



Legislation Text

File #: 17-0219, Version: 2

Resolution to Release Part of a Right-of-Way Agreement Recorded at Liber 1145, Page 249 and Accept a Revised Right-of-Way Easement at 3500 Washtenaw Ave from Washtenaw Commons, LLC and NEJ-Washtenaw, LLC **(8 Votes Required)**

This easement is part of the Pittsfield Retail Project. In 1965, the owners of 3500 Washtenaw Avenue executed a "Right of Way Agreement" that granted to the City a 22-foot wide public right-of-way adjacent to Washtenaw Avenue (commonly known as the "Washtenaw Service Drive"). Restrictions contained in this easement required that the right-of-way be paved, however the Pittsfield Retail site plan contained landscaping in this area to reduce impervious surface. Staff therefore proposed that the owner grant the City a revised right-of-way eliminating these restrictions and permitting the landscaping.

Approval of this resolution releases the City's rights in the 22-foot wide service drive under the 1965 right-of-way agreement and replaces them with a revised easement for public right-of-way for the Washtenaw Service Drive over the same area.

Prepared By: Brett Lenart, Planning Manager

Reviewed By: Christopher Frost, Assistant City Attorney

Derek Delacourt, Community Services Area Administrator

Approved By: Howard S. Lazarus, City Administrator

Whereas, Washtenaw Commons, LLC and NEJ-Washtenaw, LLC are the owners of property commonly known as 3500 Washtenaw Avenue, described at Liber 5065, Page 886 of Deeds, Washtenaw County Records; and

Whereas, Washtenaw Commons, LLC and NEJ-Washtenaw, LLC have signed a grant of easement for public right-of-way, described as:

Part of the N.E. 1/4 of Section 2, T.3S., R.6E., Pittsfield Township, Washtenaw Co., Michigan. Commencing at the North 1/4 Corner of Section 2; thence along the North-South 1/4 line of Section 2, S00°13'58"E, 1336.54 feet; thence N13°10'17"E, 192.11 feet to the point of beginning; thence N13°10'17"E, 22.00 feet; thence S77°01'11"E, 685.16 feet; thence S13°07'00"W, 22.00 feet; thence N77°01'11"W, 685.18 feet to the point of beginning. Containing 0.35 acres, more or less;

RESOLVED, That the City of Ann Arbor hereby releases all rights to the 22-foot wide service drive granted by a Right of Way Agreement dated December 29, 1965 and recorded at Liber 1145, Page 249 of Deeds, Washtenaw County Records, more particularly described as:

The north 22 feet of the following 4 parcels of land:

Beg NE cor Lot 9 Pittsfield Park No. 1 th N 76 Deg 50
Min W 200 ft th N 13 Deg 10 Min W 379.88 ft th S 76
Deg 50 Min E 200 ft th S 13 Deg 10 Min W 379.5 ft to

P.O.B. Prt W Frl 1/2 of NE Frl 1/4 Sec 2 T3S, R6E

Com Cen Sec 2 th N 0 Deg 13 Min 58 Sec W 674.25 ft
Th S 76 Deg 49 Min 58 Sec E 281 ft for P.O.B. th N
13 Deg 07 Min W 380.08 ft th S 76 Deg 45 Min E 165
Ft th S 13 Deg 07 Min W 379.88 ft th N 76 Deg 49 Min
58 Sec W 165 ft to P.O.B. prt NE 1/4 Sec. 2, T3S, R6E,

Com Cen Sec 2 th N 0 Deg 13 Min 58 Sec W 674.25 ft th
S 76 Deg 49 Min 59 Sec E 141 ft to P.O.B. th N 13 Deg
08 Min E 380 ft th S 76 Deg 47 Min E 140 ft th S
13 Deg 07 Min W 380 ft th N 76 Deg 49 Min 58 Sec W
140.05 ft to P.O.B. Prt Sec 2 T3S, R6E

Com Cen Sec 2 th N 0 Deg 13 Min 58 Sec W 674.25 ft to
P.O.B. th N 0 Deg 13 Min 58 Sec W 128.62 ft th S 76
Deg 48 Min E 90.13 ft th N 13 Deg 10 Min 30 Sec E
254.92 ft th S 76 Deg 45 Min E 80.32 ft th S 13 Deg
07 Min W 380 ft th N 76 Deg 49 Min 58 Sec W 141 ft
To P.O.B Prt Sec 2, T3S R6E

Com Cen Sec 2 th N 0 Deg 13 Min 45 Sec W 802.87 ft for
P.O.B. th N 0 Deg 13 Min 45 Sec W 42.63 ft th N 13 Deg
10 Min 30 Sec E 213.5 ft th S 76 Deg 47 Min E 100 ft
th S 13 Deg 10 Min 30 Sec W 254.92 ft th N 76 Deg 48
Min W 90.13 ft to P.O.B. Prt W Frl 1/2 of NE Frl 1/4
Sec 2 T3S, R6E ;and

RESOLVED, That the City of Ann Arbor hereby accepts the grant of easement for public right-of-way from Washtenaw Commons, LLC and NEJ-Washtenaw, LLC to supersede and replace the 22-foot wide service drive in the agreement recorded at Liber 1145, Page 249 of Deeds, Washtenaw County Records; and

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

RESOLVED, That the grant of easement for public right-of-way from Washtenaw Commons, LLC and NEJ-Washtenaw, LLC be recorded concurrently with the release at the Washtenaw County Register of Deeds.