



Legislation Text

File #: 18-2062, **Version:** 1

Resolution to Vacate the Alley in Block 7 of the Plat of Hamilton, Rose, and Sheehan's Addition to the City of Ann Arbor (CPC Recommendation: Approval - 8 Yeas and 0 Nays) **(8 Votes Required)**

Staff proposes that the full length of the 16-foot-wide alley running east-west in the block bounded on the north by Rose Ave, on the west by White Street, on the south by Henry Street, and on the east by East Park Place be vacated.

This proposed vacation arises out of a site plan petition at 1505 White Street that was approved by City Council on March 19, 2018. A portion of the existing drive approach and driveway to 1505 White Street were located in the platted alley. At the time, staff and the petitioner believed the alley was vacated, and the site plan was approved with the driveway remaining largely in its existing location, conditioned upon the owner of 1505 White Street entering a license agreement allowing the owner and City reciprocal access rights.

Since approval of this site plan, staff has not been able to locate evidence that the alley was fully vacated. City Council passed a resolution in 1999 (R-218-4-99) that appears to have vacated the east 107.25 foot length of this alley extending west from East Park Place between 1516 and 1508 East Park Place. However, because this prior resolution's language is not fully clear, staff recommends including this portion of the alley in the present vacation in order to confirm the original vacation.

Upon passage of this vacation, the owner of 1505 White Street will enter the license agreement as originally contemplated by the approved site plan. No parking will be allowed in the 1505 White Street drive area and the owner of 1505 White Street will be responsible for maintenance of the drive.

Project Management and Systems Planning Unit staff concur that this alley vacation is acceptable because this segment does not serve any other platted lots or contain any public utilities serving any other lots. Furthermore, this alley has not been maintained by the City, is physically divided by East Stadium Boulevard, and has previously been treated as though it were vacated. Therefore there is no public interest in retaining the alley.

City Council passed a resolution of intent to vacate and hold a public hearing on this vacation on November 8, 2018.

The Planning Commission held a public hearing on October 16, 2018 and recommended approval of the proposed alley vacation. A map indicating the area proposed for vacation is attached.

Staff recommends approval.

Prepared By: Chris Cheng, City Planner

Reviewed By: Christopher Frost, Senior Assistant City Attorney

Brett Lenart, Planning Manager

Derek Delacourt, Community Services Area Administrator

Approved By: Howard S. Lazarus, City Administrator

Whereas, The City of Ann Arbor's Project Management Unit has proposed the vacation of the 16-foot wide alley in Block 7 of the plat of Hamilton, Rose and Sheehan's Addition to the City of Ann Arbor;

Whereas, On October 16, 2018, the Planning Commission recommended approval of the vacation;

Whereas, On November 8, 2018, City Council approved a resolution of intent to vacate and hold a public hearing on the vacation on December 17, 2018;

Whereas, City Council held a public hearing on the vacation on December 17, 2018;

RESOLVED, That the City of Ann Arbor hereby vacates all rights in the following described alley:

Beginning at the northwest corner of Lot 9, Block 7 of the Plat of Hamilton, Rose, and Sheehan's Addition, recorded in Liber 1, Page 24 of Plats, Washtenaw County Records; thence northerly along the right-of-way line of White Street (platted as Thayer Street) 16 feet to the southwest corner of Lot 1, Block 7 of said Plat; thence easterly along the southerly lines of Lots 1, 2, 3, 4, 5, 6, 7, and 8 to the southeast corner of Lot 8 of said Plat; thence southerly along the right-of-way line of East Park Place 16 feet to the northeast corner of Lot 16 of Block 7 of said Plat, thence westerly along the northerly lines of Lots 16, 15, 14, 13, 12, 11, 10, and 9 to the place of beginning; being all of the 16-foot-wide alley in Block 7 of said Plat.

RESOLVED, That the City of Ann Arbor confirms by this resolution that resolution R-218-4-99, passed by the Ann Arbor City Council on April 19, 1999, did vacate the east 107.25 feet of this alley;

RESOLVED, That this resolution does not vacate any portion of Stadium Boulevard, which traverses this alley; and

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