



Legislation Text

File #: 18-0267, Version: 1

Resolution to Accept Conveyance of Land for Public Park at North Oaks Condominium (Nixon Farms North) from Toll MI VI Limited Partnership **(8 Votes Required)**

This proposed conveyance of parkland is composed of two parcels that are currently part of the North Oaks Condominium (formerly known as Nixon Farms North). Council approved the purchase of the 10.17 acre parcel on November 16, 2015 by Resolution R-15-373. Toll MI VI Limited Partnership, the owner and developer of North Oaks Condominium, is donating an additional adjacent 5.9 acre parcel, which has been reviewed and recommended by the Land Acquisition Committee of the Park Advisory Commission, pending completion of due diligence.

The executed deeds and other necessary instruments will be held in escrow pending the City's completion of due diligence on the parcels, including title work, environmental, and survey review. Upon satisfactory completion of due diligence, the City will notify the escrow agent that the City accepts the property, the deeds will be recorded, and the property will transfer to the City. If the due diligence is not satisfactory to staff and cannot be corrected, the City will notify the escrow agent that the City will not accept the property, the deeds will not be recorded, and the City will not take ownership.

This escrow arrangement will allow the developer to obtain temporary certificates of occupancy in compliance with the development agreement while the City completes its due diligence.

Approval of this conveyance subject to escrow is recommended.

Prepared by: Michele Yanga, Legal Assistant

Reviewed by: Christopher Frost, Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

Whereas, Toll MI VI Limited Partnership, a Michigan limited partnership, is the owner and developer of property commonly known as North Oaks Condominium, formerly known as Nixon Farms North, described in a Master Deed recorded in Liber 5179, page 608 of Deeds, Washtenaw County Records; and

Whereas, Toll MI VI Limited Partnership has agreed to convey to the City a 10.17 acre parcel for \$35,350, as approved by Council Resolution R-15-373, described as:

Commencing at the South 1/4 corner of Section 10, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence N01°57'53"W 60.00 feet along the North-South 1/4 line of said Section 10 and along the East line of Foxfire Condominium, Washtenaw County Condominium Subdivision Plan No. 136; thence N88°16'54"E 117.07 feet along the proposed north right of way line of Dhu Varren Road (60 feet proposed half width) for a PLACE OF BEGINNING; thence N01°57'53"W 2022.40; thence S48°50'07"E 388.59 feet; thence S15°31'04"W 240.42 feet; thence S53°05'17"E 459.87 feet; thence S12°23'39"W 151.55 feet; thence S62°20'00"W 206.51 feet; thence S41°12'23"W 369.40 feet; thence S07°38'28"W 214.18 feet; thence S05°19'59"E 176.96 feet; thence

S13°37'23"E 145.02 feet; thence S01°53'41"W 203.96 feet; thence S88°16'54"W 83.22 feet along said proposed north right of way line of Dhu Varren Road (60 feet proposed half width) to the Place of Beginning, being a part of the Southeast 1/4 of said Section 10 and containing 10.17 acres of land, more or less.

Whereas, Toll MI VI Limited Partnership has agreed to donate to the City an additional, adjacent 5.90 acre parcel described as:

Commencing at the South 1/4 corner of Section 10, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence N01°57'53"W 60.00 feet along the North-South 1/4 line of said Section 10 and along the East line of Foxfire Condominium, Washtenaw County Condominium Subdivision Plan No. 136 for a PLACE OF BEGINNING; thence continuing N01°57'53"W 2208.89 feet along said North-South 1/4 line and along the East line of Foxfire Condominium, Washtenaw County Condominium Subdivision Plan No. 136 and along the East line of Fox Ridge Commons Condominium, Washtenaw County Condominium Subdivision Plan No. 176; thence 96.56 feet along the arc of a 7442.41 foot radius circular curve to the right, chord bearing N81°07'45"E 96.56 feet along the South right-of-way line of US-23 (variable width); thence S07°00'18"E 195.59 feet; thence S48°50'07"E 5.51 feet; thence S01°57'53"E 2022.40 feet; thence S88°16'54"W 117.07 feet along the proposed north right of way line of Dhu Varren Road (60 feet proposed half width) to the Place of Beginning, being a part of the Southeast 1/4 of said Section 10 and containing 5.90 acres of land, more or less.

RESOLVED, That the City of Ann Arbor hereby accepts this conveyance of parkland pending recording of warranty deeds under an escrow agreement between the City, Toll MI VI Limited Partnership, and Liberty Title Company; and that if the deeds for this conveyance are not so recorded, this acceptance is void;

RESOLVED, That the escrow agreement shall provide that the purchase money for the parkland will be escrowed and that release of the money to the developer and transfer of title to the City shall be contingent upon the City's completion of due diligence on the parcels, including title work, environmental, and survey review; and that if the due diligence is not satisfactory to the City, the deeds will not be recorded, the City will not take ownership, and the purchase money will be returned to the City;

RESOLVED, That the transaction shall be concluded by September 1, 2018 or as soon thereafter as practicable; and

RESOLVED, That the City Administrator is authorized and directed to implement this resolution, including the determination of satisfactory due diligence for the parcels, execution of the escrow agreement and all closing documents after approval as to form by the City Attorney, and all other appropriate actions.

Sponsored by: Councilmembers Grand and Krapohl