



Legislation Text

File #: 18-1981, **Version:** 1

Resolution to Release a Portion of an Easement for Sanitary Sewer Recorded at Liber 299, Page 131 of Deeds, Washtenaw County Records **(8 Votes Required)**

In 1931, City Council accepted a grant of easement from Jessie E. Bourquin for a sanitary sewer through a large parcel north of Geddes Road, which includes the property now known as 485 Rock Creek Drive. At some point, the house on 485 Rock Creek was built in the easement on top of the sanitary sewer pipe. The portion of the pipe under the house failed and with the agreement of the property owner the City rerouted the pipe around the house and grouted the failed pipe. The property owners granted the City a new easement for the rerouted pipe, which Council accepted on September 4, 2018.

Per the terms of the new easement, this resolution releases the portion of the original sanitary sewer easement that runs underneath the house at 485 Rock Creek Drive.

Staff recommends approval.

Prepared by: Michele Yanga, Legal Assistant

Reviewed by: Christopher Frost, Senior Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

Whereas, In 1931, the City of Ann Arbor ("City") obtained an easement from Jessie E. Bourquin for sanitary sewer that was recorded in Liber 299, Page 131 of Deeds, Washtenaw County Records ("Bourquin Easement"); and

Whereas, That portion of the Bourquin Easement that encumbers 485 Rock Creek has been superseded by a new easement accepted by the City on September 4, 2018 and recorded in Liber 5272, Page 95 of Deeds, Washtenaw County Records;

RESOLVED, That the City hereby releases all rights granted by the Bourquin Easement only to the extent those rights encumber the property known as 485 Rock Creek Drive, further described as:

Lot 4, Hillwood Subdivision, as recorded in Liber 10 of Plats, page 2, Washtenaw County Records.

RESOLVED, That the City retains all other rights granted by the Bourquin Easement, unless expressly released by a separate act of the City; and

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