and Approve Reimbursement of Road Maintenance Costs to the Dhu Varren on the Park Association (8 Votes Required)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Development Agreement.pdf, 2. DRAWING-Leslie Park access.pdf

| Date      | Ver. | Action By    | Action    | Result |
|-----------|------|--------------|-----------|--------|
| 9/19/2022 | 1    | City Council | Approved  | Pass   |
| 9/6/2022  | 1    | City Council |           |        |
| 9/6/2022  | 1    | City Council | Postponed | Pass   |

**Resolution to Accept an Access Easement, Appropriate \$47,710.00 from the General Fund, and Approve Reimbursement of Road Maintenance Costs to the Dhu Varren on the Park Association (8 Votes Required)**

The 1992 site plan approval and development agreement for the Dhu Varren on the Park condominium required an access easement across the condominium’s private road for public access to Leslie Park. In exchange, the City agreed to split maintenance costs with the condominium for the private road based on traffic counts estimating park use.

The condominium conducted maintenance several years ago and requested reimbursement. However, it was discovered that the condominium had never granted the required access easement. The condominium has now signed an easement as required by the development agreement.

Development agreement section C-7 identifies the terms under which the City will reimburse the condominium for proportional maintenance costs related to the road. Reimbursement is determined by the percentage of total trips accessing the park through the road.

The City conducted the required traffic counts and construction costs have been reviewed by the City’s Engineer and determined to be acceptable, with the City paying one third of the total cost, being \$47,710.00.

**Budget/Fiscal Impact:** This funding is not provided for in any approved budget, therefore staff recommends appropriating the amount from the General Fund.

**Prepared by:** Christopher Frost, Senior Assistant City Attorney

Approved by: Milton Dohoney Jr., City Administrator

Whereas, On May 18, 1992, a Development Agreement was entered into between the City of Ann Arbor and Tri-Mount/Dhu Varren on the Park Condominium Development Company for the construction, maintenance, and reimbursement of maintenance costs of an access drive to Leslie Park;

Whereas, Sections P-12 and C-7 of the Development Agreement establish the requirements for creation of the easement, construction of the access drive and criteria for proportional reimbursement of maintenance costs to the Dhu Varren on the Park Association by the City;

Whereas, The Association has submitted its construction costs, which have been verified by the City Engineer;

Whereas, The City conducted traffic counts determining that one third of trips are bound for Leslie Park, making the City's proportional share of applicable construction costs \$47,710.00; and

Whereas, The Dhu Varren on the Park Association has signed a grant of easement for access to Leslie Park, described as:

Beginning at the northeast corner of Unit 1 of Dhu Varren on the Park, a condominium according to the Master Deed recorded in Liber 2929, page 198, Washtenaw County Records and designated as Washtenaw County Condominium Subdivision Plan No. 186, being a point on the south line of the Dhu Varren public right of way (per a dedication recorded in Liber 3055, page 266, Washtenaw County Records); thence southerly along the easterly lines of Units 1, 2, 3, 63, 82, 81, 80, 79, 78, 77, 76, 75, 74, 73, 72, 71, 70, 69 to a point on the south line of said condominium, being the southeast corner of Unit 69; thence east along the south line of said condominium to the southwest corner of Unit 28; thence northerly following the initial bearing of the westerly line of Unit 28 to a point on the south line of Unit 29; thence westerly along the south line of Unit 29 to the southwest corner of Unit 29 and the southeast corner of Unit 68; thence westerly and northerly along the curve of the southwesterly line of Unit 68 to the northwest corner of Unit 68 and the southwest corner of Unit 67; thence northerly along the west lines of Units 67, 66, and 65 to the northwest corner of Unit 65 and the southwest corner of Unit 64; thence northerly to the northwest corner of Unit 52 and the southwest corner of Unit 51; thence northerly along the west lines of Units 51, 50, 49, 48, and 47 to the northwest corner of Unit 47 and the southwest corner of Unit 4; thence northerly and easterly along the west and north line of Unit 4 to a point due south of the northwest corner of Unit 5; thence north to the northwest corner of Unit 5; thence west to the place of beginning; being a part of the common area of said condominium and excluding any area that is part of any Unit of said condominium.

RESOLVED, That City Council hereby accepts the grant of easement;

RESOLVED, That \$47,710 is appropriated from the FY23 General Fund fund balance to the FY23 Non-Departmental General Fund expenditure budget for the purpose of reimbursing the Dhu Varren on the Park Association for maintenance of the Leslie Park access road;

RESOLVED, That the City Administrator is authorized to pay the Dhu Varren on the Park Association \$47,710.00 as reimbursement for maintenance of the Leslie Park access road and to take all

appropriate actions to implement this resolution.