



Legislation Text

File #: 13-1008, **Version:** 1

Resolution Vacating Existing Easement and Accepting New Public Utilities Easement at 1900 Manchester Road from Memorial Christian Church **(8 Votes Required)**

There is a resolution before you vacate an existing easement and to accept in its place a new easement from Memorial Christian Church at 1900 Manchester Road for public utilities.

In 1978, City Council reserved an easement for public utilities when a portion of Manchester Road was vacated by resolution of City Council. At that time, certain conditions were incorporated in the reserved easement for public utilities which restricted the grantor's use of the easement area. City staff has reviewed the above conditions and determined that it would be in the City's best interest to vacate the existing reserved easement and accept a new grant of easement for the same easement area. The new easement clarifies the obligations of the grantor with respect to current conditions in a manner that is consistent with the City's current standard easement form. This approach is acceptable to Memorial Christian Church.

The prior conditions were generally consistent with our current standard easement, except that they did not specifically prohibit placement of structures or pavement in the easement. As there are now several structures and some pavement in the easement, the new grant of easement prohibits further structures and clarifies that the City will not be responsible for replacing structures if they are disturbed during the City's use of the easement. The new easement also permits the current pavement to be retained, but not expanded.

This easement is conveyed without cost to the City.

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

Prepared by: Kelly Davis, Legal Assistant

Reviewed by: Christopher Frost, Assistant City Attorney

Approved by: Steven D. Powers, City Administrator

Whereas, City Council reserved an easement for public utilities when it vacated a portion of Manchester Road on December 18, 1978, as recorded in Liber 1693, Page 730 of Deeds, Washtenaw County Records;

Whereas, Memorial Christian Church, a Michigan ecclesiastical corporation, is the owner of property commonly known as 1900 Manchester Road, Ann Arbor, Michigan 48104, described in Liber 4961, Page 790 of Deeds, Washtenaw County Records;

Whereas, Memorial Christian Church has executed and delivered a grant of easement for public utilities, being more particularly described as:

A portion of Manchester Road, being a part of "Ann Arbor Woods", a subdivision of part of the Southeast $\frac{1}{4}$ of Section 34, Town 2 South, Range 6 East, Ann Arbor Township

(now City of Ann Arbor) and part of the Northwest $\frac{1}{4}$ of Section 3, Town 3 South, Range 6 East, Pittsfield Township, Washtenaw County, Michigan, as recorded in Liber 12, Pages 38 & 39, Washtenaw County records, being more particularly described as follows: Beginning at the Northeast corner of lot 2 of said "Ann Arbor Woods" and proceeding thence North $01^{\circ}20'$ East, 164.66 feet along the West line of Manchester Road, to the Northwest corner of Manchester Road; thence South $78^{\circ}09'30''$ East, 67.13 feet along the North line of Manchester Road, said line also being the South line of Stadium Boulevard, to the Northeast corner of Manchester Road; thence South $01^{\circ}20'$ West, 152.42 feet along the east line of Manchester road; thence North $88^{\circ}40'$ West, 66.00 feet to the point of beginning, being part of the Southeast $\frac{1}{4}$ of said Section 2, being a part of Tax Parcel I.D. No. 09-09-34-400-003; and

Whereas, City staff have recommended vacation of the existing reserved easement and acceptance of a replacement grant of easement from Memorial Christian Church for the same easement area which clarifies the obligations of the grantor with respect to current conditions in a manner that is consistent with the City's current standard easement form;

RESOLVED, That the City of Ann Arbor hereby vacates and relinquishes any rights reserved and the associated conditions placed concurrently on a certain easement for public utilities reserved in the City's vacation of Manchester Road on December 18, 1978, as recorded in Liber 1693, Page 730 of Deeds, Washtenaw County Records;

RESOLVED, That an appropriate instrument, approved by the City Attorney, evidencing vacation of the reserved easement be recorded at the Washtenaw County Register of Deed's office as soon as practicable following approval of this Resolution; and

RESOLVED, That the City of Ann Arbor hereby accept the grant of easement for public utilities from Memorial Christian Church.